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The School of Law Announcements for 1928-1929

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UNIVERSITY OF MONTANA BULLETIN

STATE UNIVERSITY SERIES

NUMBER 298

STATE UNIVERSITY
MISSOULA, MONTANA

The School of Law

ANNOUNCEMENTS FOR
1928-1929

JUNE, 1928



Published monthly at Missoula, Montana. Entered as second-class matter at the postoffice at Missoula, Montana, under Act of Congress, August 24, 1912.

THE UNIVERSITY OF MONTANA

MELVIN A. BRANNON, Chancellor of the University

The University of Montana is constituted under the provisions of Chapter 92 of the Laws of the Thirteenth Legislative Assembly, approved March 14, 1913 (effective July 1, 1913).

The general control and supervision of the University are vested in the State Board of Education. The Chancellor of the University is the chief executive officer. For each of the component institutions there is a local executive board.

Montana State Board of Education

JOHN E. ERICKSON, Governor.....	Ex-Officio President
L. A. FOOT, Attorney General.....	Ex-Officio
MAY TRUMPER, Supt. of Public Instruction.....	Ex-Officio Secretary
W. B. RHODES.....(1928)	W. M. BICKFORD.....(1930)
W. S. DAVIDSON.....(1928)	JAMES H. ROWE.....(1930)
JOHN DIETRICH.....(1929)	JOHN HURLEY.....(1931)
FRANK ELIEL.....(1929)	W. M. JOHNSTON.....(1931)

The University comprises the following institutions, schools and departments:

The State University, Missoula

Established February 17, 1893, and consisting of

The College of Arts and Sciences	The School of Business Administration
The School of Law	The Summer Session
The School of Pharmacy	The Biological Station (Flathead Lake)
The School of Forestry	The Public Service Division
The School of Journalism	The Graduate Division
The School of Music	

Charles H. Clapp, President

The State College, Bozeman

Established February 16, 1893, and consisting of

The College of Agriculture	The School of Music
The College of Engineering	The Secondary School of Agriculture
The College of Applied Science	The Agricultural Experiment Station
The College of Household and Industrial Arts	The Agricultural Extension Service

Alfred Atkinson, President

The State School of Mines, Butte

Established February 17, 1893, and consisting of

The Course in Mining Engineering	The Course in Metallurgical Engineering
The Bureau of Mines and Metallurgy	

George W. Craven, President

The State Normal College, Dillon

Established February 23, 1893, and consisting of

The Two-years Course	The Summer Quarter
The Teachers' Service Division	

Sheldon E. Davis, President

The Eastern Montana Normal School, Billings

Established March 12, 1925, and consisting of

The Two-years Course	The Summer Quarter
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Lynn B. McMullen, President

For publications and detailed information concerning the different schools and colleges address the president of the particular institution concerned. Communications intended for the Chancellor of the University should be addressed to the State Capitol, Helena, Montana.

State University Calendar, 1928-29

1928

Autumn Quarter

September 25-29, Tuesday-Saturday.....	Freshman Week
September 25-26, Tuesday-Wednesday.....	Registration of Freshmen
September 28-29, Friday-Saturday.....	Registration of Former Students and New Students with Advanced Standing
October 1, Monday.....	Instruction Begins
November 29, Thursday.....	Thanksgiving Day, a Holiday
December 17-21, Monday-Friday.....	Examinations
December 21, Friday, 4:30 p. m.....	Quarter Ends; Christmas Recess Begins

1929

Winter Quarter

January 2, Wednesday.....	Registration of New Students
January 3, Thursday.....	Christmas Recess Ends; Instruction Begins
February 17, Sunday.....	Charter Day
March 18-22, Monday-Friday.....	Examinations
March 22, Friday.....	Winter Quarter Ends

Spring Quarter

March 26, Tuesday.....	Registration of New Students
March 27, Wednesday.....	Instruction Begins
May 15-17, Wednesday-Friday.....	Interscholastic Meet
May 30, Thursday.....	Memorial Day, a Holiday
June 8, Saturday.....	Class Day Exercises
June 9, Sunday.....	Baccalaureate Exercises
June 10, Monday, 2:00 p. m.....	Commencement
June 11-14, Tuesday-Friday.....	Examinations

An Act of the Seventeenth Legislative Assembly provides that schools shall not be dismissed on the following days: February 12 (Lincoln's Birthday), February 22 (Washington's Birthday), second Tuesday of May (Arbor Day), June 14 (Flag Day), October 12 (Columbus Day), November 1 (Pioneer Day), November 11 (Armistice Day).

