

# COURSES OF INSTRUCTION, 1929-30

## PRELEGAL COURSES

Various studies especially valuable in the preliminary education of a lawyer have been designated as "prelegal courses" and are enumerated below. Though not required, prospective law students are strongly advised to elect at least a year of work (chiefly in the third college year) from this group, and to choose their Junior College electives with this view. Candidates for the degree of LL.B. are also urged to take at least a year of prelegal work before entering the Law School.

A choice among the courses offered in the University upon the following subjects is particularly recommended:

Principles of Economics and Political Science; Constitutional and Political History of the United States; National, Federal, State, and Municipal Government; Constitutional and Political History of England; Oral Debates and Argumentation; Bookkeeping and Accounting; Marketing and Transportation; Economic and Social History; Finance, Money, and Banking; Financial and Tariff History; Labor and Industry; Organization and Control of Business; Introduction to Study of Society; Social Origins and Control; Risk-Bearing; Charities and Social Treatment of Crime; Social Forces in Modern Democracy; Logic and Psychology; Political and Social Ethics and Philosophy.

Students who have not had the course in Civil Government in the United States, or who have not completed the courses in English composition required in the Junior Colleges should take these before entering the Law School.

NOTE.—For detailed information concerning the above-mentioned courses, see the *Announcements* of the Graduate Schools and Colleges of Arts, Literature, and Science, which will be sent upon application to the UNIVERSITY OF CHICAGO.

## 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* (2d ed., part). Mj. Autumn, SHEPHERD. (Two sections.)

**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 1908-10), Vols. I and II. DM. Summer, \* First Term, MECHAM. 1½ Mjs. Autumn (five hours); and Winter, First Term (five hours), LANGMAID. (Two sections.)

**3A. Personal Property.**—Distinction between real and personal property; acquisition of rights; gift; bailment; lien; pledge; fixtures; emblements. Bigelow, *Cases on Personal Property*. ¾Mj. Autumn, BOGERT. (Two sections.)

**3. Real Property.**—Tenure, estates, seisin, future and incorporeal interests, joint ownership, disseisin, uses, and trusts; adverse possession, prescription, accretion; mode of conveyance; execution and delivering of deeds; description of property; creation of easements; estates created; covenants for title; estoppel, priority, notice, and record. Bigelow, *Introduction to Real Property*, and Aigler, *Cases on Titles to Real Property*. 1¼Mjs. Winter, JACOB. (Two sections.)

**4. Agency.**—Nature of relations; appointment; liabilities of principal: torts, contracts; liabilities of agent; parties to writings; undisclosed principal; delegation of agency; termination of agency; Keedy, *Cases on Agency*; 1¼Mjs. Winter, Second Term; and Spring (four hours), SEARS. (Two sections.)

**20. Equity I.**—Nature of equity jurisdiction; relation of common law and equity. Specific reparation and prevention of torts: waste; trespass; disturbance of easements; nuisance; interference with business, social, and political relations; defamation; injuries to personality. Cook, *Cases on Equity*, Vol. I. DM. Summer, \* Second Term; ¾Mj. Winter, TEFFT. (Two sections.)

**60. Criminal Law.**—The criminal act; criminal attempts; consent; criminal intent; circumstances affecting intent; justification; parties in crime: agency, joint principals, accessories; crimes against the person, especially murder and manslaughter; larceny and kindred offenses. Mikell, *Cases on Criminal Law* (2d ed.). 1¼Mjs. Summer, \* Winter, Second Term; and Spring (four hours), PUTTKAMMER. (Two sections.)

**80. Common Law Pleading.**—Demurrers for defects in form and substance, necessary allegations, and methods of pleading; defaults; pleas in bar by way of traverse or confession and avoidance; pleas in abatement; replications and further pleadings; parties; amendments. Cook and Hinton, *Cases on Common Law Pleading* (part). ¾Mj. Spring (four hours), KENT. (Two sections.)

**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. 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). ¾Mj. Autumn, HINTON. (Two sections.)

\* Courses scheduled for the Summer Quarter are given in the Summer of 1929.

