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BULLETIN
OF THE
UNIVERSITY OF MONTANA

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Montana State Law School

Annual Announcement, 1911-12

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1911-12

UNIVERSITY CALENDAR

1911-12

FIRST SEMESTER

Entrance examinations, Monday, September 11.

Registration day, Tuesday, September 12.

Instruction begins 8:30 a. m., Wednesday, September 13.

Columbus day, a holiday, Thursday, October 12.

Thanksgiving recess, 12:30 p. m., Wednesday, November 29, to 8:30 a. m., Monday, December 4.

Christmas holidays, 4:00 p. m., Thursday, December 21, to 8:30 a. m., Wednesday, January 3.

First semester ends, 4:00 p. m., Friday, January 26.

SECOND SEMESTER

Entrance examinations, Monday, January 29.

Registration day, Tuesday, January 30.

Instruction begins, 8:30 a. m., Wednesday, January 31.

Lincoln's birthday, a holiday, Monday, February 12.

Charter day, Saturday, February 17.

Washington's birthday, a holiday, Thursday, February 22.

Easter recess, 4:00 p. m., Thursday, April 4, to 8:30 a. m., Tuesday, April 9.

Buckley oratorical contest, Wednesday, April 10.

Arbor day, a holiday, Tuesday, May 7.

Final debate, High School League, 8:00 p. m., Tuesday, May 7.

Interscholastic meet, Wednesday, Thursday, Friday, May 8, 9, 10.

Memorial day, a holiday, Thursday, May 30.

Instruction ends, 4:00 p. m., Friday, May 31.

Baccalaureate day, Sunday, June 2.

Annual music recital, 8:30 p. m., Monday, June 3.

Annual address before literary societies, 8:00 p. m., Tuesday, June 4.

Class day exercises, 10:30 a. m., Wednesday, June 5.

Alumni annual dinner, 7:00 p. m., Wednesday, June 5.

Commencement exercises, 10:30 a. m., Thursday, June 6.

University luncheon, 1:00 p. m., Thursday, June 6.

President's reception, 8:30 p. m., Thursday, June 6.

FACULTY OF THE LAW SCHOOL

CLYDE AUGUSTUS DUNIWAY, PH. D.
President, Lecturer on International Law.

JOHN B. CLAYBERG, LL. B. (Michigan)
Honorary Dean, Professor of Montana Code Practice and Mining and
Irrigation Law.

HENRY W. BALLANTINE, A. B., LL. B. (Harvard)
Acting Dean, Professor of Law.

ALBERT N. WHITLOCK, A. M., LL. B. (Harvard)
Assistant Professor of Law

ORGANIZATION AND EQUIPMENT

Establishment.—The Twelfth Legislative Assembly of Montana made provision for the establishment of a Law School as a Department of the University of Montana at Missoula. In accordance with the terms of the act, the new State University Law School, giving a standard law course extending through three years, has been organized by the State Board of Education and will be open in September for the academic year 1911-12.

Location.—The first Montana Law School will thus be inaugurated with the advantages of association with all other Departments of the University. Utilization of its resources in buildings and grounds, libraries and laboratories, together with its general collegiate and technical courses, give the new Law School exceptional facilities for the maintenance of a professional course with high standards.

Missoula, the Garden City of Montana, the seat of the State University and the State Law School, is readily reached from all parts of the state on the main lines of the Northern Pacific and the Chicago, Milwaukee and Puget Sound Railways. Located on the western slope of the continental divide, at an elevation of 3200 feet, the climate is equable. Missoula is the third city in population in Montana, a progressive and attractive city.

Quarters.—Rooms for the special purposes of the Law Library, the offices of the Faculty, and the classes of the Department, are being furnished in University Hall.

All general facilities of the University, such as the Library, the Gymnasium, etc., are open to students of this Department as to all others.

The Library.—The Law School is fortunate in having the private library of the late Hon. W. W. Dixon, presented by his widow. Mrs. Dixon has announced her intention to strengthen the "W. W. Dixon Memorial Library" by giving the sum of \$5000 to purchase additional books. Of this amount she has made \$2000 immediately available. These generous gifts will equip a good working library for the purposes of the Law School. Sets of reports of the leading States and the Federal courts, the standard digests, treatises, and text books, will be found in the Library.