FACULTY OF THE SCHOOL OF LAW

Melvin A. Brannon, Ph.D.

Chancellor of the University of Montana.

Charles H. Clapp, Ph.D.,

President of the State University.

C. W. Leaphart, M.A., LL.B. (Harvard),

Dean and Professor of Law.

Albert Newlon Whitlock, M.A., LL.B. (Harvard),

Professor of Law.

Walter L. Pope, B.A., J.D. (University of Chicago),

Professor of Law.

David R. Mason, B.A., LL.B., S.J.D. (Harvard),

Associate Professor of Law.

J. H. Toelle, B.A., LL.M. (Harvard),

Associate Professor of Law.

SCHOOL OF LAW

PROFESSORS, C. W. LEAPHART (Dean), WALTER L. POPE, A. N. WHITLOCK (Dixon Professor of Law). ASSOCIATE PROFESSORS, J. H. TOELLE, DAVID R. MASON.

The School of Law is located in a modernly equipped law school building with adequate class, office, library, and court room facilities. The school has a good working library of fifteen thousand volumes, known as the William Wirt Dixon Law Library. It includes the reports of the Supreme Court of the United States, the complete Reporter System, all State reports up to the Reporter System, complete sets of reports not in the Reporter System, English Reports, English Statutes, Canadian Reports, the revision and current statute law of all the states in the Union, citators, encyclopedias, digests, and all leading collections of cases. To a very great extent the library is the result of the generous gifts and legacies of Mrs. W. W. Dixon, and gifts of Judge John J. McHatton.

Requirements for Admission

The American Bar Association recommends to the various states that two years of college work and three years' work in a School of Law be required of applicants for admission to the practice of law. The Montana Supreme Court requires of those seeking admission to the Bar of the state by examination two years' work in a college or university preparatory to their study of law. Since its foundation in 1911, the School of Law has required two years of college work for admission as a regular student. In accordance with these recommendations and requirements it admits no special students. Students wishing to register in the School of Law must present credentials showing that they have completed one-half of the work required for the degree of B.A. or B.S. in the State University of Montana, or equivalent work in some other college or university whose credits are recognized by the State University of Montana. In this work they must have obtained grade points equal to at least ninety per cent of the credits earned. After September 1, 1930, students will be required to offer as many grade points as credits earned.

Advanced standing may be granted to students who present satisfactory credentials for equivalent courses taken in schools which are members of the Association of American Law Schools.

Graduation and Degrees

Students will be granted the degree of LL.B., upon satisfactory completion of the course. For this degree students are required to complete three years of law with a total of 126 credit hours, including

all required courses and to maintain a "C" average or better. In no case will a degree be given unless the student has attended a law school of recognized standing for nine quarters, or their equivalent, of which at least three must have been in the School of Law of the University of Montana. Two summer sessions of approximately six weeks each will be counted as one quarter.

No student will be recommended for the degree of Bachelor of Laws who is markedly deficient in English.

No student will be recommended for the degree of Bachelor of Laws who in the opinion of the majority of the members of the faculty of the School of Law is unfitted for admission to the practice of law by reason of a lack of honesty and integrity.

Combined Degrees

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 65 credit hours, or practically one and one-half years of the law course towards graduation and the degree of Bachelor of Arts. The time required for the two degrees can thus be materially shortened.

Students may also combine Business Administration and Law so as to secure in six years the degree of Bachelor of Arts in Business Administration and the degree of Bachelor of Laws.

