

Hon. Armistead M. Dickie,
U. S. Circuit Judge,
Charlottesville, Va.

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Adke

North Carolina College

AT DURHAM

The School of Law |

BULLETIN OF INFORMATION



Announcements for the Session 1950-51

DURHAM, NORTH CAROLINA

THE LAW SCHOOL CALENDAR

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1950

- *Sept. 22 Friday—Registration for First Semester.
- Sept. 25 Monday—Classes begin.
- Nov. 23 and 24 Thursday and Friday—Thanksgiving Holidays.
- Nov. 27 Monday—Thanksgiving Holidays end 8 a. m.
- Dec. 4 Monday—Mid-Semester Examinations for Freshmen.
- Dec. 20 Wednesday—Christmas Vacation begins at 6:00 p. m.

1951

- Jan. 3 Wednesday—Classes begin, 8:30 a. m.
- Jan. 29 and 30 Monday and Tuesday—Registration for The Second Semester.
- Jan. 31 Wednesday—Final Examinations begin.
- Feb. 12 Monday—Second Semester Classes begin.
- Mar. 23 through 27 Friday through Tuesday—Spring Vacation.
- May 1 Tuesday—Last Day for Filing Applications for Degrees to be Granted at Commencement
- May 16 Wednesday—Final Examinations begin for Seniors. Other Examinations according to Schedule.
- June 3 Sunday—Baccalaureate Sermon.
- June 4 Monday—Commencement.

* It is advisable for new students to come early in the week of September 18 in order to make certain of their lodging arrangements. Undergraduate freshmen come on Tuesday, September 19.

THE SCHOOL OF LAW



Provisionally Approved By The American Bar Association

Approved By The North Carolina Board of Legal
Examiners and The Veterans' Administration

OFFICERS OF ADMINISTRATION

Alfonso Elder, A. B., A. M., Ed. D.	President
Albert L. Turner, LL.B., Ph. D.	Dean
William Jones, B. S., M. A.	Business Manager
Frances M. Eagleson, A. B.	Registrar
Sudie A. Holloway, B. S.	Bursar



FACULTY

xEdwin C. Bryson, LL. B.	Law
*Frank L. Caldwell, LL. B.	Law
H. Wilson Gray, A. B., LL. B.	Law Librarian
Harry E. Groves, A. B., LL. B.	Law
**Frederick Bays McCall, A. B., LL. B.	Law
Harvey L. McCormick, LL. B.	Law
Daniel G. Sampson, A. B., LL. B., LL. M.	Law
James J. Sansom, Jr., A. B., LL. B.	Law
Albert L. Turner, LL. B., Ph. D.	Law

xVisiting Professor from Duke University Law School.

*Resigned as of September 1, 1950.

**Visiting Professor from University of North Carolina Law School.

HISTORY

The Law School is a part of the North Carolina College at Durham which was founded in 1910 by the late President James E. Shepard, as The National Religious Training School And Chautauqua. The interesting history of the development of the college is told elsewhere. ¹

In 1925 the North Carolina College for Negroes, which was the name of the college until changed by legislative enactment in 1917, was made the first state supported liberal arts college in the South for the training of Negro students. In 1939 the North Carolina Legislature amended the charter of the North Carolina College for Negroes to read in part as follows: " . . . Sec. 2, The Board of Trustees of the North Carolina College for Negroes is authorized and empowered to establish departments of law, pharmacy and library science at the above mentioned institution whenever there are applicants desirous of such courses. That said Board of Trustees of North Carolina College for Negroes may add other professional courses from time to time as need for the same is found and the funds of the state will justify." ²

Pursuant to this law amending the charter of North Carolina College for Negroes, the Law School was established in 1939. The first teachers were members of the Law School faculty of the University of North Carolina and Duke University. After several weeks the Law School was closed because of the lack of students.

In 1940 the Law School was reopened and has run continuously ever since. The faculty for the session 1940-41 was composed wholly of members of the faculty of the Law School of the University of North Carolina working in cooperation with Dean M. T. Van Hecke, who was at that time Dean of the University of North Carolina Law School.

