

[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, ASSISTANT PROFESSOR SCHIFF. (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. 1½Mjs. Autumn (five hours); and Winter, First Term (five hours), PROFESSOR HALL. (Two sections.)

2A. Torts (first half of subject).—Course 2 through imputed negligence. Same casebook. DM. Summer, First Term, 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 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 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 (six hours), PROFESSOR BIGELOW. (Two sections.)

4. Agency.—Nature of relation; appointment; liabilities of principal: torts, contracts, crimes, admissions; liabilities of agent; parties to writings; undisclosed principal; obligations between principal and agent; delegation of agency; termination of agency; ratification. Wambaugh, *Cases on Agency* (2d ed.). DM. Summer, Second Term, ASSOCIATE PROFESSOR BRECKENRIDGE; 1¼ Mjs. Mechem, *Cases on Agency* (2d ed.). Winter, Second Term (two hours); and Spring, PROFESSOR 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. 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* (2d ed.). 1¼Mjs. Winter, Second Term (two hours); and Spring, PROFESSOR 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). ½Mj. 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. Cook and Hinton, *Cases on Common Law Pleading* (part). $\frac{3}{4}$ Mj. 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* (2d ed.) (part). Mj. Winter, ASSISTANT PROFESSOR SCHIFF.

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, affirmation, disaffirmance, restoration of benefits, particular obligations; torts; crimes. Kales, *Cases on Persons*, and Vernier's *Supplement*. Mj. Summer, PROFESSOR FREUND; Spring, PROFESSOR HALL.

[Given in 1926-27, 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 HALL.

[Omitted in 1926-27, and in alternate 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* (part), and Aigler, *Cases on Titles to Real Property* (part). $\frac{3}{4}$ Mj. Spring, PROFESSOR BIGELOW.

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; public rights in streams and ways. Bigelow, *Cases on Rights in Land* (part), and Aigler, *Cases on Titles to Real Property* (part). $\frac{3}{4}$ Mj. Spring, PROFESSOR BOGERT.

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, PROFESSOR 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; Mj. Autumn, PROFESSOR 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, PROFESSOR ———.

[Omitted in 1926-27.]

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. Cook, *Cases on Equity*, Vol. II. DM. Summer, Second Term, PROFESSOR VAN HECKE; Ames, *Cases in Equity Jurisdiction*, Vol. I (part). $\frac{3}{4}$ Mj. Autumn, PROFESSOR WOODWARD.

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

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; assignments of choses in action. Scott, *Cases on Trusts*. $1\frac{1}{2}$ Mjs. Summer (six hours); Costigan, *Cases on Trusts*. Autumn; and Winter, First Term, PROFESSOR BOGERT.

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. Cook, *Cases on Equity* (part), Vol. III. 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*. DM. Summer, Second Term, PROFESSOR DURFEE; $\frac{3}{4}$ Mj. Spring, ASSISTANT PROFESSOR SCHIFF.

[Given in 1926-27, 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. Kirchwey, *Cases on Mortgages* (2d ed.). $\frac{3}{4}$ Mj. Spring, ASSISTANT PROFESSOR SCHIFF.

[Omitted in 1926-27, 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. Woodward, *Cases on Sales* (2d ed.). $1\frac{1}{2}$ Mjs. Winter, Second Term; and Spring, PROFESSOR 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.). $1\frac{1}{2}$ Mjs. Winter, Second Term; and Spring, PROFESSOR PUTTKAMMER.

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.). $\frac{3}{4}$ Mj. Autumn (two hours); and Winter, First Term (two hours), PROFESSOR

[Omitted in 1926-27.]

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*. $\frac{3}{4}$ Mj. Autumn (two hours); and Winter, First Term (two hours), PROFESSOR PUTTKAMMER.

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*. $\frac{3}{4}$ Mj. Autumn, MR. SCHUTTER.

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, First Term (two hours), PROFESSOR SEARS.

*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*. 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, PROFESSOR 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* (part). Mj. Winter, PROFESSOR HALL.

*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; 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.**—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. PROFESSOR FREUND.

[Omitted in 1926-27.]

67. **Administrative Law and Officers.**—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; Winter, PROFESSOR FREUND.

68. **Statutes.**—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. Winter, PROFESSOR FREUND.

[Omitted in 1926-27.]

*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. 1½Mjs. Winter, Second Term; and Spring, PROFESSOR BIGELOW.

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

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

73. **Civil Law.**—(1) Sources: *corpus juris*; codes, legal writings; precedents. (2) A survey of doctrines and rules peculiar to the civil law or illustrative of modern codification. (3) Transfer of property *inter vivos* and *mortis causa*. ¾Mj. Autumn, PROFESSOR FREUND.

[Given in 1926-27, and in alternate years thereafter.]

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. ¾Mj. Winter, PROFESSOR MECHEM.

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

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.] DM. Summer, First Term, PROFESSOR HINTON; $\frac{3}{4}$ Mj. Winter, PROFESSOR SEARS.

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. [Common Law Pleading is a prerequisite.] $\frac{1}{2}$ Mj. Summer; Winter, PROFESSOR BOGERT.

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, 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.

95. Use of Law Books and Brief-Making.—Survey of system of reporting cases; use of digests, annotated cases, citators, statutes, and session laws. Practical exercises in brief-making and oral arguments before appellate courts. $\frac{1}{2}$ Mj. Autumn, PROFESSOR
———. Exercises in use of law books by MR. SCHENK.

[Elective for second-year students. Omitted in 1926-27.]