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

**1B. Contracts II.**—Conditions to the existence of contracts; conditions regulating order of performance; anticipatory repudiation of contracts; impossibility; discharge of contracts or causes of action arising thereon by rescission, novation, accord and satisfaction, release, arbitration, or other means; illegality in the law of contracts. Williston, *Cases on Contracts* (2d ed., part), DM. Summer, \* Second Term; Mj. Winter, KENT.

**7. Persons.**—Husband and wife; marriage and divorce; incidents of marital relation as between spouses and against third parties; husbands' 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. Kales, *Cases on Persons*, and Vernier's *Supplement*. Mj. Spring, ———.

[Omitted in 1929-30, and in alternative 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, SHEPHERD.

[Given in 1929-30, and in alternative years thereafter.]

**13. Landlord and Tenant.**—Creation of estates for years, from year to year, and at will; tenancy at sufferance; covenants in leases; nature, suspension, and apportionment of rents; surrender of leases. Bigelow, *Cases on Rights in Land* (parts), and Aigler, *Cases on Tiles to Real Property* (part).  $\frac{1}{2}$ Mj. Spring, EAGLETON.

**14. Rights in Land.**—Rights of possession of land with respect to air, water, and land; creation, nature and extent of profits, easements, and licenses; covenants and other agreements affecting use of land; public rights in streams and ways. Bigelow, *Cases on Rights in Land* (part), and Aigler, *Cases on Tiles to Real Property* (part).  $\frac{2}{3}$ Mj. Winter, EAGLETON.

**15. Wills and Administration.**—Testamentary capacity; dispositions in contemplation of death; execution, revocation, republication, and revival of wills; descent; liability of heirs for debts; probate and administration; title and powers of executors and administrators; payments of debts, legacies, and distributive shares. Costigan, *Cases on Wills*. Mj. Autumn, EAGLETON.

**16. Future Interests.**—Classification of future interests; rule against perpetuities; rule in Shelley's Case; construction of limitations; conditions, restraints on alienation; powers. Kales, *Cases on Future Interest*, DM. Summer, \* Second Term, JACOB; Mj. Autumn, BIGELOW.

**19. Mining and Water Rights.**—Mining: location of lode claims; preservation and loss of location; relocation; tunnel claims; placer claims; extra-lateral 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, KULP.

**21. Equity II.**—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; plaintiffs' conduct as a defense; mistake; hardship; mutuality. Cook, *Cases on Equity*, Vol. II. Mj. Spring, TEFFT.

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

[Omitted in 1929-30.]

\* Courses scheduled for the Summer Quarter are given in the Summer of 1929.

**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 trustees or *cestui*; duties of trustee; extinguishment of trust; removal or resignation of trustee; accounting; assignments of choses in action. Costigan, *Cases on Trusts*, DM. Summer,\* First Term; 1½Mjs. Winter, Second Term and Spring, BOGERT.

**25. Quasi-Contracts.**—Nature of obligation; restitution at law for benefits conferred under mistake of fact or mistake of law; benefits conferred in reliance 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. Cook, *Cases on Equity* (part), Vol. III. Mj. Spring, EAGLETON.

**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*. ¾Mj. Winter, ———.

[Omitted in 1929–30, and in alternate years thereafter.]

**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. Parks, *Cases on Mortgages*. Mj. Spring, LANGMAID.

[Given in 1929–30 and in alternate years thereafter.]

**40. Sales.**—Subject-matter of sale; executory and executed sales; bills of lading and *jus disponendi*; stoppage *in transitu*; fraud; factors' acts; warranty and remedies for breach of warranty; statute of frauds. Woodward, *Cases on Sales* (2d ed.). 1½Mjs. Summer,\* HALLEN; Autumn and Winter, First Term, BOGERT.

**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. Smith and Moore, *Cases on Bills and Notes* (2d ed.). 1½Mjs. Winter, and Spring (two hours), PUTTKAMMER.