Fees and Expenses

No special tuition fee is charged in the School of Law. The regular fees must be paid by every student. (See catalogue, May, 1928.) Regularly registered students in the School of Law may take any course in the College of Arts and Sciences without additional cost.

The cost of books in the School of Law will average about \$35 a year.

Courses for Non-Professional Students

Courses in the Law School are open to students in other departments and schools in the University who meet its entrance requirements. Credits obtained may apply toward degrees in such departments. Students expecting to enter the fields of public service and business will find law courses of especial advantage. State and Federal commissions and departments are looking for law trained men.

Pre-Legal Preparation

Although students who have successfully carried two full years of college work may register as regular students in the School of Law those who contemplate careers as lawyers are advised to take at least three years of college work before applying for admission.

No prescribed pre-legal schedule seems advisable. Besides the restricted electives required of freshmen and sophomore candidates

for the B.A. degree, the prospective law student is advised to devote as much time as is available to English, History, Economics, Political Science, Philosophy, Psychology, Sociology, Mathematics, and Latin.

The Honor System

The honor system has been in successful operation since the foundation of the school.

Method of Instruction

The case system of instruction is employed.

Special attention is given to practice court work, in which the students are required not only to argue legal questions, but to try cases, prepare appeals, and go through all the steps incident to the trial of a law suit. A very thorough course is given in the use of law books in which the student learns by practice where to find the law.

COURSES OF INSTRUCTION

The course of study extends over a period of three years and is so arranged as to require a total of 126 credits. No student will be allowed credit in any one quarter for over fifteen hours' work in the School of Law; except that in addition, within the discretion of the Dean, a student may be allowed to take an examination to remove a condition and be given credit upon satisfactory passage of the same. All first year work and, in addition, the courses in Pleading and Practice Court are required of all candidates for the degree. Aside from the two courses mentioned, all other courses in the second and third years are elective. The curriculum is designed to afford a preparation for the practice of law in any state, and at the same time special attention will be given in all courses to the codes and decisions of Montana and the western states.

Examinations

Where courses extend over one quarter, credit is provisional upon the completion of and final satisfactory examination over the whole course. In continuous courses examinations also will be given at the end of the first quarter. Conditions may be removed only in the regular examinations at the end of a repetition of the course.

"Senior Examinations" covering the entire field of concentration will not be given.

CURRICULUM

FIRST YEAR

	Autumn Quarter Credits	Winter Quarter Credits	Spring Quarter Credits
Contracts	3	3	3
Property I	3	3	3
Torts	3	3	3
Criminal Law and Procedure	4	2	3
Forms of Action	3	3	3
Agency	3	3	5
Property II	3	3	3

SECOND AND THIRD YEARS

Legal Ethics	2	2	2
Pleading	2	2	2
Equity	2	2	2
Evidence	3	3	3
**Irrigation Law	3	3	3
Wills and Administration	3	3	3
*Mining Law	5	3	3
Private Corporations	2	2	2
Trusts	2	2	2
Sales	2	2	2
Practice Court	2	2	2
Appellate Practice	1	1	1
Conflict Laws	2	2	2
**Public Utilities	4	4	4
*Persons	3	3	3
*Bills and Notes	4	4	4
**Partnership	3	3	3
Constitutional Law	3	3	3
Suretyship and Mortgages	2	2	2
Use of Law Books	1	1	1

Courses marked * will be given in 1928-29.

Courses marked ** will be given in 1929-30 but not in 1928-29.

In addition to the above curriculum, second and third year students taking International Law in the Department of History and Political Science may apply credit received in it toward their law degrees.

DESCRIPTION OF COURSES

First Year

Contracts. Offer and acceptance; consideration; contracts for benefit of third persons; assignment of contracts; joint obligations; Statute of Frauds; express and implied conditions; impossibility; illegal contracts; discharge of contracts, including agreement to discharge, novation, release, etc. Williston's Cases on Contracts. Second Edition. Mr. Leaphart.

