

APRIL 15, 1940

NUMBER 357

THE UNIVERSITY OF NORTH CAROLINA RECORD

THE ONE HUNDRED AND
FORTY-SIXTH SESSION



CATALOGUE OF THE
SCHOOL OF LAW
1939-1940

*Announcements for the Session
1940-1941*

THE UNIVERSITY OF NORTH CAROLINA PRESS
ISSUED 12 TIMES A YEAR AS FOLLOWS: 4 NUMBERS IN FEBRUARY, 3 NUMBERS
IN MARCH, 3 NUMBERS IN APRIL, 1 NUMBER EACH IN JUNE AND OCTOBER.

ENTERED AS SECOND-CLASS MATTER AT THE POSTOFFICE AT

CHAPEL HILL, N. C.

UNDER THE ACT OF AUGUST 24, 1912

CALENDAR

Session, 1940-1941

1940

<i>June 13-July 20</i>	Summer Session, First Term.
<i>July 22-August 28</i>	Summer Session, Second Term.
<i>September 24</i>	<i>Tuesday.</i> *Registration for first semester.
<i>September 25</i>	<i>Wednesday.</i> Classes for first semester begin.
<i>October 12</i>	<i>Saturday.</i> University Day.
<i>November 27**</i>	<i>Wednesday.</i> Thanksgiving recess begins (1:00 p.m.)
<i>December 2**</i>	<i>Monday.</i> Thanksgiving recess ends (8:30 a.m.).
<i>December 20</i>	<i>Friday.</i> Christmas recess begins (1:00 p.m.).

1941

<i>January 2</i>	<i>Thursday.</i> Classes resume work (8:30 a.m.).
<i>February 1</i>	<i>Saturday.</i> First semester ends.
<i>February 3</i>	<i>Monday.</i> *Second semester begins. Registration day.
<i>March 18-23</i>	<i>Tuesday afternoon through Sunday.</i> Spring recess.
<i>June 8-10</i>	<i>Sunday through Tuesday.</i> Commencement exercises.

* Each student registering later than this date must pay five dollars (\$5.00) as an additional fee for delayed registration.

** These dates may be altered if the date of Thanksgiving Day is changed.

THE SCHOOL OF LAW

FRANK PORTER GRAHAM, M.A., LL.D., D.C.L., D.Litt., *President*
ROBERT BURTON HOUSE, A.M., LL.D., *Dean of Administration*
MAURICE TAYLOR VANHECKE, Ph.B., J.D., *Dean*

*THE ADMINISTRATIVE BOARD

HOWARD WASHINGTON ODUM, Ph.D., LL.D., Litt.D., *Kenan Professor of Sociology and Director of the Institute for Research in Social Science*
ALLAN WILSON HOBBS, Ph.D., *Professor of Mathematics and Dean of the College of Arts and Sciences*
DUDLEY DEWITT CARROLL, A.M., *Professor of Economics and Dean of the School of Commerce*
FREDERICK BAYS MCCALL, A.B., LL.B., *Professor of Law*
ROBERT HASLEY WETTACH, A.M., LL.B., S.J.D., *Professor of Law*
MILLARD SHERIDAN BRECKENRIDGE, Ph.B., LL.B., *Professor of Law*

FACULTY

BRANDIS, HENRY P., JR., A.B., LL.B., *Assistant Professor of Law*
A.B., 1928, The University of North Carolina; LL.B., 1931, Columbia University. General law practice, 1931-1933; Associate Director, Institute of Government, 1933-1937; Secretary, State Tax Classification Commission, 1937-1939; Chief of Research Division, State Department of Revenue, 1939-1940; Assistant Professor of Law, The University of North Carolina, 1940—

MILLARD SHERIDAN BRECKENRIDGE, Ph.B., LL.B., *Professor of Law*

Ph.B., 1917, The University of Chicago; LL.B., 1918, Yale University, General law practice, 1919-1922. Assistant Professor of Law, State University of Iowa, 1922-1924; Associate Professor of Law, Western Reserve University, 1924-1927; Professor of Law, The University of North Carolina, 1927—

ALBERT COATES, A.B., LL.B., *Professor of Law*

A.B., 1918, The University of North Carolina; LL.B., 1923, Harvard University. Associate Professor of Law, The University of North Carolina, 1923-1927; Professor of Law, 1927—

JOHN PERCY DALZELL, A.B., LL.B., *Associate Professor of Law*

A.B., 1922, LL.B., 1924, The University of Minnesota. General law practice, 1924-1937. Lecturer on Business Law, University of Minnesota, 1924-1937. Associate Professor of Law, The University of North Carolina, 1937—

* The Dean of Administration, the Registrar, and the Dean of Students are *ex Officio* members of each Administrative Board.