ADMISSION REQUIREMENTS

Students may register in the Department of Law either in regular or in special standing.

Regular students, candidates for the degree of Bachelor of Laws, must have completed at least two years of college or university work for admission. They must present credentials showing that they have completed substantially one-half or more of the work required for a

degree of B. A. or B. S. in the University of Montana or its equivalent in some other institution of approved standing.

Special students, not candidates for the law degree, may be admitted to the courses in this department, provided they are twenty-one years of age, or over, and have diplomas from accredited high schools, or have had an equivalent education.

Examinations to be taken for the satisfaction of entrance requirements by those who do not present the usual credentials will be held on stated days—September 11, 1911, and January 29, 1912.

Advanced standing in Law may be granted to students who present satisfactory credentials for equivalent courses taken in standard law schools. Also, in special cases, advanced standing may be granted upon examination satisfactory to the Faculty.

GRADUATION AND DEGREES

Students who have satisfactorily completed courses in Law equivalent to three full years of professional study of the law as regular students will be granted the degree of Bachelor of Laws.

Undergraduate students in regular standing, candidates for the degree of Bachelor of Arts, electing Law as a Major subject at the beginning of the Junior year may count not to exceed two years of the Law course toward graduation and the degree of Bachelor of Arts. Those who have thus obtained the degree of Bachelor of Arts, conferred at the end of four years, may receive the degree of Bachelor of ~~Sciences~~ at the end of the fifth year on the completion of the third year of the Law course.

ADMISSION TO THE MONTANA BAR

Under Sec. 6382, Revised Codes of Montana, every applicant for admission as an attorney and counselor must produce satisfactory testimonials of good moral character and a certificate of one or more reputable counselors at law that he has been engaged in the study of law for two successive years prior to the making of such application, and undergo a strict examination as to his qualifications by any one or more of the justices of the Supreme Court. A strict written and oral examination is prescribed, and may be taken in December or June.

OFFICIAL FEES

Matriculation fees of \$10.00 per year must be paid on the first day of registration in each academic year by all students except those holding honor scholarships from accredited high schools.

An incidental fee of \$5.00 per year must be paid on the first day of registration in each academic year by every student.

Tuition fees in the Law School are \$40.00 per year, or \$20.00 per semester. To those carrying less than ten semester credit hours of Law courses, the tuition charge will be \$2.00 per semester credit hour. Tuition fees must be paid on the official registration day or the first day of registration in each semester.

EXPENSES

The expense of living while attending the University varies widely with individual tastes. Board and lodging may be had at prices of from \$23.00 to \$30.00 per month. The charge to women students in Craig Hall is \$25.00 per month. Young men in co-operative clubs may reduce the cost of living materially. The Y. M. C. A. clubhouse, to be opened in September, will serve a useful purpose in this way. Three fraternities care for their members at moderate expense.

Text books in the courses of the Law School will cost on the average \$25.00 per year for the three years of the professional curriculum.

OPPORTUNITIES FOR SELF SUPPORT

A considerable percentage of the students of the University find remunerative employment, earning a part or even all of their expenses while pursuing their courses. The Missoula Chamber of Commerce co-operates with the Faculty in obtaining positions for all who need them. Earnest students who are able and willing to work need not deny themselves higher educational advantages because of any lack of financial resources.

REGISTRATION

The official registration day for the first semester is September 12, 1911; for the second semester, January 30, 1912.

Instruction will begin on September 13th, and again on January 31st.

Students are strongly advised to register in the first semester, and to arrange their courses of study on the first day.

INFORMATION

Further information will be furnished upon request. Address The Registrar, University of Montana, Missoula, Montana.

COURSES OF INSTRUCTION

Note.—In 1911-12 the work of the first and second years will be given. In 1912-13 third year courses also will be given.