Property I. Nature of possession; acquisition of title to personal property by Statute of Limitations, accession, confusion, gifts, and judgments. The bailee's and finder's rights in property, together with a consideration of the rules of common law liens and pledges. Conversion of chattels. Introduction to the law of real property. Tenure, estates and conveyances. Fixtures and waste. Easements and covenants running with land. Warren's Cases on Property. Mr. Toelle.

Torts. Trespass and case at common law; the principles of legal cause and legal damages; assault and battery; imprisonment; trespass to realty and personalty; deceit; defamation; negligence; malicious prosecution; interference with advantageous relations, including unfair competition, strikes, boycotts, business combinations. Liability under Workmen's Compensation Acts, with special attention to the Montana Workmen's Compensation Act. Bohlen's Cases on the Law of Torts (second edition). Mr. Toelle.

Criminal Law and Procedure. Sources of Criminal Law; complaint and warrant; preliminary hearing; grand jury and indictment; information; arraignment and plea; nature of crimes; analysis of criminal act and criminal intent; jurisdiction; defenses; parties in crime; analysis of particular crimes. Emphasis on Penal Code of Montana. Sayre's Cases on Criminal Law. Mr. Mason.

Forms of Action. A study of the various forms of civil action including trespass, case, ejectment, detinue, replevin, trover, covenant, account, debt, special and general assumpsit and the proper pleading

in causes under them. Cook and Hinton's Cases on Common Law Pleading. Mr. Mason.

Agency. Includes master and servant. Introductory principles; nature of the relationship; appointment; when the principal is liable to third parties when the agent has acted in case of torts, crimes and contracts; liability of principal to agent; liability of the agent to his principal; liability of the agent to third parties; workmen's compensation and employers' liability acts; doctrines of undisclosed principal; delegation by an agent; ratification; termination of the agency. Mechem's Cases on Agency (2nd Edition). Mr. Pope.

Property II. Methods of conveyancing at common law, under the Statute of Uses and under modern statutes; original acquisition by disseisin; adverse possession, prescription and accretion; execution and delivery of deeds; description of property conveyed; creation of easements by implication; covenants for title, estoppel by deed, recording acts. Aigler's Cases on Titles. Mr. Toelle.

Second and Third Years

Legal Ethics. History of the development of the legal profession in England and the United States; requisite educational, mental, and moral equipment of a lawyer. Duties and responsibilities of lawyers to each other, the courts, their clients and the public; pecuniary relations of lawyers and clients. The American Bar Association's Canons of Professional Ethics. Costigan's Cases on Legal Ethics. Mr. Toelle.

Pleading. The subject is studied primarily from the standpoint of the Code of Civil Procedure in force in Montana. Topics covered are as follows: Parties; the complaint; splitting and joinder of causes of action; answers; demurrers, replies; various motions; bills of particulars; amendment and aider. Sunderland's Cases on Code Pleading. The Montana Code of Civil Procedure. Mr. Toelle.

Equity. Nature of equity jurisdiction; specific performance; the Statute of Frauds; defenses to specific performance because of plaintiff's conduct; laches, fraud; misrepresentation, concealment and unfairness; failure to make good title; effect of mistake and hard bargains; mutuality of remedies, and want of mutuality; relief for and against third parties; bills for an account. Specific reparation and prevention of torts; waste, trespass, disturbance of easements, nuisance, interference with business. Ames' Cases in Equity Jurisdiction. Vol. I. Mr. Leaphart.

Evidence. The theory of evidence; rules governing admissibility; the hearsay rule and its exceptions; opinion evidence; the parol evidence rule, and the rules governing the introduction and interpretation of documents; the methods of producing evidence; the attendance of witnesses; their examination; cross-examination, impeachment and confirmation; evidence before trial; the respective functions of judge and jury; the burden of proof and presumptions; judicial notice and judicial admission; actual practice in introducing evidence. Thayer's Cases on Evidence (Revised Edition). Mr. Whitlock.

