

## PROFESSIONAL COURSES

[The credit-value of courses of instruction is reckoned in majors and minors. Mj. = Major course, four hours weekly for one quarter. M. = Minor course, four hours weekly for one term. DM. = Double Minor course, eight hours weekly for one term. Twelve hours a week is full work. Many of the courses continue through more than one quarter, and for these no partial credit will ordinarily be given. Credit for the first part of a course is provisional until its completion.]

### FIRST-YEAR COURSES

[The work of the first year is required.]

**1A. Contracts I.**—Mutual assent and its communication; offers and their expiration or revocation; consideration; requisites of contracts under seal; rights of beneficiaries; joint and several contracts. Williston, *Cases on Contracts*, Vol. I. DM. Summer, First Term, PROFESSOR BALLANTINE; Mj. Autumn, PROFESSOR OLIPHANT.

**1B. Contracts II.**—Alternative contracts; conditional contracts; illegality, impossibility; discharge of contracts or causes of action arising thereon by rescission, novation, accord and satisfaction, release, or other means. Williston, *Cases on Contracts*, Vols. I (part) and II. Mj. Winter, PROFESSOR OLIPHANT.

**2. Torts.**—Trespass to person and to property; excuses for trespass; conversion; negligence; legal duties; statutory torts; legal cause; contributory and imputed negligence; contributory illegality; possessory duties; acting at peril; liability for animals; deceit; defamation: slander, libel, privilege, malice; right of privacy; malicious prosecution; interference with social and business relations: inducing breaches of duty, fair and unfair competition, strikes, boycotts, business combinations. Ames and Smith, *Cases on Torts* (ed. of 1909-10), Vols. I and II. 1½Mjs. Autumn (five hours); Winter, First Term (five hours), PROFESSOR HALL.

**3A. Personal Property.**—Distinction between real and personal property; acquisition of rights; gift; bailment; lien; pledge; fixtures; emblements. Bigelow, *Cases on Personal Property*. ½Mj. Autumn, PROFESSOR HALL.

**3. Real Property.**—Tenure, seisin, disseisin, adverse possession, prescription; livery of seisin, fines and recoveries, releases, surrenders, conveyances under statute of uses; description of property; size of estates; creation of easements and profits; covenants for title; execution of deeds; estoppel; priority, notice, and record. Gray, *Cases on Property* (2d ed.), Vol. III, with selected cases. Mj. Summer (five hours), PROFESSOR BIGELOW; .Mj. Winter (five hours), PROFESSOR \_\_\_\_\_.

**4. Agency.**—Nature of relation; appointment; liabilities of principal: torts, contracts, crimes, admission; liabilities of agent; parties to writings; undisclosed principal; obligations between principal and agent; delegation of agency; termination of agency; ratification. Wambaugh, *Cases on Agency*. 1½Mjs. Winter, Second Term (two hours); and Spring (five hours), PROFESSOR MECHEM.

**60. Criminal Law.**—The criminal act; criminal attempts; consent; criminal intent, specific and constructive; circumstances affecting intent: justification; parties in crime: agency, joint principals, accessories; jurisdiction over crimes; crimes against the person, especially murder and manslaughter; larceny and kindred offenses. Mikell, *Cases on Criminal Law*. DM. Summer, Second Term; 1½Mjs. Winter, Second Term (two hours); and Spring, PROFESSOR WOODWARD.

**80A. Remedies.**—General theory of actions as remedies: recovery of damages for breach of obligation; recovery of debt; recovery of chattels; recovery of land. Steps in actions; functions of judge and jury. Scope of covenant, debt, detinue, account, trespass, trover, replevin, ejectment, trespass on the case (tort and contract). Cook and Hinton, *Cases on Common Law Pleading* (part). ½Mj. Autumn, PROFESSOR HINTON.

**80. Common Law Pleading.**—Necessary allegations, and methods of pleading; demurrers for defects in form and in substance; defaults; pleas in bar by way of traverse or confession and avoidance; cross-demands; replications and further pleadings; amendments. Ames, *Cases on Pleading* (ed. of 1905). ¾Mj. Spring (four hours), PROFESSOR HINTON.

#### SECOND- AND THIRD-YEAR COURSES

[These courses are elective, and need not be taken in any fixed order. Students are advised to postpone starred (\*) courses to the third year.]

**7. Persons.**—Husband and Wife: marriage and divorce; incidents of marital relation as between spouses and against third parties; husband's liability for torts and contracts of wife; incapacities of wife; statutory changes in common law. Parent and Child: custody; support; earnings and services; parental rights against third parties; parental liability for torts of or to children. Infants: contracts and conveyances: necessities, affirmance, disaffirmance, restoration of benefits, particular obligations; torts; crimes. Woodruff, *Cases on Domestic Relations and Persons* (2d ed.). Mj. Spring, PROFESSOR \_\_\_\_\_.