The prescribed course of study extends over a period of three full years, and is so arranged as to require credits amounting to fifteen hours each week. The main body of this curriculum is of general application, designed to afford a preparation for the practice of law in any jurisdiction which is founded on the common law. At the same time, special attention in all the courses will be given to the codes and decisions of Montana and the Western states. The list of courses announced for the several semesters, with their credit hours, is as follows:

FIRST YEAR

	First Semester Credit Hours	Second Semester Credit Hours
Contracts and Quasi-Contracts	3	3
Property I	4	2
Torts	4	0
Agency	0	2
Criminal Law and Procedure	3	0
Equity I	0	4
Brief Making and Use of Law Books	1	1
Practice Court	1	1
Public Speaking and Argumentation (elective)	2	2

SECOND YEAR

	First Semester Credit Hours	Second Semester Credit Hours
Pleading and Practice	3	3
Equity II (Trusts)	3	0
Carriers	0	2
International Law	2	2
*Mining Law	0	2
Negotiable Paper and Banking	0	2
Partnership	0	2
Property II (Wills and Administration)	3	0
Sales	2	0
Practice Court	1	1

*Regularly a second year course, but preliminary lectures will be given in 1911-12.

THIRD YEAR

	First Semester Credit Hours	Second Semester Credit Hours
Conflict of Laws	2	2
Constitutional Law	2	2
Corporations	2	2
Evidence	3	3
Property III (Future Interests)	2	2
*Irrigation	0	2
Bankruptcy	2	0
Federal Courts and Procedure	0	2
Municipal Corporations	0	2
Suretyship, Mortgage and Collateral Security	3	0
Practice Court	2	2

EXTRA COURSES

Persons and Domestic Relations.
Insurance.

GENERAL METHODS

Law Office or Law School.—The lawyers of former generations got their preliminary training in an office. But in the words of Chief Justice Waite, "The time has gone by when an eminent lawyer, in full practice, can take a class of students into his office and become their teacher. Once that was practicable, but now it is not. The consequence is that law schools are now a necessity."

The young man who supposes that passing the bar examinations makes him a lawyer, and who yields to the infatuation of entering an office to be initiated into the profession, will find that he has begun at the wrong end, and that he has mistaken the work of an office clerk for training in the law. The student in an office will be utilized in serving papers and answering the telephone, or left to his own devices, while the busy lawyer is occupied with his clients. A more speedy and more practical preparation for the bar is to be had by three years of solid and systematic work at a good law school under experienced teachers, than by an equal term of desultory reading and clerical service in a law office.

Cases, Textbooks, Lectures.—Law schools now make it their aim, not so much to impart legal knowledge, as to develop in the student the power of independent legal reasoning and argument. This is best accomplished in most courses by a discussion of selected cases covering the various fields of law, supplemented by hypothetical instances and modifications suggested by the professor in charge. The study of cases develops the power to analyze and to state clearly and concisely a complicated state of facts, a power which in no small degree distinguishes the good from the poor and indifferent lawyer.

*Regular third year course, but preliminary lectures will be given in 1911-12.

The student, by the study of cases, acquires the habit of legal thought which must be acquired by him either as a student or after he has become a practitioner, if he is to attain any success as a lawyer.

The study of cases does not of course exclude the use of texts and commentaries or lectures by professors. Law lectures may be exceedingly well adapted to certain courses, and when delivered by a really eminent expert may illuminate and vitalize many an important subject and cover ground that could not possibly be covered in the more gradual case system.

The Faculty of the Montana State Law School will use such methods as appear to be adapted to secure the best results in their several courses.

Instruction in Office and Court Practice.—A special effort will be made to enable the student to acquire a creditable degree of skill and facility in conveyancing and the drawing of contracts, as well as in the art of pleading, practice and forensic activity. University courses in public speaking, argumentation, and debate are open to students of the Law School. In connection with such courses as contracts, corporations, property, trusts, wills, the student will be expected to draft the ordinary legal documents of office practice. In the course on code pleading and in the practice court the actual pleadings and papers required in the different stages of actions and special proceedings will be prepared. Training in the examination of authorities, in the making of briefs, in the production and exclusion of evidence, and in the oral argument of law points will also be given. In general, the aim of the School will be to teach "real" law and practice as well as legal history, theory and the potential sources of law.