- FRANK WILLIAM HANFT, A.B., LL.M., S.J.D., *Professor of Law***
 LL.B., 1924, LL.M., 1929, A.B., 1929, The University of Minnesota; S.J.D., 1931, Harvard University. General law practice, 1924-1929. Instructor in Law, The University of Minnesota, 1929-1930; Fairchild Research Fellow, Harvard Law School, 1930-1931; Associate Professor of Law, The University of North Carolina, 1931-1937; Professor of Law, 1937—
- FREDERICK BAYS MCCALL, A.B., LL.B., *Professor of Law***
 A.B., 1915, The University of North Carolina; LL.B., 1928, Yale University. General law practice, 1922-1926. Assistant Professor of Law, The University of North Carolina, 1926-1927; Associate Professor of Law, 1928-1933; Professor of Law, 1933—
- MAURICE TAYLOR VANHECKE, Ph.B., J.D., *Professor of Law and Dean***
 Ph.B., 1916, J.D., 1917, The University of Chicago. Legislative Reference Bureau, Springfield, Ill., 1917-1920. Assistant Professor of Law, West Virginia University, 1920-1921; Associate Professor of Law, The University of North Carolina, 1921-1923; Associate and Professor of Law, The University of Kansas, 1923-1927; Visiting Professor of Law, Yale University, 1927-1928; Professor of Law, The University of North Carolina, 1928—; Dean, 1931—
- ROBERT HASLEY WETTACH, M.A., LL.B., S.J.D., *Professor of Law***
 A.B., 1913, M.A., 1914, LL.B., 1917, The University of Pittsburgh; S.J.D., 1921, Harvard. General law practice, 1919-1920. Assistant Professor of Law, The University of North Carolina, 1921-1923; Associate Professor of Law, 1923-1926; Professor of Law, 1926—
- LUCILE MARSHALL ELLIOTT, A.B., *Law Librarian***
- HELEN MALTBY LUMPKIN, LL.B., *Assistant Law Librarian***
- LUCY BEVERLY EVANS, A.B., A.M., *Secretary***

HISTORY

The law school, which developed into the School of Law of the University, was founded in 1843 at Chapel Hill as a private school by William H. Battle, then a judge of the Superior Court, later a justice of the Supreme Court of the State. In 1845 Judge Battle was made Professor of Law in the University, and it was provided that the degree of Bachelor of Laws should be conferred on those completing the prescribed two-year course. From the records of the University, however, it seems that few degrees were actually conferred. For a long time the school maintained a certain independence of the University. The professor of law received no salary, though he enjoyed the fees from his classes. The students were not entirely subject to the discipline of the University.

This was the position of the school from its formation until 1899, a period which covered the professorship of Judge Battle who retired in 1879; two years when the law classes were conducted by Kemp P. Battle, then President of the University; and the professorship of John Manning, elected 1881, died 1899. In 1899 the school was completely incorporated into the University, with the late James C. MacRae, previously a justice of the Supreme Court of North Carolina, as the first Dean of the School of Law.

RATING

The School of Law is approved by the North Carolina Board of Law Examiners.

A carefully compiled list of approved law schools, whose credits are acceptable as evidence of due preparation for the New York Bar Examinations, is published by the University of the State of New York. The School of Law is accredited on this list for the full three years' work.

The School of Law, having complied in full with the requirements set up by the American Bar Association, has been classed as an "approved law school".

The School of Law is a member of the Association of American Law Schools, an association composed of the leading law schools in the United States.

REQUIREMENTS FOR ADMISSION

Regular Students

The matter of admission to the School of Law, as to all the other schools and colleges of the University, is arranged through the Dean of Admissions of the University.

The Dean of Admissions passes upon all applications for admission, and all inquiries as to eligibility to enter should be addressed to him. Those who intend to enter must furnish to him (a) a certificate of successful vaccination against smallpox, and (b) a certificate showing the completion of a four years' high school course of fifteen units and the completion of not less than three years of college work, which must be approved as satisfactory. These certificates should be sent by mail to the officer named above at least two weeks before registration day, if possible.

The academic requirements for admission to the School of Law may be satisfied by:

(1) An *academic* degree from the University of North Carolina or any other standard college or university approved by the Dean of Admissions.

(2) *Three years* of academic work prescribed in the "Combined Course in Arts and Law" or in "Commerce and Law" as described below.

(3) *The first three years* complete of the regular work prescribed for a degree (a) in the College of Arts and Sciences, or the School of Commerce, or (b) in a similar curriculum in some other standard college or university.

All regular applicants for admission to the School of Law must have received a grade of C or better in at least fifty per cent of their undergraduate courses, *and must, in addition, satisfactorily pass a personal interview with the members of the committee on admissions to the Law School.*

Beginning with the class entering in the fall of 1942, every applicant for admission to the School of Law as a candidate for a degree must have attained an average course grade of 85 on all of his undergraduate work, or of 87 on that of his last two years, and must, in addition, satisfactorily pass a personal interview with the members of the committee on admissions to the Law School. The averaging of course grades will be based upon 97.5 for an A, 92.5 for B, 85 for C, 75 for D, and 50 for F, or their respective equivalents.

No student will be admitted who is ineligible to return to the institution last attended.