Irrigation Law. This course traces 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 water rights as applied to irrigation, mining, manufacturing, and the generation of power with special reference to Montana law. Selected cases. Mr. Pope.

Wills and Administration. Testamentary capacity and intent; types and execution of wills; revocation; republication and revival;

administration of estates, including granting and revocation of administration, title and powers of executors and administrators, payment of legacies and distributive shares; probate procedure in Montana. Costigan's Cases on Wills and Montana Code. Mr. Toelle.

Mining Law. Lodes; placers; locators; discovery; location; tunnel sites; conditions of retention of claims, subsurface rights; adverse claims; patents; oil, gas, and other mining leases; tenancies in common and mining partnerships. Costigan's Cases on Mining Law. Mr. Pope.

Private Corporations. Corporations distinguished from partnerships and joint stock companies; disregarding the corporate fiction; formation of corporations; powers of corporations; de facto corporations; ultra vires acts of corporations; rights and liabilities of directors, promoters, creditors and shareholders; rights of minority shareholders; shares of stock; transfer; assessment; voting trusts; foreign corporations, corporate forms. Warren's Cases on Corporations (2nd Ed.). Mr. Pope.

Trusts. Nature and requisite of trusts and the distinction between trusts, debts, and other legal relations; the language necessary to the creation of a trust; the question of consideration; the effect of the Statute of Frauds and of Wills; the elements of a trust, including the subject matter, the trustee and the cestui; charitable trusts; resulting and constructive trusts; remedies of the cestui against the trustee; transfer of the interest of the cestui; the persons bound by a trust; liabilities of the trustee to third persons; duties of trustees as to investments. Scott's Cases on Trusts. Mr. Leaphart.

Sales. Subject matter of sale at law and in equity; executory and executed sales; effect of fraud and related matter; special rights and remedies of the seller and of the buyer; Statute of Frauds; Uniform Sales Act. Williston's Cases on Sales. Mr. Mason.

Practice Court. Each student is required to try without assistance at least two civil jury cases during the year. Separate abstracts of testimony, as nearly as possible in the form in which a case is presented to a lawyer in his office, are given the respective student-counsel. The student must, from his abstract, decide upon his remedy or defense, draw and file pleadings, serve process, and try his case without deviation from the requirements of the Code of Civil Procedure and the rules of the Missoula County District Court. A jury is impaneled in each case and the instructor presides at all trials. All students are required to be present at all trials. Montana Code of Civil Procedure, selected cases, and practical exercises. Mr. Pope.

Appellate Practice. The appellate jurisdiction in civil actions is considered, what judgments, orders and proceedings may be appealed from, parties who may appeal, time within which appeal may be taken, extent of review and the various steps by which the appeal is taken. Actual practice will be given in preparing the record proper and bills of exceptions. Besides this, extraordinary remedies will be studied, such as Writ of Habeas Corpus and the Montana Writ of Supervisory Control. Selected Cases on Appellate Practice. Mr. Whitlock.

Conflict of Laws. Legal units, extent of legislative power, comity, and other fundamental conceptions. Domicile. Jurisdiction for taxation. Jurisdiction of courts. The creation of rights in contract and tort; capacity, and other personal rights. The creation of rights in property; transfers inter vivos and by inheritance. The recognition and enforcement of rights; foreign executors and administrators; the nature, obligation and effect of judgments. Beale's Cases on Conflict of Laws. (1927 2 Vol. Ed.) Mr. Whitlock.

Public Utilities. Part I: Rights, privileges, powers, immunities, duties, liabilities and disabilities of public service agencies, including rules laid down by common law, statutory law and commission regulations on service and rates charged for service. Part II: Law peculiar to common carriers and innkeepers. *Burdick's Cases on Public Service, Common Carriers and Innkeepers.* Mr. Mason.