**42A. Public Utilities.**—Public regulation and control of business; constitutional limitations; supervision of utilities; service; liability; rates: judicial review, value, rate of return, allocation of earnings and costs, value of service, excessive or deficient earnings; Interstate Commerce Acts. Burdick, *Cases on Public Service Companies*. ¾Mj. Autumn (two hours); and Winter, First Term (two hours), ———.

[Omitted in Autumn of 1929–30.]

**43. Trade Regulation.**—Contracts not to compete; competitive practices in intimidating and molesting, disparaging competitor's goods, appropriating trade values, inducing breaches of contract; boycotting, unfair price practices and advertising; combinations: their object, form, rights, and liabilities under federal statutes. Oliphant, *Cases on Trade Regulation*. ¾Mj. Autumn (two hours); and Winter, First Term (two hours), PUTTKAMMER.

[Omitted in 1929–30.]

**44. Insurance.**—Fire, life, and accident insurance, with respect to: insurable interest; concealment; misrepresentation; warranties; other causes of invalidity of contracts; amount of recovery; subrogation; conditions; waiver, estoppel, election, and powers of agents; assignees and beneficiaries. Vance, *Cases on Insurance*. ¾Mjs. Winter, TEFFT.

**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. Crane and Magruder, *Cases on Partnership*. 1½Mjs. Autumn, and Winter, SEARS.

\***51. Private Corporations.**—Nature of a corporation and relation to its stockholders; its creation; stock subscriptions; promoters; interpretation of charters; formal-

ties 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* (2d ed.). 1½Mjs. Autumn (six hours), TEFRT.

**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. Holbrook and Aigler, *Cases on Bankruptcy* (2d ed.). ¾Mj. Autumn, SEARS.

**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 and Supplement* (part). Mj. Autumn, KENT.

\***64. Constitutional Law II.**—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; national prohibition; inter-governmental relations; state laws impairing obligations of contracts; retroactive civil laws; jurisdiction of federal courts. Hall, *Cases on Constitutional Law and Supplement* (part). Mj. Winter, KENT.

**65. Municipal Corporations.**—Problems of territorial incorporation; adjustment of state and local powers; governmental and proprietary capacity (contract, tort liability, execution); mode of action; property and undertakings, including streets. Macy, *Cases on Municipal Corporations*. Mj. Summer,\* FREUND.

**66. Taxation.**—Jurisdiction; classification of taxes; public purpose; assessment; exemptions; remedies for illegal taxation; excise and inheritance taxes; federal income and estate tax system. Beale, *Cases on Taxation*; Beale and Magill, *Cases on Federal Taxation*. ¾Mj. Autumn, KENT.

**67. Administrative Law.**—Administrative power and action; orders; discretion; notice and hearing; examining powers; summary action; form and proof of acts. Relief against administrative action; action against officers and against the community; extraordinary legal remedies; equitable relief; appeal; administrative finality. Freund, *Cases on Administrative Law*. Mj. FREUND.

[Omitted in 1929–30.]

**68. Statutes.**—The statute book; economy of legislative ways and means; structure and language; penal regulation; civil regulation; administrative provisions; operative clauses; style requirements. Mj. Readings and assigned problems. Autumn, 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* (2d ed.), Vols. I and II; Bealis, *Shorter Selection of Cases on Conflict of Laws*. DM. Summer,\* First Term, MAGGS, 1½Mjs. Spring, JACOB.

**71. International Law.**—Mj. Autumn and Winter, WRIGHT.

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

**73. Comparative Law.**—Examination of selected topics illustrative of differences between common law and civil law; forms of acts; transfer of property; devolution by death; future interests; family relations; liability and compensation. Judge-made and jurists' law codification. Mainly based on the German civil code. ½Mj. Autumn, FREUND.

**76. Jurisprudence.**—Elements, nature, and sources of law; object of law; rights; analysis of a right; acts, facts, things, persons; duties, obligations, wrongs; classifica-

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

tion of law; application of law. Hinton, *Elements of Jurisprudence* (12th ed.), and assigned readings. Mj. Winter, \_\_\_\_\_.