[Omitted in 1919-20 and in alternate years thereafter.]

**9. Damages.**—Exemplary, liquidated, nominal, direct, and consequential damages; avoidable consequences: counsel fees; certainty; compensation; physical and mental suffering; aggravation and mitigation; value; interest; special rules in certain actions of tort and contract. Beale, *Cases on Damages* (2d ed.). Mj. Spring, PROFESSOR \_\_\_\_\_.

[Given in 1919-20 and in alternate years thereafter.]

**14. Rights in Land of Another.**—Natural rights respecting air, water, and land; nature and extent of profits, easements, and licenses; covenants and other agreements affecting use of land; classification, apportionment, abatement, and extinguishment of rents. Gray, *Cases on Property* (2d ed.), Vol. II. Mj. Spring, PROFESSOR \_\_\_\_\_.

15. **Wills and Administration.**—Intestate succession; dispositions in contemplation of death; testamentary capacity; execution, alteration, revocation, and revival of wills; probate; executors and administrators; survival of rights and liabilities; priority of claims; assets; payment of legacies and distribution, ademption, and lapse of legacies. Costigan, *Cases on Wills*. DM. Summer, First Term; Mj. Autumn, PROFESSOR FREUND.

16. **Future Interests.**—Life estate, fee, and fee tail; contingent remainders and executory devises; powers; rule against perpetuities; conditions; restraints on alienation; joint ownership; curtesy; dower. Gray, *Cases on Property* (2d ed.), Vols. V and VI (part). Mj. Autumn, PROFESSOR FREUND.

19. **Mining and Water Rights.**—Mining: location of lode claims; preservation and loss of location; relocation; tunnel claims; placer claims; extralateral rights; cross-veins and veins uniting on the dip; proceedings to obtain patent. Water Rights and Irrigation: water rights at common law; other systems of law as to use of water; the doctrine of appropriation; basis and nature of right acquired; requisites of appropriation; priorities; transfer and extinguishment of water rights. Costigan, *Cases on Mining Law*, and Bingham, *Cases on Water Rights*. DM. Summer, Second Term, PROFESSOR ———.

[Given in 1920–21 and each third year thereafter.]

20. **Equity I.**—Nature of jurisdiction; relation of common law and equity; specific performance of contracts: affirmative contracts; negative contracts; third persons; legal consequences of right of specific performance; partial performance; consideration; marketable title; statute of frauds; plaintiff's conduct as a defense; mistake; hardship; mutuality. Ames, *Cases in Equity Jurisdiction*, Vol. I (part). Mj. Winter, PROFESSOR WOODWARD.

21. **Equity II.**—Bills for an account; bills of peace; bills *quia timet*; cloud on title. Specific reparation and prevention of torts: waste; trespass; disturbance of easements; nuisance; interference with business relations; libel; monopoly rights. Ames, *Cases in Equity Jurisdiction*, Vol. I (part).  $\frac{1}{2}$ Mj. Winter (two hours), PROFESSOR OLIPHANT.

22A. **Equity III.**—Interpleader; bills of peace; bills *quia timet*; reformation and rescission of contracts for mistake. Ames, *Cases in Equity Jurisdiction*, Vol. II.  $\frac{1}{2}$ Mj. Spring, PROFESSOR HALL.

22B. **Quasi-Contracts.**—Nature of obligation; restitution at law for benefits conferred under mistake of fact or mistake of law; benefits conferred in misreliance upon contract invalid, illegal, unenforceable, or impossible of performance; benefits conferred through intervention in another's affairs; benefits conferred under constraint; restitution as alternative remedy for breach of contract and for tort. Thurston, *Cases on Quasi Contract*. Mj. Spring, PROFESSOR WOODWARD.

24. **Trusts.**—Nature and requisites of a trust; express, resulting, and constructive trusts; charitable trusts; appointment and office of trustee; nature of *cestui's* interest; transfer of trust property by trustee or by *cestui*; *cestui's* interest as affected by death, marriage, or bankruptcy of trustee or *cestui*; duties of trustee; extinguishment of trust; removal or resignation of trustee; accounting; assignment of choses in action. Scott, *Cases on Trusts*.  $1\frac{1}{2}$ Mjs. Autumn; and Winter, First Term, PROFESSOR WOODWARD.

30. **Suretyship.**—Kinds of suretyship; statute of frauds; surety's defenses due to original defects in his obligation or its subsequent discharge; surety's right of subrogation, indemnity, contribution, and exoneration; creditor's right to surety's securities. Ames, *Cases on Suretyship*. Mj. Spring, PROFESSOR ———.