Persons. Marriage, the contract, the relationship, its dissolution, the proposed Uniform Divorce Act; Parent and child, the natural relationship, the relationship by adoption, legitimacy, emancipation; Infancy, contracts, torts and crimes of infancy; Insanity and mental weakness, contracts, torts and crimes of insane persons; Drunkenness, contracts, torts and crimes of drunken persons; Aliens, friends and enemies. Each division of the subject is taken up in the light of the common law, Montana statutes and Montana decisions. Mr. Mason.

Bills and Notes. This subject is studied from the standpoint of the negotiable instruments law which is in force in Montana, and in most of the other states. Negotiability, form and inceptions of bills and notes, acceptance, delivery consideration, negotiation, rights and liabilities of the various parties, presentment, dishonor, and discharge. *Smith & Moore, Cases on Bills and Notes.* Mr. Mason.

Partnership. Nature and creation of a partnership; partnership property; firm name and good will; duties, and liabilities of partners inter se; powers of partners and liabilities of the partnership for their acts; dissolution and distribution of assets; limited partnerships. *Mechem's Cases on Partnership.* (4th Ed.) Mr. Mason.

Constitutional Law. Study of state and federal constitutional law with special reference to Montana's constitution. Adopting and amending constitutions; effect of unconstitutional laws; separation of powers; delegation of powers; political and civil rights of individuals; rights of persons accused of crime; due process of law; retroactive laws, including laws impairing the obligation of contract; general scope of federal powers. *Hall's Cases on Constitutional Law.* Mr. Mason.

Suretyship and Mortgages. Guaranty; defenses of surety rights of surety against principal or co-surety; subrogation, reimbursement, exoneration, contribution; rights of creditors to securities held by co-surety. Elements of mortgage; title and lien theory; equitable mortgages; conveyances absolute in form; rights and duties of mortgagor and mortgagee; dower and courtesy; limitation on redemption; clogging the equity; assignment of mortgages; marshalling the assets. *Ames' Cases on Suretyship. Wyman's Cases on Mortgages.* Mr. Leaphart.

Use of Law Books. How to find the law; use of the law library with special attention given to Montana statutes and decisions. Running down weight of authority in all states in the Union and England through textbooks, encyclopedias, digests, selected cases, codes and reports; practical problems in preparation of legal authorities for purpose of presenting question of law to court; analysis of facts for purpose of finding law; preparation of office and court briefs. No book is used. Mr. Mason.

REGISTER OF STUDENTS, 1927-1928

THIRD YEAR

Bailey, Henry	Hullinger, Henry Homer
Bates, James E.	McClerman, Henry
Bonner, John W.	Murray, Marshall H.
Burroughs, Charles F.	Onstad, Chester E.
Chichester, Frank M.	Pool, Edward W.
Coen, Martin J.	Sterling, Fred T.
Crimmins, Vincent E.	Thomas, Myles J.
Fell, William W.	Ulvestad, Norvald T.
Higgins, George F. T.	Wellcome, Richard I.

