

## 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. Mj. Autumn, MR. MAGILL. (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 1909-10), Vols. I and II.  $1\frac{3}{4}$ Mjs. Autumn (five hours); Winter, First Term (five hours), PROFESSOR HALL. (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*. M. Summer, First Term;  $\frac{1}{2}$ Mj. Autumn, PROFESSOR BIGELOW. (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 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*. Mj. Winter (five hours), PROFESSOR BIGELOW. (Two sections.)

**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 MEHEM. (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 personalty. Ames, *Cases on Equity Jurisdiction*, Vol. I (part), and Pound's *Supplement*. ¾Mj. Winter, PROFESSOR WOODWARD. (Two sections.)

**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, PROFESSOR BIGELOW; 1½Mjs. Winter, Second Term (two hours); and Spring, MR. PUTTKAMMER. (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; 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). M. Summer, First Term; ¾Mj. Autumn, PROFESSOR HINTON. (Two sections.)

**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. (Two sections.)

#### 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.]

**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, MR. MAGILL.

**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. Kales, *Cases on Persons*, and Vernier's *Supplement*. Mj. Spring, PROFESSOR HALL.

[Omitted in 1921-22 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. Summer, PROFESSOR HUSTON; Mj. Spring, PROFESSOR HALL.

[Given in 1921-22 and in alternate years thereafter.]

14. Rights in Land.—Possessory rights respecting air, water, and land; reversions; nature and extent of profits, easements, and licenses; covenants and other agreements affecting use of land; rents; waste; public rights in streams and ways. Bigelow, *Cases on Rights in Land*. Mj. Spring, PROFESSOR BIGELOW.

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; payment of debts, legacies, and distributive shares. Costigan, *Cases on Wills*. Mj. Autumn, MR. PUTTKAMMER.

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, First Term, PROFESSOR FREUND; Mj. Autumn, PROFESSOR KALES.

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 1923-24 and each third year thereafter.]

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; plaintiff's conduct as a defense; mistake; hardship; mutuality. Ames, *Cases in Equity Jurisdiction*, Vol. I (part). DM. Summer, Second Term;  $\frac{2}{3}$ Mj. Spring, PROFESSOR WOODWARD.

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

25. 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.

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*.  $\frac{2}{3}$ Mj. Spring, PROFESSOR

[Omitted in 1921-22 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, courtesy, waste, priorities, collateral agreements, foreclosure, redemption, extension, assignment, and discharge of mortgages. Kirchwey, *Cases on Mortgages* (2d ed.). DM. Summer, Second Term, PROFESSOR PARKS;  $\frac{2}{3}$ Mj. Spring, MR. MAGILL.

[Given in 1921-22 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, MR. PUTTKAMMER.

**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, MR. MAGILL.

**42B. Carriers.**—Bailment and undertaking; nature of undertaking; its beginning; facilities; performance; protection; delivery; liability; limitation of liability; excuses; end of undertaking; connecting services; charges; lien; tickets. Beale, *Cases on Carriers* (2d ed.). ¾Mj. Autumn (two hours); and Winter, First Term (two hours), PROFESSOR ———.

**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. Vance, *Cases on Insurance*. ¾Mj. Autumn (three hours), PROFESSOR BIGELOW.

**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.). 1½Mjs. 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. Warren, *Cases on Corporations* (2d ed.). 1½Mjs. Summer, PROFESSOR HUSTON. Richards, *Cases on Corporations*. 1½Mjs. 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.). ¾Mj. Autumn (three hours), PROFESSOR WOODWARD.

**63. Constitutional Law I.**<sup>1</sup>—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). DM. Summer, First Term; 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.] Mj. Spring, PROFESSOR HALL.

**65. Municipal Corporations.**<sup>1</sup>—Problems of territorial incorporation; adjustment of state and local powers; governmental and proprietary capacity (contract,

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

tort liability, execution; mode of action; property and undertakings, including streets. Macy, *Cases on Municipal Corporations*. Mj. Winter, PROFESSOR FREUND.

**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. Summer; Mj. Winter, PROFESSOR FREUND.

**68. Statutes.**<sup>1</sup>—The legal aspect of legislation; the statute book; choice of terms; methods of regulation; standing clauses; principles of construction. Selected cases and assigned problems. Mj. Autumn, 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.  $\frac{1}{2}$ Mjs. Winter, Second Term; and Spring, PROFESSOR BIGELOW.

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

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

**73. Civil Law Doctrines.**—The following topics will be examined on the basis of the French and German codes, and compared with analogous common law doctrines: bona fide purchase; adverse possession; future interests; *mortis causa* succession and administration; infancy; parent and child; husband and wife; notarial acts.  $\frac{1}{2}$ Mj. Autumn, PROFESSOR FREUND.

**76. Jurisprudence.**—Elements, nature, and sources of law; object of law; rights; analysis of a right; acts, facts, things, persons; duties, obligations, wrongs; classification of law; application of law. Holland, *Elements of Jurisprudence* (12th ed.), and assigned readings.  $\frac{2}{3}$ Mj. Winter, PROFESSOR MECHEM.

**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.]  $\frac{2}{3}$ Mj. 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. Casebook in preparation. [Course 80 (see p. 12) is a prerequisite.]  $\frac{1}{2}$ Mj. Spring (two hours), PROFESSOR ———.

**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*.  $1\frac{1}{2}$ Mjs. 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,

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

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*. 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.

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

[Required of first-year students.]