In 1941 three full time resident Negro instructors were added to the faculty in addition to a full time Law Librarian.

In 1942 Dean Van Hecke resigned to become Chairman of the Atlanta, Georgia, Regional Office of the War Labor Board. To succeed him, the present dean, Albert L. Turner, was appointed.

The Law School has now a full time resident dean, a staff of full time faculty members, a librarian, and it also has the continued cooperation of the members of the staff of the Law School of the

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1. *For a more complete history of the North Carolina College at Durham see the Annual Catalogue of the College.*
 2. *G. S. — Sec. 116-100—1943.*

University of North Carolina and practicing attorneys of the city of Durham.

The Library

The Library of the Law School offers a good working collection of Anglo-American and North Carolina legal materials assembled according to the standards set by the American Bar Association and the Association of American Law Schools. The sections of basic court and legislative documents with their books of index and collaterals are fairly complete, and the Library has the secondary materials, such as, current texts, encyclopedias and periodicals which are usually found in the representative law libraries of the country.

The Library now numbers over 30,000 volumes. It is adequate for class work and is used by those doing serious research, both in the Law School and in the allied social sciences.

Purpose and Method of Instruction

The purpose of the Law School of North Carolina College is to prepare young men and women of intelligence, industry, and character for careers of public service in the administration of justice and to make more proficient those persons engaging in business or other pursuits in which a knowledge of law is a valuable asset. With these objectives in view, students are given a rigorous training in the principles, rules, standards and techniques of law. The program of instruction is designed to enable the student to practice law wherever the Anglo-American system of law prevails. While in some courses special emphasis is laid upon North Carolina law, the diligent student, with the help of the instructors, can learn to make specific application of the rules and principles learned to the law of the state in which he expects to practice.

The case method of instruction, employed in all leading American law schools, has been followed from the beginning of the school. By this method the student is trained in the art of legal analysis and in the solution of legal problems by the same process of research and reasoning which he must use in his professional career. He is trained to analyze complicated facts, to discern therein the real issues of law and of fact, to discover scientifically the pertinent cases and statute law, and to solve the legal principles. All students are required to participate actively in the classroom discussion of cases, and are encouraged to confer with members of the faculty at all times.

Prelegal Study

No prelegal course is prescribed. What really counts in the Law School is power to reason, power to think consecutively, the power to weigh and appraise materials. It is essential that a student have a thorough grounding in English. Facility in the use of the English language as a means of clear and concise oral and written expression is necessary for success in the study of law. It is desirable that a student also have a comprehensive grounding in history and the social sciences, however, habits of close, critical and sustained study are more important than wide scope of information.

ADMISSION REQUIREMENTS

Candidates for the degree of Bachelor of Law, shall have taken at least three years of work (90 semester hours or 135 quarter hours) in an approved college. Such work shall have been passed with the scholastic average at least equal to the average required for graduation in the institution attended.

Admission Procedure

Applicants for admission to the Law School of North Carolina College should communicate with the Dean of the Law School, North Carolina College, Durham, North Carolina. Application forms and complete information regarding entrance requirements will then be furnished.

1. Application must be made in writing upon the official form.
2. Official transcripts of all collegiate and professional study must be sent directly to the Dean of the Law School of North Carolina College, by the Registrar of the institution in which such work has been done.
3. A personal interview is desirable for all students within reasonable traveling distance. It may be required by the Committee on Admissions before an applicant is accepted.
4. If the applicant is accepted he must register personally at the Registrar's office before or upon the date indicated in this Bulletin. An added fee of five dollars will be charged for late registration.

GENERAL REGULATIONS

The students of the Law School are subject to the general regulations made for the entire institution with respect to holidays and other applicable matters. With respect to conduct North Carolina College expects of all students loyal and hearty cooperation

in developing and maintaining high standards of deportment as well as of scholarship. There are general and specific rules established to this end, and the continuance in the Law School of any student is conditioned upon the observance of such rules.