Special Students

A limited number of special students, not eligible for a degree, may be admitted each year, provided the aggregate total does not exceed ten per cent of the average number of beginning reg-

ular students admitted during the two preceding years. They must be at least twenty-three years of age and must furnish evidence to satisfy the law faculty that their business experience has equipped them to engage successfully in the study of law in spite of their lack of a college education. Applications for admission to the regular session as special students will be acted upon on September 1, each year. All special students will be admitted for a maximum period of one year or for shorter periods in unusual cases. Their readmission for each academic year thereafter will be determined on the basis of their records.

All special students must begin with the regular first year work and must give evidence of their intention in good faith to complete the entire three years' course. No special students will be admitted during the summer session.

Admission to Advanced Standing

A student from another school of law, in which the requirements for admission are at least as high as in this school, may be admitted to advanced standing for the degree of LL.B. As a rule no more than one year's work will be so credited, but with the consent of the faculty of this school two years' work may be credited in exceptional cases, provided the last year of work for the degree in law is done in residence. A student seeking admission to advanced standing must present satisfactory evidence that the work taken in another school is substantially equivalent to that given in the corresponding year here, both in the character of the work covered and in the amount of time devoted to each subject.

Times for Entering the School

Beginning students may enter only at the opening of the first semester in September; they may not enter at the opening of the second semester, or in the summer session.

EXPENSES

Tuition and Other Fees for Each Semester

Each student whose *bona fide* residence has not been established in North Carolina for at least the six months immediately prior to his first registration in the University must pay an extra fee of \$50.00 for each semester he spends in residence. The residence of a minor is that of his parents or guardian. The residence of an adult remains with his parents unless he shall have independently set up his own.

The fees payable at the beginning of each semester are shown below.

	<i>Residents of N. C.</i>	<i>Non-Residents of N. C.</i>
Tuition fee for fall and spring semesters, each_____	\$50.00	*\$100.00
**Matriculation fee, each semester_____	30.00	30.00
Student publications fee, each semester_____	3.45	3.45
Student activities fee, each semester_____	2.50	2.50
Laundry deposit, each semester_____	12.75	12.75
Student union fee, each semester_____	1.50	1.50
Law Library fee, each semester_____	2.50	2.50
	\$102.70	\$152.70

The fees for the Summer School of Law for 1940 are: \$35.00 each term or \$65.00 for both terms.

Books

Books for law students, bought new, will average about \$50.00 a year. A saving below this figure can be made by taking advantage of the secondhand market.

Dormitory

Rooms may be rented in Carr Building, reserved exclusively for law students, at \$90.00 for each occupant for the regular session for a double room; or at \$76.50 for each occupant for a suite of three rooms. Carr Building is also available to students registering in the Summer School of Law. Room rent for each occupant of a double room is \$15.00 for each summer term of five and one-half weeks.

THE SUMMER LAW SCHOOL

The summer session is divided into two terms of five and one-half weeks each. Separate credit may usually be obtained for the work of each term. Attendance throughout the entire summer session enables the successful student to obtain credit equivalent to one-third of a regular year's work.

Beginning students will not be admitted during the summer session. The courses offered are open only to advanced students who are in good standing in a member school of the Association of American Law Schools.

* This includes the differential fee charged each semester against non-residents.

** This includes the fee for physical education, the library fee, the fee for infirmary service, the fee for registration costs, the fee for debates (.17), and membership fee in the Athletic Association (\$3.33).

The program for the 1940 summer session follows:

First Term, June 13-July 20

ACCOUNTING IN LAW PRACTICE

Willard J. Graham, The University of Chicago

CORPORATIONS

M. S. Breckenridge, The University of North Carolina

CRIMINAL PROCEDURE

Albert Coates, The University of North Carolina

LEGAL METHOD

Walter Wheeler Cook, Northwestern University

Second Term, July 22-August 28

DAMAGES

Robert H. Wettach, The University of North Carolina

FEDERAL JURISDICTION AND PROCEDURE

J. Douglass Poteat, Duke University

QUASI-CONTRACTS

James A. Spruill, Jr., The University of Georgia

TAXATION

Henry P. Brandis, Jr., The University of North Carolina

THE LAW BUILDING

The School of Law occupies Manning Hall, named for John Manning, from 1881 to 1899 a distinguished professor in the School. The building was erected in 1923 and, besides being modern and commodious, is particularly notable for beauty of design.

THE LAW LIBRARY

The library has 42,500 well-selected volumes on its shelves. These include the reports of the courts of last resort of all the states, either in official volumes or the National Reporter System, and also the United States Supreme Court Reports, The Federal Reporter, The New York Supplement, Illinois Appellate Reports, The English Reports Reprint, The Law Reports (English), The Law Journal Reports, The Law Times Reports, The Times Law Reports, The Dominion Law Reports, the codified laws of each state in the union, the federal and English statutes, and a comprehensive selection of digests, encyclopedias, annotated reports, textbooks, and law journals. It contains, among other material of historical legal interest, the law libraries of Chief Justice Richmond M. Pearson, Chief Justice William A.