**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* (2d ed.). [Common Law Pleading is a prerequisite.]  $\frac{3}{4}$ Mj. Winter, EAGLETON.

**82. Equity Pleading.**—Bills in equity, including parties, general requisites, and multifariousness, disclaimer and default; demurrers; pleas; answers; replications; cross-bills; amendments. Hinton, *Cases on Equity Pleading*. [Common Law Pleading is a prerequisite:]  $\frac{3}{4}$ Mj. Winter, EAGLETON.

**83. Criminal Procedure.**—Jurisdiction; venue; arrest; extradition; proceedings before magistrate; bail; grand jury; indictment; arraignment, pleas, motions; trial; proceedings subsequent to trial; modes of review; punishment. Mikell, *Cases on Criminal Procedure*.  $\frac{3}{4}$ Mj. Spring, 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*.  $1\frac{3}{4}$ Mjs. Autumn; Winter, First Term; and Second Term (two hours), HINTON.

**90. Practice.**—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 for new trials; bills of exceptions; writs of error and statutory appeals. Hinton, *Cases on Trial Practice* (2d ed.). DM. Summer, First Term, Mj. Winter, Second Term (two hours); and Spring (three hours), HINTON.

**92. Accounting Method.**—This course is intended primarily to acquaint the lawyer with accounting valuation and the interpretation of accounting data. Discussion of these topics is preceded by a brief, intensive study of the double-entry system of accounting records and reports. Accounting is presented as a special tool for the lawyer in dealing with business problems; the accounting situations treated are selected from those most frequently met in legal practice. Laboratory work and exercises are the minimum consistent with a reasonable understanding of the principles. Rorem, *Accounting Method*. Mj. Spring, ROREM.<sup>1</sup>

#### SEMINAR COURSES

**Seminar in evidence.**—Study of special problems in evidence. Investigation, reports, and informal discussion. Open to a limited number of students who have completed Course 86.  $\frac{1}{2}$ Mj. Autumn and first half of Winter, HINTON.

**Seminar in Real Property.**—Study of certain aspects of the law of future interests. Discussion and written reports. Open to not over five students who have taken Titles and Future Interests.  $\frac{1}{2}$ Mj. Winter, BIGELOW.

[Omitted in 1929-30.]

**Seminar in Trusts.**—Study of special problems in the creation and administration of trusts. Reading, discussions, and the preparation of reports. Open only to a limited number of students who have taken Course 24.  $\frac{1}{2}$ Mj. Last half of Winter Quarter and Spring Quarter. BOGERT.

**Seminar in Criminal Law.**—Study of selected problems in criminal law. Investigation, reports, and discussion. Open to a limited number of advanced students.  $\frac{1}{2}$ Mj. Winter, SEARS.

<sup>1</sup> School of Commerce and Administration.

## THE SUMMER QUARTER, 1930

The Summer Quarter begins June 16 and ends August 29. The First Term ends July 23; the Second Term begins July 24. Courses 3, 3A, and 7 are beginning first-year work.

### FIRST TERM

- 3A. **Personal Property.**— $\frac{3}{4}$ Mjs. LANGMAID.
- 3. **Real Property.**— $1\frac{1}{4}$ Mjs. FULLER.
- 14. **Rights in Land.**—DM. KIRKWOOD.
- 25. **Quasi Contracts.**—DM. BROWN.
- 50. **Partnership.**—1Mj. SEARS.
- 51. **Private Corporations.**— $1\frac{1}{2}$ Mjs. DODD.
- 63. **Constitutional Law I.**—DM. (instructor to be announced.)
- 67. **Administrative Law.**—1Mj. FREUND.

### SECOND TERM

- 3. **Real Property (continued).**—See First Term above.
- 7. **Persons.**—DM. KINGSLEY.
- 42A. **Public Utilities.**—DM. ROTTSCHAEFER.
- 50. **Partnership (continued).**—See First Term above.
- 51. **Private Corporations (continued).**—See First Term above.
- 67. **Administrative Law (continued).**—See First Term above.
- 93. **Federal Jurisdiction and Procedure.**—DM. DOBIE.