[Omitted in 1919–20.]

31. **Mortgages.**—Essential elements of legal and equitable mortgages; rights of mortgagor and mortgagee at law and in equity: title, possession, dower, curtesy, waste, priorities, collateral agreements, foreclosure, redemption, extension, assignment, and discharge of mortgages. Kirchwey, *Cases on Mortgages* (2d ed.). Mj. Spring, PROFESSOR ———.

[Given in 1919–20 and in alternate years thereafter.]

**40. Sales.**—Subject-matter of sale; executory and executed sales; bills of lading and *ius disponendi*; stoppage *in transitu*; fraud; factors' acts; warranty and remedies for breach of warranty; statute of frauds. Williston, *Cases on Sales* (2d ed.). 1½Mjs. Winter, Second Term; and Spring, PROFESSOR MECHEM.

**41. Bills and Notes.**—Formal requisites; acceptance; indorsement; transfer; purchase for value without notice; overdue paper; extinguishment; obligations of parties; checks; diligence: presentment, dishonor, protest, notice; the Negotiable Instruments Law. Ames, *Cases on Bills and Notes*, Vols. I and II. 1½Mjs. Winter, Second Term; and Spring, PROFESSOR OLIPHANT.

**42. Public Service Companies and Carriers.**—Nature of public employment; its rights and duties; railroads and canals; telegraph and telephone; light and water companies; irrigation and drainage; inns and warehouses. Common carriers of goods and persons; liability; limitation of liability; bills of lading; stoppage *in transitu*; connecting carriers; actions against carriers; tickets; baggage; compensation and lien. Wyman, *Cases on Public Service Companies* (2d ed.). ¼Mj. Autumn (three hours), PROFESSOR OLIPHANT.

**44. Insurance.**—Fire, life, and accident insurance, with respect to: insurable interest; concealment; misrepresentation; warranties; other causes of invalidity of contract; amount of recovery; subrogation; conditions; waiver, estoppel, election, and powers of agents; assignees and beneficiaries. Wambaugh, *Cases on Insurance*. ¼Mj. Spring (three hours), PROFESSOR OLIPHANT.

**50. Partnership.**—Nature of a partnership, its purposes, and members; creation of partnership; nature of partner's interest; firm name and good-will; mutual rights and duties of partners; actions between partners, at law and in equity; powers of partners; liability of partners; dissolution; notice; consequences of dissolution; debts; distribution of assets; limited partnerships. Mechem, *Cases on Partnership* (3d ed.). DM. Summer, Second Term, PROFESSOR DRAKE; 1¼Mjs. Autumn; and Winter, First Term (two hours), PROFESSOR MECHEM.

**\*51. Private Corporations.**—Nature of a corporation and relation to its stockholders; its creation; stock subscriptions; promoters; interpretation of charters; formalities of contracts; powers and duties of directors; rights of stockholders; dividends; transfer of stock; forfeiture of charters: corporate liability; *ultra vires* transactions; rights and remedies of creditors; preferences; stockholders' liability; intercorporate relations; purchase by a corporation of its own stock; dissolution. Richards, *Cases on Corporations*. 1¼Mjs. Autumn; and Winter, First Term, PROFESSOR MECHEM.

**\*52. Bankruptcy.**—Jurisdiction of the United States and the states; who may be a bankrupt; who may be petitioning creditors; acts of bankruptcy; what property passes to the trustee; provable claims; protection, exemption, and discharge. Williston, *Cases on Bankruptcy* (2d ed.). ¼Mj. Autumn (three hours), PROFESSOR WOODWARD.

**63. Constitutional Law I.**—Making and changing constitutions; function of judiciary in enforcing constitutions; separation and delegation of powers of government; personal liberty; interstate privileges and immunities of citizens; operation of fourteenth amendment; due process and equal protection of law: procedure, police power, taxation; eminent domain; protection to persons accused of crime. Hall, *Cases on Constitutional Law* (part). Mj. Winter, PROFESSOR HALL.

**\*64. Constitutional Law II.**<sup>1</sup>—General scope of powers of federal government; money, banking, postal, and military powers; citizenship and suffrage; foreign relations, Indians, aliens; territories, dependencies, new states; federal taxation; regulation of commerce; inter-governmental relations; state laws impairing obligations of contracts; retroactive civil laws; jurisdiction of federal courts. Hall, *Cases on Constitutional Law* (part). [Course 63 is not a prerequisite.] DM. Summer, First Term; Mj. Spring, PROFESSOR HALL.

<sup>1</sup> Not credited toward a law degree if taken before courses 1, 2, and 3.