Hoke, Judge Charles M. Cooke, Judge Charles Thomas, Judge George T. Willis, William Dossey Pruden, James Norfleet Pruden, and Judge E. B. Cline. The law library was substantially augmented in 1928 by a gift of \$10,000 from a former student of the school. This is called the Lucius Polk McGehee Memorial Fund, and was expended for the purchase of books for the law library.

THE NORTH CAROLINA LAW REVIEW

The North Carolina Law Review, issued quarterly, is published by the School. It is devoted to the discussion of general and local legal problems and new cases, especially those of interest to North Carolina lawyers. The notes on recent cases are prepared by the student editors, in consultation with faculty advisers. Selection of the student editors is made by the faculty on the basis of scholarship, and membership on the editorial board is the highest scholastic honor attainable by a law student before the graduating year.

FACULTY RESEARCH ASSISTANTS

The faculty selects annually three assistants from the student body who conduct special research under the direction of the faculty. These assistants are chosen for outstanding proficiency demonstrated in their work as students in the School of Law.

For 1940-1941 they will be James K. Dorsett, Jr., William Owen Cooke, and Alexander H. Graham, Jr.

THE ORDER OF THE COIF

In thirty of the leading schools of law in this country, conforming to very high standards, chapters of the honorary society of the Order of the Coif have been established. Membership is awarded each year to those students of the senior class who throughout their law school careers have attained a standing among the highest ten per cent of their class. In 1940 the following were elected: Frank Thomas Miller, Jr. and Elizabeth W. Shewmake.

DEGREES

The Degree of LL.B.

The degree of Bachelor of Laws (LL.B.) is conferred upon a regular student who has studied law for a period of at least three academic years, and has passed satisfactorily the examinations on all required subjects and enough elective subjects to make up an aggregate of seventy-eight semester hours. Two regular ses-

sions and three full summer sessions are regarded as a compliance with the residence requirement. No degree can be conferred unless the last year of work has been done in residence at this University.

The Degree of J.D.

The degree of Doctor of Law (Juris Doctor—J.D.) will be conferred upon students who comply with all the following conditions:

1. Complete the work requisite for the A.B. degree or its equivalent before entrance upon the work of the School of Law.
2. Complete the requirements for the LL.B. degree.
3. Attain an average grade of B upon all of the work taken in the Law School.
4. Prepare and have accepted for publication in *The Law Review* an article of at least ten pages, or case notes which in the aggregate shall be at least eight pages in length.
5. No degree can be conferred unless the last year of work has been done in residence at this University.

The Degree with Honors

The degree with honors will be conferred, upon recommendation of the faculty, upon students selected from the highest one-tenth of the graduating class. In 1939 the recipients of this award were Robert Cooke Howison and Moses Braxton Gillam, Jr.

The Degrees of A.B. and LL.B.

The University offers a combined curriculum in the College of Arts and Sciences and the School of Law by completing which students may receive the two degrees of A.B. and LL.B. in six years instead of the seven years required for the two degrees in the regular curricula.

Upon the completion, *before matriculation in the School of Law*, of the courses in the General College and in the College of Arts and Sciences outlined below with grades of C or better in at least 50 per cent of the work, and the completion of the first year of Law to the satisfaction of the School of Law, a student may receive the degree of A.B., and, upon the satisfactory completion of the third year of Law, the degree of LL.B.

Prescribed courses in the General College and in the College of Arts and Sciences for the two degrees of A.B. and LL.B.:

	FIRST YEAR		SECOND YEAR		THIRD YEAR
	Eng. 1-2-3		Eng. 22-23-24		Econ. 61 (if not already taken).
	Soc. Sci. 1-2-3		Hist. 21-22-23 or 44-45-46		§English 44 and one other course of 5 quarter hours in Eng- lish.
	*Math. 1-2-3				‡Hist. and Polit. Sci. — 2 courses of 5 quarter hours each.
	Hygiene 1-2-3				Psychology 21-22- 23 or 24-25 (if not already tak- en).
	Physical Educ. 1-2-3				Two Electives of 5 quarter hours each (or as many as needed to complete 9 courses above the freshman and sophomore years.)
Select one	†Greek 11-12-13	Select one	Econ. 21-22-23	Select one	
	†French 11-12-13		Polit. Sci. 31-32-33		
	†German 11-12-13		History 21-22-23		
	†**Latin 11-12-13		Hist. 44-45-46		
	†Spanish 11-12-13		Philos. 21-22-23		
			Sociol. 21-22-23		
Select one	Nat. Sci. 1-2-3	Select one	**Latin 21, 24-25	Select one	
	Chem. 1-2-3		Greek 21-22-23		
	Geology 21-22-23		French 21-22-23		
	Physics 1-2-3		German 21-22-23		
			Spanish 21-22-23		
			Botany 41, 43		
			Chem. 1-2-3 or ††4-5 or 31 and 41		
			††Physics 21-22-23		
			Zoology 41, 42		
			Botany 41 and Zoology 41		
			Geology 21-22-23 or 41-42		
			Psychology 21-22-23 or 24-25		

The Degrees of S.B. in Commerce and LL.B.