During each year of the course the student will be required to participate in the work of the practice court, where he will gain experience in drawing pleadings of all sorts, empanelling juries, preparing instructions, examining witnesses, objecting to evidence, and arguing demurrers and points of law, taking all steps incident to a contested trial, until he is equipped safely to manage a client's case in the courts of the state.

DESCRIPTION OF COURSES

FIRST YEAR

Contracts and Quasi Contracts.—This course deals with the fundamental principles underlying all agreements by which one person obligates himself to another, as preliminary to the study of the specialized forms of obligations that have their foundation in contract and are treated in separate courses. It embraces mutual assent and the formation of contracts, consideration and the grounds of enforcement, the reciprocal duties of contracting parties, the performance and discharge of these duties, and the various defenses to the enforcement of contracts.

Under the head of quasi contracts is embraced all that very large class of obligations arising from benefits received or prejudice suffered at the hands of another, giving rise to a claim enforced as if there were a contract. The subject of damages for breach of contract is also considered in this course.

Property I.—Personal property, acquisition by adverse possession, occupancy and gift. Lien, pledge, bailment and co-tenancy. Introduction to the law of real property. Acquisition of title by adverse possession and prescription. Ejectment. Transfer of title *inter vivos*. Drawing of deeds, conveyancing and examination of abstracts. Estates. Easements. Landlord and tenant. Fixtures. Drawing of leases. Public Land Law. The endeavor will be made to present the entire subject as a living branch of the law from the point of view of the present day lawyer.

Torts.—Trespass to the person, to real property and to personal property; excuses for trespass; conversion; legal cause; negligence; contributory negligence; duties of landowners; nuisance; hazardous occupations; liability for animals; deceit; slander, libel, privilege, malice; malicious prosecution; interference with business, unfair competition, strikes, boycotts, business combinations. Measure of damages in tort.

Agency.—Nature of relation; appointment; liabilities of master for servant's torts; scope of authority to bind principal by contract; undisclosed principal doctrines; delegation of agency; termination; ratification.

Criminal Law and Procedure.—Analysis of criminal act and criminal intent; conditions of criminal responsibility; analysis of particular crimes with especial reference to the Penal Code of Montana. Successive steps in the criminal prosecution under the code.

Equity I.—Specific Performance and Injunctions. Historical development of equity; relation between equity and law; general principles relating to jurisdiction, procedure and remedies. Specific performance of contracts with special emphasis on the relations between vendors and purchasers of realty; introduction to mortgages. Injunctions against torts, including waste, trespass, nuisance, disturbance of easements, infringement of patents, copyrights and trade names.

This course is complementary to the courses in Contracts and Torts, presenting the equitable aspect and rounding out a complete view of the law on these subjects.

Mining Law.—This is primarily a lecture course, but will be supplemented by text book work and the study, discussion and analysis of leading cases. The course will cover the history of mining law in the West; the law relating to the acquisition of mining rights and claims upon the public domain; how such rights may be retained and continued; the perfecting of full legal title thereto. Also the law relative to incidental rights growing out of a location or patent of a mining claim—including the law of cross veins, tunnel claims, extralateral rights, etc. And generally, the law relative to the operation of such mines. It is the aim of this course to meet the needs of Western attor-

neys and those of mining engineers as well. Special attention will also be given to the details of preparation for mining litigation, and instructions as to the actual trial of the same.

(Note.—This is a regular second year course, but preliminary lectures on the subject will be given during the years 1911 and 1912).

Brief Making and Use of Law Books.—Use of reports, digests, encyclopedias and treatises; practice in preparation of abstracts and briefs on questions involved in the main courses.

Practice Court.—Oral argument of points of law before a court composed of students with a professor presiding.

SECOND YEAR

Pleading and Practice. Part I.—A general survey of common law, equity and code pleadings, based upon lectures, assigned reading, and the study of selected cases and forms.