The faculty of the Law School has the right to terminate the attendance of any student at any time, for good and sufficient cause, such as poor scholarship, unsatisfactory attendance, improper conduct, or the lack of necessary aptitude or character for the study or practice of law.

First year students in the Law School who are taking a combined course, and who, therefore, expect to receive their undergraduate degree at the end of the first year in the Law School, are classified as senior undergraduate students and are subject to the regulations applicable to such students.

Attendance

Regular attendance at all classes is required. Attendance is recorded, and for excessive absences students may be requested to withdraw from the Law School.

No student while in attendance at this school shall be registered in any other school or college, or in any other department of North Carolina College without the written consent of the Dean of the Law School.

SCHOLASTIC REGULATIONS

Grading Scale

(a) The following rules and regulations are applicable to all students entering the Law School prior to September, 1950:

(1) The grading of students will be indicated by letters and numerical grades under the following scale: A (80 and above), B (75-79), C (67-74), D (60-66), F (below 60), representing respectively excellent, good, satisfactory, poor, and failed.

(2) Each student is required, in order to remain in the school 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. To receive a degree in law, a student must attain either a weighted average of 67 on the third year's work or a weighted average of 67 on his entire Law School record.

(b) The following rules and regulations will be applicable beginning with the First Year Class entering the Law School in September, 1950:

(1) All quizzes and examinations shall be graded in terms of A, B, C, D, and F, representing, respectively, excellent, good, satisfactory, poor, and failed. No numerical grades will be given.

(2) The required annual average for each class in order to remain in school and for graduating, shall be 3.5. For averaging purposes. A shall be counted as 1, B as 2, C. as 3, D as 4, and F as 5, for each semester hour of credit.

(3) The required annual average for each class shall be computed and exclusions determined only at the end of the spring semester in each year. The average required for graduation shall be computed whenever the student shall have completed the required amount of work.

Degree Requirements

The Trustees of North Carolina College authorize the President to confer the degree of Bachelor of Laws upon candidates recommended by the Faculty of the Law School. Such candidates must have completed satisfactorily the prescribed curriculum of the Law School. The required period of residence is normally three years. In case of students admitted with advanced standing, at least two full terms of work are required in residence immediately preceding the award of a degree.

Students who take only part-time courses must complete all work for the degree within six years from the time of their matriculation in the Law School.

The Faculty reserves the right to change the program of instruction, the requirements for credits and degrees and all academic regulations affecting the student body. Such changes may be made applicable to students already enrolled.

Honors

Degrees with honors earned in course will be awarded as follows: **summa cum laude** to students having a general average of 85 or above, provided they have maintained an average of 80 in each year of the law course; **magna cum laude** to students having a general average of 80 to 85, provided they have maintained an average of 80 in each year; **cum laude** to students having a general average of 75 to 79, provided they have maintained a general average of 75 each year.

For those students entering in 1950 and after, honors will be awarded as follows: summa cum laude to students having a grade point average of 1.5 and cum laude to students having a grade point average of 2. at the time of graduation.

Combined Degrees of A. B. and LL. B.

Students who have completed the work of their Junior year in any of the curricula of North Carolina College, except Music and Home Economics, may, upon certification by the Registrar of their eligibility for the Senior class, be admitted to the Law School and upon the satisfactory completion of the first year of work in the Law School such students will be awarded an undergraduate degree of Bachelor of Arts or Bachelor of Science, and upon the successful completion of the third year's work in law they will be granted the degree of Bachelor of Laws.

This arrangement does not pertain to students who have done their undergraduate work in any other college unless such college itself is willing to grant them an undergraduate degree after their first year in the Law School.

Registration For Bar Examination

Many states now require that students register with the board of law examiners in the state in which they expect to practice shortly after they begin the study of Law. The Dean of the Law School will give to each student the proper forms for application to the North Carolina Board of Legal Examiners; students who expect to take the bar examinations in other states should write respectively to the secretary of the board of law examiners of the states in which they expect to be examined for information along this line.