The University offers a combined curriculum which leads to the degree of S.B. in Commerce at the end of four years and LL.B. at the end of six years.

The first three years of this combined curriculum are in the General College and the School of Commerce and are devoted to the subjects outlined below. Please note that the academic work must be of grade C or better in at least one-half the amount required *and must have been completed before the student enters the School of Law*. The last three years are in the School of Law and are devoted to the courses prescribed for the LL.B. degree.

* A year of Latin or Greek may be taken rather than Mathematics 1-2-3 provided German or French or Spanish or the other classical language has been chosen as the student's regular foreign language.

† If the student's preparation is not sufficient for the intermediate work, he will take courses 1-2-3, six hours a week, and receive credit for 11-12-13.

** Latin 11-12-13, 21, 24-25 are to be taken by students who have presented two units for entrance. If he presents more than two units, he begins his work with the course for which he is prepared, taking elective work to make up that omitted.

†† Chemistry 4-5 is not to be taken if Chemistry 1-2-3 has been taken nor may Physics 21-22-23 be taken if Physics 1-2-3 has been taken.

§ The School of Law recommends that the optional course chosen be Advanced Composition, Eng. 52.

‡ The School of Law recommends that the courses in history and political science be courses in English and American history or political science.

The degree of S.B. in Commerce, on this basis, is conferred at the end of the fourth year (first year in Law) provided the student has passed all the work of the first year of Law to the satisfaction of the School of Law.

Prescribed courses in the School of Commerce are as follows:

FIRST YEAR	THIRD YEAR	
Nat. Sci. 1-2-3c	All of these which were not elected in the Sophomore year	Commerce 51
English 1-2-3		Commerce 66
Soc. Sci. 1-2-3		Commerce 71
Mathematics 4-5-6		Economics 81
*Modern Language: 11-12-13		Commerce 72
Hygiene 1-2-3	Choose one	Economics 135
Physical Educ. 1-2-3		Economics 170
		Economics 191
		Economics 195
		†2 Non-Divisional Electives
SECOND YEAR		‡3 Divisional Electives
Economics 21-22-23		
Economics 41		
English 22-23-24		
English 44 or 45		
Polit. Sci. 51		
Choose two		Commerce 66
		Commerce 51
		Commerce 71
		Modern Foreign Language
		**Natural Sci.: year course

STUDENTS FROM OTHER STATES

While greater emphasis is placed upon decisions and statutes of North Carolina than upon those of the other states, the legal doctrines are studied as part of the Anglo-American common law system and the case-books used are selections of cases taken from the American and English jurisdictions. Students from other states are encouraged to investigate the decisions and statutes of their own states in regard to the questions discussed, and the library of the School provides the materials necessary for such investigation. The curriculum as a whole is designed to prepare the student in the fundamentals of the common law in such a manner as to fit him for practice in any state.

SCHOLASTIC REGULATIONS

Grading Scale

(1) The grading of students will be indicated by the letters A (80 and above), B (75-79), C (67-74), D (60-66), F (below

* Lacking adequate preparation, the student must take courses 1-2-3 in the foreign language chosen. At the conclusion of the freshman year in a modern foreign language the student will be required to pass a test in a general reading knowledge of the language. If he fails to pass this test, he will be required to continue language courses without credit until he succeeds in passing the test.

** To be selected from the list given under the second year of the curriculum for A.B.-LL.B. above.

† The electives must receive the approval of the Dean.

60), representing respectively excellent, good, satisfactory, poor, and failed.

Examinations and Reports

(2) In each first-year course mid-semester quizzes will be held in November. At the end of the first semester, in January, semi-final examinations will be given in all courses running through the year. Final examinations are held at the end of the first semester, in January, in all subjects completed then; and at the close of the year, in June, on all other subjects. Reports on final examinations are furnished parents by the Central Office of Records. Grades on mid-semester quizzes and semi-final examinations are furnished the students by the Dean's office. Mid-semester quiz grades will be sent to parents of first year students, in addition, if they request them.

Re-Examinations

(3) Any student may take a second time the final examination in any course for the purpose of raising his grade, when that examination is later regularly given. Not more than one such re-examination shall be permitted in any course, and the grade on the second examination shall be final, even if it is lower than that received on the original one. If the re-examination in a first year course results in failure, the student will be required to repeat the course for credit.

(4) *After the academic year, 1940-1941*, no student will be permitted to take any re-examination in any course unless he shall have been excluded from the school for failure to attain the required average. After that year, no student so excluded will be re-admitted to the school, either as a regularly enrolled student or as an auditor, unless he shall have complied with the following requirements: Within twelve months after exclusion he shall take re-examinations in all of those courses in which, during his last year in residence, he made a course grade of less than the average required to stay in the school. He shall attain grades on those re-examinations sufficient to raise his weighted average for that year to the average required to stay in the school. No special examinations will be given. Students eligible for re-examinations will take the regular final examinations in the respective courses. The grades awarded thereon will be final, even if they are lower than the original course grades, and will be substituted in the averaging process for the former course grades. No more than one such series of re-examinations will be allowed.