Part II.—The study of the fundamental principles of code pleading; the complaint; demurrers, general and special; answers, including denials and allegations of new or affirmative matter, and set-off and counter claims; the replication; amendment to pleadings.

Part III.—Montana practice; organization and jurisdiction of the courts; court files and records; service and return of process; appearances; default; provisional remedies, attachment, claim and delivery; forcible entry and detainer, arrests and bail, etc.; the trial, selection of a jury, introduction of evidence, findings or verdict, the judgment and its entry, effect and satisfaction; exceptions and bills of exceptions; costs; execution, its issue, levy and return; motions for new trials; appellate procedure; original writs, certiorari, mandamus, habeas corpus, prohibition and supervisory control.

Equity II: Trusts.—Nature and requisites of trusts with respect to consideration, subject matter or trust *res*, the trustee, the *cestui que trust*; sufficiency of language in wills and deeds to create trusts; kinds of trusts, express, constructive and resulting; private and charitable trusts; transfer of the respective interests of trustee and *cestui que trust* by act of party, by death, etc.; rights and remedies of creditors of the trustee and *cestui que trust*; priorities and *bona fide* purchase for value; resignation or removal of the trustee; dissolution of the trust by consent; duties of the trustee as to general execution of the trust and as to investment of the trust funds.

Carriers: Railroad Transportation.—Common carriers of goods and persons; liability; limitation of liability; bills of lading; stoppage *in transitu*; connecting carriers; tickets; baggage; lien; Interstate Commerce Commission and interstate transportation; rights and remedies of shippers of interstate freight.

International Law.—The public law of nations in its leading principles and important applications.

Law of Irrigation.—This is also primarily a lecture course, but like mining law, will be supplemented by text book work and the study, discussion and analysis of leading cases. The course includes the genesis

and development of the law of water rights in the West; how rights to the use of water may be acquired and retained, and generally, the law of waters as applied to irrigation, mining, manufacturing and the generation of power. Special attention will be given to the preparation of water right litigation, and instructions as to the actual trial of the same.

(Note.—This is a regular third year course, but preliminary lectures on the subject will be given during the years of 1911 and 1912).

Negotiable Paper and Banking.—Law relating to bills, notes, checks and all instruments in writing whereby the maker requests, orders or promises payment of a certain sum of money; execution and delivery; acceptance; indorsement; transfer, *bona fide* purchasers; presentment, demand, notice and protest; payment and discharge. Relation between bank and depositor; forged or altered paper; set off by bank; liabilities of bank to depositor; payee or owner; collections; insolvency of collecting or transmitting bank; negligence of collecting bank.

Partnership.—The nature of a partnership; formation and dissolution; nature of partner's interest; the firm, its powers and property; actions between partners; representation of firm by partner; retirement and admission of partners; death of partner; dissolution, settlement and accounting; distribution of assets to creditors and between partners; limited partnership.

Property II: Wills and Administration.—Law which regulates the succession to property rights of a deceased owner in real and personal property; the making and revocation of wills; testamentary capacity; contracts to devise or bequeath; probate; construction; advancements, ademption, satisfaction and lapse; executors and administrators, appointment, powers and duties; sales and conveyances.

Sales.—Transfer of title; bills of lading and *jus disponendi*; seller's lien and right of stoppage *in transitu*; fraud; warranty express and implied; remedies for breach of warranty; conditional sales; factor's acts; Statute of Frauds.

THIRD YEAR

Note.—First given in 1912-13.

Conflict of Laws.—Jurisdiction; territorial jurisdiction; personal jurisdiction and non-residents; foreign-acquired rights in contract and tort; domicile and status; powers of foreign executors, administrators and receivers; situs of property for taxation.

Constitutional Law.—American constitutional law, state and federal; federal jurisdiction; citizenship; fundamental civil and political rights; due process of law; police power; eminent domain; taxation; *ex post facto* and retroactive laws; laws impairing the obligation of contracts; regulation of commerce; treaty making power; government of territories.

Open to well prepared students in history, economics and political science.