SECOND YEAR

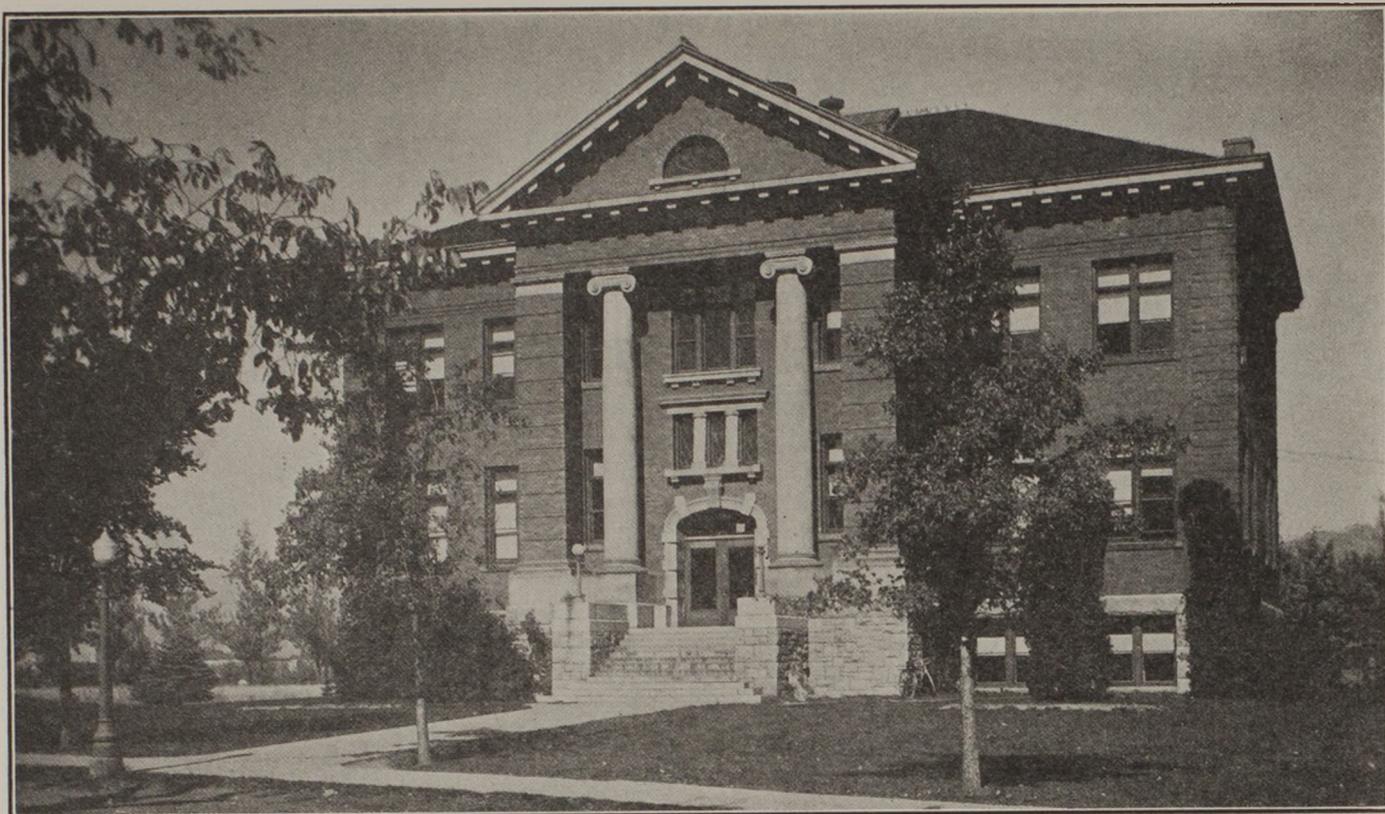
Beck, James B.	Mack, Cecil G.
Cowan, William E.	McCarthy, Sidney G.
Danielson, Walter G.	McFarland, Carl
Fritz, Edmund T.	Reischling, Floyd M.
Garlington, Jamesbert C.	Searle, J. Dorman
Gaughan, Lawrence E.	Shed, Otis D.
Gillespie, Dean C.	Sutherland, Fred
Larsen, Steimer A.	Wohl, Clarence

FIRST YEAR

Ayers, Elnore Margaret	Madeen, Murray L.
Booth, Edwin	Martin, George W.
Brown, Henry Phillip	Moe, Anton K.
Crippen, Henry C.	Morrow, James H., Jr.
Crum, William C., Jr.	Reardon, Donald A.
Elge, Francis Caroline	Rognlien, D. Gordon
Elderkin, Emerson W.	Rowe, John Phillip
Farr, Lee Butler	Stewart, Sidney G.
Fleming, Katherine P.	Tamm, Edward A.
Henry, Ralph C.	Williams, Robert D.
Huber, George W.	Williams, Shirley B.
Kellogg, Perry	

STUDENTS TAKING SOME COURSES IN THE LAW SCHOOL

Donlan, Maurice	Paige, Lowell M.
Leverich, Bryan P.	Tillman, Fred
Lewis, Walter D.	Worthington, Paul B.
Maclay, David J.	



LAW BUILDING