Grade Averages Required

(5) Each student will be required, in order to remain in the school, to attain a composite weighted average of 64 on the first year's work; a cumulative composite weighted average of 66 on the first and second year's work; and a cumulative composite weighted average of 66 on the first, second, and third year's work. In order to be eligible to receive a degree in law each student will be required to attain a cumulative composite weighted average for the entire three years' work of 67. For the purpose of this regulation, a year shall be measured in terms of residence credit and not in terms of the college year.

(6) *Beginning with the class entering in the fall of 1941*, each student will be required, in order to remain in the school and to receive a degree in law, to attain a weighted average of 65 on the first year's work, and a separate weighted average of 66 on the second year's work and of 67 on the third year's work. For the purpose of this regulation, a year shall be measured in terms of residence credit, and not in terms of the college year.

Exclusion and Re-admission

(7) The faculty may drop from the school at any time any student who, in their judgment, is not making sufficient progress to warrant his continuing in the school. Any instructor, with the concurrence of the Dean, may drop a student from a course at any time, for unsatisfactory work, poor attendance, or other good cause.

(8) A student excluded from the School of Law for deficiencies of scholarship may be readmitted only by taking, with the approval of the Dean, re-examinations in those courses where he has done his poorest work, and by attaining such grades thereon as will raise his cumulative composite average to the required level. No special examinations will be given. The student will be required to take the examinations when they are later regularly held in the respective courses. The grade attained on the re-examination shall be final, even if it is lower than that received on the original examination.

(9) *For new re-admission regulations, effective after the year, 1940-1941, see (4) above.*

Extra-curricular Eligibility

(10) No law student shall be eligible to participate in major extra-curricular activities (such as intercollegiate athletics, either as player or manager; executive positions upon the Tar

Heel and Yackety Yack; president of the student body; and others to be listed by a committee of the Law faculty) unless he maintains a B average in his Law School work. During the first semester of his first year this is to be determined by the last year of his college record and the November quiz grades in the Law School.

DIVISION OF THE ACADEMIC YEAR: DATES

Work in the School is divided into two semesters instead of into three quarters. The first semester begins at the same time as the fall quarter of the College of Arts and Sciences, namely, Tuesday, September 24, 1940, and ends on Saturday, February 1, 1941. The second semester begins on Monday, February 3, 1941 and ends at the same time as the third quarter of the College of Arts and Sciences. The first day of each semester is Registration Day. The fee for late registration in either semester is \$5.00.

SUBJECTS OF INSTRUCTION

All subjects in the first year are prescribed. Those in the second and third years are elective, but second year students may not elect third year subjects except by permission of the Dean.

The normal amount of work is thirteen class hours a week. The absolute maximum is fifteen. Students who are taking courses in other departments of the University, who are carrying burdensome responsibilities, or who are deficient in their work, will be required to register for less than the normal work in the School of Law.

No student taking fewer than ten hours will be considered as complying with the requirements of residence for University degrees or for the State Bar Examination. Special regulations are applicable to the Summer Session.

FIRST YEAR			
<i>First Semester</i>	<i>Hours</i>	<i>Second Semester</i>	<i>Hours</i>
Civil Procedure I -----	2	Agency -----	3
Contracts I -----	3	Civil Procedure I -----	3
Domestic Relations -----	2	Contracts I -----	3
Real Property I -----	3	Legal Bibliography -----	1
Torts -----	3	Torts -----	3
SECOND YEAR			
Civil Procedure II -----	3	Civil Procedure II -----	4
Constitutional Law -----	4	Criminal Law and Procedure --	3
Contracts II -----	3	Jurisprudence -----	3
Corporations -----	4	Municipal Corporations -----	3
Criminal Law and Procedure --	3	Trusts -----	3
Real Property II -----	3	Wills -----	3

THIRD YEAR			
<i>First Semester</i>		<i>Second Semester</i>	
	<i>Hours</i>		<i>Hours</i>
Administrative Law -----	3	Civil Procedure III -----	4
Credit Transactions -----	3	Conflict of Laws -----	4
Evidence -----	4	Credit Transactions -----	3
Negotiable Instruments -----	4	Future Interests -----	3
Taxation -----	3	Trade Regulation -----	3

DESCRIPTIONS OF COURSES

AGENCY

Master's liability for injuries to servant at common law and under Federal and State statutes. Express, implied, and apparent authority of agent. Liability of disclosed and undisclosed principal to third party in contract and in tort. Liability of agent to third party and of third party to principal and agent. Ratification of unauthorized acts. Termination of agency. Certain related problems in partnership. Matthews' *Cases and Materials on Agency and Partnership*. Three hours, second semester. Mr. Breckenridge.