FEES AND EXPENSES

Boarding Students

1950-51

THE SCHOOL OF LAW

*Tuition	\$100.00
Registration Fee	10.00
Athletic Fee	8.00
Library and Concert Fee ,	7.50
Medical Fee	7.50
Campus Echo Fee	1.50
Service Fee	1.50
Student Activity Fee75
Examination Fee75
Board (9 months at \$29.00 per month)	261.00
Room (9 months at \$7.00 per month)	63.00
 Total General Expenses for One Year (Boarding Students)	 \$461.50
 Total General Expenses for One Year Non-Boarding Students)	 \$137.50

Pay Days

The following is a schedule of pay days and general fees.

	Room and Board	Tuition and Fees	Total
September 19, 1950	\$ 16.00	87.50	103.50
October 2, 1950	40.00		40.00
November 1, 1950	40.00		40.00
December 1, 1950	28.00		28.00
January 3, 1951	40.00		40.00
February 1, 1950	40.00	50.00	90.00
March 1, 1951	40.00		40.00
April 2, 1951	40.00		40.00
May 1, 1951	40.00		40.00
	\$324.00	\$137.50	\$461.50

*Students who are not residents of North Carolina must pay an additional out-of-state tuition fee of \$52.50 per semester, or \$105.00 per school year.

REFUNDS

If a student withdraws from the college within the first week of a semester 60 per cent of tuition and fees, excluding registration fees, will be refunded. After this date no refunds of tuition and fees will be made. Room and lodging will be refunded on the basis of time spent at the college. No deduction in Board and lodging will be made for any absence of less than one full week.

*LIVING ACCOMMODATIONS

Dormitory facilities for both men and women are extremely limited at North Carolina College, as at all other colleges at present. Students who apply early and are accepted have a better opportunity to secure dormitory accommodations.

Men desiring rooms in the dormitory should write to the Dean of Men of North Carolina College and young women should write to the Dean of Women of North Carolina College for room reservations.

A fee of \$5.00 must accompany this request.

It is advisable to notify the Dean of the Law School immediately of your request for a room reservation.

When room reservations are made for students it is advisable that they arrive on time in order to secure such rooms. Rooms will not be held for late-comers.

VETERANS

The North Carolina College Law School has been approved by the Veterans' Administration for law study under the provisions of the Vocational Rehabilitation Act, Public Law 16, and the Servicemen's Readjustment Act of 1944, Public Law 346, often referred to as the "G. I. Bill of Rights."

THE CURRICULUM

First Year Courses

<i>Fall Semester</i>	<i>Cr. Hrs.</i>	<i>Spring Semester</i>	<i>Cr. Hrs.</i>
Agency	3	Contracts	3
Contracts	3	Criminal Law	4
Legal Methods	2	Real Property	3
Personal Property	3	Legal Writing	2
Torts	3	Torts	3
Total	14	Total	15

*With the opening of the new men's dormitory living accommodations will be more readily available.

DESCRIPTION OF FIRST YEAR COURSES

Agency. 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. Assigned problems will also be given in the law of workmen's compensation. Matthews' **Cases on Agency and Partnership**. Three hours, first semester.

Contracts. 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** (3rd ed.). Three hours, both semesters.

Criminal Law and Procedures. 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, finder, pledge, fixtures and emblements. Hall and Gleuck, **Cases on Criminal Law** and Miller's Text on **Criminal Law**.

Legal Method. How to study law. Court organization and administration. The judicial process. Interpretation of statutes. Coordination of judge made and statute law. Dowling, Patterson and Powell, **Materials on Legal Method**.

Legal Writing. A course designed to familiarize the students with the techniques of legal writing exclusive of the drafting of legal instruments. The assignments cover the writing of legal memoranda based on case and topic problems.

Personal Property. Chattels and the rights and liabilities incident to their possession and ownership. Possession, bailment. finder, pledges, fixtures and emblements. Biglow, **Cases on Personal Property**. Three hours, first semester.

Real Property. 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, second semester.

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's **Cases on Torts**. Three hours both semesters.