Corporations.—Formation and organization of corporations; irregular and *de facto* incorporation; corporate powers and *ultra vires*; promoters; directors; stockholders; creditors; stock, issue, payment, transfer; assessments and calls; dissolution; foreign corporations.

Evidence.—Respective functions of judge and jury; law and fact; judicial notice; operation of presumptions; burden of proof and rebuttal; method of production of oral and written evidence; restrictions on what is admissible; relevancy; character; confessions and admissions; hearsay; opinion evidence; "best evidence" rule; "parole evidence" rule; examination and impeachment of witnesses. In the practice court, actual practice will be afforded in the presentation of evidence and examination of witnesses.

Property III: Future Interests.—Reversions; remainders, vested and contingent; construction of language creating future interests; powers and testamentary trusts; determination of classes; rule against perpetuities, illegal conditions, and restraints on alienation; the Montana law of future interests.

Bankruptcy.—Effect of bankruptcy act on state insolvency laws; voluntary and involuntary proceedings; acts of bankruptcy; what property passes to the trustee; proof of claims; exemptions and discharge; composition; procedure.

Federal Courts.—Introduction to jurisdiction and procedure of Federal courts, particularly Federal equity practice.

Municipal Corporations.—Nature of municipal corporations; corporate capacity; self government; creation, annexation, division, dissolution, succession; legislative control; officers and agents; governmental functions, municipal police power; quasi-governmental and commercial functions; local improvements and services, including special assessments; public streets; liability for torts; liability for contract; indebtedness and its constitutional limit; remedies of creditors.

Suretyship, Mortgages and Collateral Security.—Personal suretyship compared with other forms of security; also with contracts of insurance and indemnity; guaranty and other forms of suretyship in relation to the Statute of Frauds; surety's defenses; surety's right to subrogation, indemnity, contribution or exoneration. Mortgage security, real and chattel; foreclosure, redemption; renewal and discharge; assignment. Pledges of *choses* in action and transactions construed as pledge.

Practice Court.—(See page 9.) In connection with the work of each year the students will be expected to draft papers and make application of the principles studied in all courses to actual transactions of office and court practice.

Insurance.—Marine, fire and life insurance, with respect to insurable interest; concealment; misrepresentation; warranties; amount of recovery; subrogation; conditions; waiver, estoppel, election and powers of agents; assignees and beneficiaries.

WHY YOU SHOULD COME TO

COURSES:

The University offers regular college courses in—

Biology, Botany, Forestry, Physics, Chemistry,
Geology, Mineralogy, Mathematics.

Greek, Latin, Spanish, French, German, English,
Literature, Public Speaking.

History, Philosophy, Economics, Library, Science,
Psychology, Education, Fine Arts, Music, Phys-
ical Culture.

The University offers the following professional courses:

Engineering—Mechanical, Electrical, Civil, Chemical.
Forestry—Regular and Short Winter Courses.

Law—Leading to LL. B. Degree.

Education—Special Preparation for High School
Teachers.

FACULTY:

The faculty of the University of Montana is capable and well trained. All are experienced teachers; as a freshman you would be under the best persons on the faculty, not given over to some untrained assistant.

FOR ANY FURTHER INFORMATION

THE UNIVERSITY OF MONTANA

EQUIPMENT:

The laboratories and library of the University are adequate for good college work. The library numbers 12,789 volumes, exclusive of government documents, and new accessions are constantly being made.

STUDENTS:

The student body is alert and energetic. It is small enough so that everybody has a chance, and large enough to support all sorts of college activities.

LOCATION:

The University of Montana is situated at Missoula, one of the most beautiful and progressive cities of the West, in the heart of the Rockies, at the foot of the famous Bitter Root valley. It has a delightful climate, and, served by two transcontinental railways, is easy of access and touched by currents of the world's life which other larger cities often miss. Through the generosity and interest of its citizens, students finding it necessary to earn their own way usually can secure remunerative employment.

PLEASE APPLY TO THE REGISTRAR

MONTANA STATE LAW SCHOOL

For Information on Details Not Covered in this Bulletin, Address

THE REGISTRAR,
UNIVERSITY OF MONTANA, MISSOULA, MONTANA

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