CIVIL PROCEDURE I

The organization and functioning of the English and American bench and bar. Introduction to legal and equitable remedies. Sunderland's *Cases on Judicial Administration*; Cook's *Cases on Equity* (one volume edition, 3rd ed., in part). Two hours, first semester; three hours, second semester. Mr. VanHecke.

CONTRACTS I

Offer and acceptance, consideration, seals, conditions, impossibility, repudiation and breach, remedies, discharge, third party beneficiaries, assignments, joint contracts, illegal bargains, the Statute of Frauds. Corbin's *Cases on Contracts* (2nd ed.). Three hours, both semesters. Mr. Dalzell.

DOMESTIC RELATIONS

Breach of promise to marry, marriage, annulment. Duty of family support. Responsibility for wrongs committed by a member of the family. Interference with the familial relations. Property rights within the family. Divorce. Separate maintenance. Separation agreements. Antenuptial agreements. Custody of children. Alimony, counsel fees, and contempt. Infants. Jacobs' *Cases on Domestic Relations* (2nd ed.). Two hours, first semester. Mr. Coates.

LEGAL BIBLIOGRAPHY

Exercises in the use of law books and brief making. Beardsley's *Legal Bibliography*. One hour, second semester. Mr. Dalzell.

REAL PROPERTY I

The creation of estates in land, freehold and non-freehold; their characteristics and incidents. Conveyances at common law. Concurrent estates in land. Reversions and remainders. Incidents of possessory ownership. Uses. Powell's *Cases on Possessory Estates*. Three hours, first semester. Mr. McCall.

TORTS

Principles of tort liability as developed in the action of trespass. Justification and excuse. Negligence as a basis of liability. Common law and statutory duties of care. Legal cause. Contributory negligence. Absolute liability. Deceit. Defamation. Malicious prosecution

and abuse of process. Interference with social and business relations. Bohlen and Harper's *Cases on Torts*. *Three hours, both semesters*. Mr. Wettach.

Second and Third Years

CIVIL PROCEDURE II

Equity jurisdiction and procedure under modern codes and practice acts, with particular reference to injunctions and specific performance of contracts. Cook's *Cases on Equity* (one volume edition, 2nd ed.). *Three hours, first semester*. Mr. VanHecke.

A survey of pleading and procedural problems under the code system. Real party in interest. Splitting actions. Joinder of causes of action. Counterclaims. Joinder of parties. Demurrers and motions. Amendment and correction of pleadings. Summary procedure. Clark's *Cases on Pleading and Procedure* (one volume edition). *Four hours, second semester*. Mr. Brandis.

CONTRACTS II

The consequences of various types of defects in the formation and performance of contracts. Legal and equitable remedies, including reformation, cancellation, and quasi-contractual relief. Conditions. Impossibility. Fraud and misrepresentation. Duress. Undue influence, economic pressure. Mistake of fact and law. Patterson's *Cases on Contracts*, Vol. II. *Three hours, first semester*. Mr. Dalzell.

CONSTITUTIONAL LAW

Judicial review. Due process and equal protection. Retroactive laws. Police power. The Federal system. Powers of the national government. Interstate and foreign commerce. Dodd's *Cases on Constitutional Law* (2nd ed.) and *1940 Supplement*. *Four hours, first semester*. Mr. Wettach.

CORPORATIONS

The nature of a corporation; promotion of corporations; corporate powers; corporate liability for torts and crimes; unauthorized corporate action, including doctrines of *de facto* corporations, and *ultra vires* acts; officers, stockholders, and creditors of corporations. Richards's *Cases on Corporations* (4th ed.). *Four hours, first semester*. Mr. Breckenridge.

CRIMINAL LAW AND PROCEDURE

Criminal law under city, county, state, and federal governments. Crimes against the person; against property; and new statutory offenses. Criminal investigations. Organization, powers and duties of law enforcement agencies. Preliminary hearings. Trial practice and procedure. Punishment, probation, parole, and pardon. Hall and Glueck's *Cases on Criminal Law* and Keigwin's *Cases on Criminal Procedure*. *Three hours, both semesters*. Mr. Coates.

JURISPRUDENCE

The nature and object of law; its scope and subject matter; changes in legal philosophy under the dominating ideas of succeeding ages; presenting juristic thought; justice and law. Hall's *Readings in Jurisprudence* (1938). *Three hours, second semester*. Mr. Hanft.

MUNICIPAL CORPORATIONS

Creation, annexation, dissolution, classification, and legislative control of municipal corporations. Taxing power: property taxes, privilege license taxes, franchise taxes, special benefit assessments. Listing and assessing property for taxes and tax collection and foreclosure laws. Municipal funds, contracts, indebtedness, financing, torts, and property.

Legislative and administrative practice and procedure. Stason's *Cases on Municipal Corporations* and supplementary materials. *Three hours, second semester.* Mr. Coates.