SECOND AND THIRD YEAR COURSES

<i>Subject</i>	<i>Cr. Hrs.</i>	<i>Subject</i>	<i>Cr. Hrs.</i>
Administrative Law	3	Labor Law	2
Constitutional Law	4	Negotiable Instruments	4
Conflict of Laws	4	Pleading	4
Corporations	3	Taxation	3
Credit Transactions	4	Titles	2
Domestic Relations	2	Trial and Appellate Practice	3
Equity	4	Trusts	3
Evidence	4	Wills	3
Insurance	3		

DESCRIPTION OF SECOND AND THIRD YEAR COURSES

Administrative Law. The law governing the operation of administrative officers, boards, and commissions. *Stason's Cases on the Law of Administrative Tribunals.*

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. *Dowling's Cases on Constitutional Law.*

Conflict of Laws. Historical origins of the subject. Domicile. Jurisdiction of courts and foreign judgments. The applicability of rules of foreign or extra-state law in respect to procedure, torts, workmen's compensation, contracts, sales, mortgages, business organizations, domestic relations, and administration of estates. *Cheathan, Dowling, Goodrich's Cases on Conflict of Laws.*

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. *James' Cases on Business Association.*

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' Cases on Credit Transactions.*

Domestic Relations. Parent and Child; rights and duties of legitimate, illegitimate and adopted children; infants, husband and wife, support, marriage, divorce and separation. *Jacob's Cases on Domestic Relations.*

Equity. Equity jurisdiction and procedure under modern

codes, practice acts and rules of court, with particular reference to injunctions and specific performance of contracts. Cook's **Cases on Equity**.

Evidence. 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**.

Insurance. Types of insurance organizations. State supervision and control of the insurance business. The interests protected by insurance contracts. The selection and control of risks. The distribution of insurance coverage and service. The adjustment of losses. Patterson's **Cases on Insurance**.

Labor Law. Limited principally to the employer-employee bargaining relation. The labor organization and its instrumentalities (the strike, boycott, union label, etc.); legislative intervention; the employer-union collective agreement; problems of union organization. Handler, **Cases on Labor Law**.

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. Aigler's **Cases on Bills and Notes**.

Pleading. A survey of pleading and procedural problems under the codes and rules of court. 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**.

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. McGill and McGuire's **Cases on Taxation**.

Titles. 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, Judgments, and Appeals.

Trial and Appellate Practice. 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. Bryson's **North Carolina Practice.**

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. Powell's **Cases on Trust.**

Wills. The substantive and adjective law of wills. The administration of estates, including the management, distribution, and settlement of interstate estates. Mechem and Atkinson's **Cases on Wills and Administration.**

REGISTER OF STUDENTS FOR THE ACADEMIC YEAR

1949-1950

THE LAW SCHOOL

*Anthony, Dewitt	Charlotte
Beech, Harvey Elliott	Kinston
*Bell, Charles Vincent	Plymouth
*Bell, Peter Hallet, Jr.	Plymouth
Cooke, Blanchard Melvin	Atlanta, Ga.
Cunningham, Samuel	Atlanta, Ga.
*Dailey, Ruben Jasper	Asheville
Dently, Mitchel Robert	Columbia, S. C.
*Dilworth, Frank A.	Savannah, Ga.
*Epps, Harold Thomas	Asheville
Gadsden, Mitchel E.	Fairmont
Gilliard, Perry	Philadelphia, Pa.
Hill, Joseph Lee	Goldsboro
*Jackson, Robert Ellis	Suffolk, Va.
James, James B.	Portchester, New York
Jefferson, Overton Curley	Port Arthur, Texas
*Johnson, Everett	Bronx, New York
Lassiter, James L.	, Selma
Lee, Kenneth	Charlotte
Lewis, Harvard A.	New Bern
McKissick, Floyd B.	Asheville
Marsh, William A.	Durham
Nivens, Walter B.	Monroe
O'Neal, Samuel	Tuskegee, Ala.
Powell, Richard	Washington, D. C.
Revis, Solomon	Raleigh
*Warner, William Oliver	Atlanta, Ga.

Graduated, June, 1950.