**65. Municipal Corporations.**<sup>1</sup>—General nature; creation, alteration, dissolution; legislative control; internal organization; powers: general, legislative, police, taxation, contracts, property; liability: contracts, quasi-contracts, torts in general, negligence in performance of various functions; enforcement of judgments against. Macy, *Cases on Municipal Corporations*. Mj. PROFESSOR \_\_\_\_\_.

[Omitted in 1919-20.]

**67. Administrative Law and Officers.**<sup>1</sup>—Administrative power and action: discretion; form and proof of official acts; notice; hearing and evidence; execution. Relief against administrative action: action to recover damages; specific relief (extraordinary legal remedies); jurisdiction, conclusiveness, and judicial control. Freund, *Cases on Administrative Law*. Mj. Winter, PROFESSOR FREUND.

**68. Statutes.**<sup>1</sup>—Formal requirements: methods of legislation; principles of drafting; scope and effect; principles of construction; legislative history. Selected cases and assigned problems. Mj. Summer; Mj. Winter, PROFESSOR FREUND.

**\*70. Conflict of Laws.**—(1) Jurisdiction: sources of law and comity; territorial jurisdiction; jurisdiction *in rem* and *in personam*; (2) remedies, rights of action, and procedure; (3) creation of rights: personal rights; rights of property; inheritance; obligations *ex delicto* and *ex contractu*; (4) recognition and enforcement of rights: personal relations; property; inheritance; administration of estates; judgments; obligations. Beale, *Cases on Conflict of Laws*, Vols. I, II, and III. Mj. Summer, PROFESSOR BIGELOW; 1½Mjs. Winter, Second Term; and Spring, PROFESSOR HALL.

**71. International Law.**<sup>1</sup>—Mj. Autumn, PROFESSOR JUDSON.

[See *Circular of Department of Political Science*.]

**81. Code Pleading.**—Actions and special proceedings; the complaint, including necessary allegations, method of statement, and prayer for relief; answers, including general and special denials, new matter, equitable defenses, counter claims, and union of defenses; replies; demurrers. Hinton, *Cases on Code Pleading*. [Course 80 (see p. 12) is a prerequisite.] DM. Summer, Second Term; ¾Mj. Winter (three hours), PROFESSOR HINTON.

**82. Equity Pleading.**—Bills in equity, including parties, general requisites, and multifariousness; disclaimer and default; demurrers; pleas; answers; replications; cross-bills; amendments. Case book in preparation. [Course 80 (see p. 12) is a prerequisite.] ¾Mj. Spring (two hours), PROFESSOR HINTON.

**86. Evidence.**—The court and jury: presumptions and burden of proof; judicial notice; admission and exclusion of evidence. Witnesses: competency; privileges, examination. Hearsay: exceptions to hearsay rule: former testimony; dying declarations; admissions and confessions; statements against interest; regular entries; official entries and certificates; reputation; statements of relationship; spontaneous statements. Opinions and conclusions from lay and expert witnesses. Circumstantial evidence: character; conduct; miscellaneous facts; physical objects. Preferred evidence: attesting witnesses; original documents. Extrinsic evidence to contradict, vary, explain, or apply written instruments. Hinton, *Cases on Evidence*. 1½Mjs. Autumn; Winter, First Term; and Second Term (two hours), PROFESSOR HINTON.

#### PRACTICE COURSES

**90. Practice I.**—Jurisdiction *in personam* and *in rem*; service and return of process; appearance; filing and settling pleadings; amendments; defaults, setting aside, and proceedings to final judgment; qualification and selection of jury; function of the court and jury; non-suits and directed verdicts; instructions or charge to the jury; verdicts; special interrogatories; trials without jury; motions

<sup>1</sup> Not credited toward a law degree if taken before courses 1, 2, and 3.

for new trials; bills of exceptions; writs of error and statutory appeals. Hinton, *Cases on Trial Practice*. Mj. Winter, Second Term (two hours); and Spring (three hours), PROFESSOR HINTON.

**\*91. Practice II.**—Practical exercises: commencement of actions; use of motions and demurrers; pleadings to issue and amendments; preparation for trial; trial of issues of fact, with and without jury; settling instructions; exceptions; return and entry of verdicts; motions for new trial and in arrest of judgment; entry of judgment; settling and allowance of bills of exceptions; writs of error; transcripts of the record; assignments and joinder in error; briefs and argument.  $\frac{1}{2}$ Mj. Autumn (two hours), PROFESSOR HINTON.

#### NON-CREDIT COURSES

Copyright Law. MR. REED.

Trade-Mark Law. MR. REED.

Admiralty Law. MR. KREMER.

Legal Ethics. MR. ———.

Use of Law Books (with practical exercises). MR. SCHENK.

[Required of first-year students.]

Brief-Making and Legal Argument (with practical exercises). MR. ———.