REAL PROPERTY II

Possessory titles. Prescription. Accretion. Mode of conveyance at common law, under the Statute of Uses and under modern statutes. Execution of deeds. The property conveyed. Creation of easements by implication. A brief review of estates created. Covenants for title. Estoppel by deed. Priorities. Aigler's *Cases on Titles* (2nd ed.). *Three hours, first semester.* Mr. McCall.

TRUSTS

Creation of trusts. Uses of the trust in connection with the family, business, security, charitable gifts, and taxation. Purposes effected through constructive and resulting trusts. Problems of trust administration. Bogert's *Cases on Trusts*. *Three hours, second semester.* Mr. VanHecke.

WILLS AND ADMINISTRATION

The substantive and adjective law of wills. The administration of estates, including the management, distribution, and settlement of intestate estates. Mechem and Atkinson's *Cases on Wills and Administration* (2nd ed.). *Three hours, second semester.* Mr. McCall.

Third Year

ADMINISTRATIVE LAW

The law governing the operation of administrative officers, boards, and commissions. Stason's *Cases on the Law of Administrative Tribunals*. *Three hours, first semester.* Mr. Hanft.

CIVIL PROCEDURE III

A study of the fundamental problems of trial and appellate practice, including a survey of pre-trial procedure, provisional remedies, enforcement of judgments, and related topics. Arnold and James's *Cases on Trials, Judgments, and Appeals*. *Four hours, second semester.* Mr. Brandis.

CONFLICT OF LAWS

Historical origins of the subject. Domicile. Jurisdiction of courts and foreign judgments. The applicability of rules of foreign or extrastate law in respect to procedure, torts, workmen's compensation, contracts, sales, mortgages, business organizations, domestic relations, and administration of estates. Lorenzen's *Cases on Conflict of Laws* (4th ed.). *Four hours, second semester.* Mr. Wettach.

CREDIT TRANSACTIONS

Devices employed in furnishing security, including suretyship, guaranty, mortgages, deeds of trust, trust receipts, pledges, and conditional sales. Treated from the standpoint of problems gathering about the bargain at various stages from inception to completion, and the objectives obtainable by different forms of transaction. Sturges's *Cases on Credit Transactions* (2nd ed.). *Three hours, both semesters.* Mr. Hanft.

EVIDENCE

Judicial notice. Presumptions and burden of proof. Functions of court and jury. Witnesses: examination, competency, and privilege. Rules of exclusion: evidence illegally obtained; the hearsay rule and its exceptions. Rules as to writings: evidence of authenticity; best evidence rule; parole evidence rule. Opinion evidence. Remote and prejudicial evidence. Character and reputation. McCormick's *Cases on Evidence*. *Four hours, first semester.* Mr. Brandis.

FUTURE INTERESTS

The classification of future interests, including rights of entry for condition broken, reversions, vested and contingent remainders. Rule in Shelley's Case, and future interest in personal property. The construction of limitations in deeds and wills. Powers. The rules against perpetuities; and illegal conditions and restraints on alienation. Leach's *Cases on Future Interests*. Three hours, second semester. Mr. McCall.

NEGOTIABLE INSTRUMENTS

Form and content of checks, drafts, notes, and trade acceptances. Their use in the business and banking fields. Negotiability, acceptance, and certification. Rights of holder in due course and liability of parties. Clearance and collection of checks. Presentment, notice of dishonor. The provisions of the negotiable instrument law. Britton's *Cases on Bills and Notes* (3rd ed.). Four hours, first semester. Mr. Breckenridge.

TAXATION

Power to tax. Purposes for which taxes may be levied. The general property tax. Jurisdiction to tax. Estate, inheritance, and gift taxes. The income tax. Modern excise taxes on business concerns. Magill and Maguire's *Cases on Taxation* (2nd ed.). Three hours, first semester. Mr. Brandis.

TRADE REGULATION

Contracts in restraint of trade and competition; monopolies; the Federal and State anti-trust acts; unfair business practices at common law, in equity, and under statutes. Oppenheim's *Cases on Trade Regulation*. Three hours, second semester. Mr. Breckenridge.

GENERAL ADVANTAGES OF UNIVERSITY OPEN TO LAW STUDENTS

As students of the University, law students enjoy all privileges of the University library, the University gymnasium, and the organizations of the University generally.

Students in the School of Law may be admitted to the courses given in the other departments and schools of the University, subject to the rules stated as to the number of hours which a student may take, and subject to the approval of the Dean of the School of Law. A student taking such a course must satisfy the entrance requirements for the course selected.

For information as to loan funds, address *The Office of Student Loans*, The University of North Carolina, Chapel Hill, N. C.

For information as to self-help opportunities, address the Self-Help Secretary, Y.M.C.A., The University of North Carolina, Chapel Hill, N. C.

For further information as to requirements for admissions, or as to living conditions, address The Dean of Admissions, The University of North Carolina, Chapel Hill, N. C.

For information as to courses or other matters pertaining particularly to the School of Law, address the Dean of the School of Law, The University of North Carolina, Chapel Hill, N. C.