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# Old School Catalog 1916-17, The Department of Law

Valparaiso University

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### Bulletin of Valparaiso University

AUGUST, 1916

# VALPARAIFARA GOLUNIVERSITO

## The Department of Law 1916-1917



Published by the University Valparaiso, Indiana

### ARCHIVES VALPARAISO UNIVERSITY

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#### CALENDAR FOR THE DEPARTMENT OF LAW 1916-17

1916

September 13 to 16, Wednesday to Saturday—Examination of candidates for advanced standing and for removal of conditions. September 15, 16, and 18, Friday, Saturday, and Monday—Registration of new students.

#### FALL TERM

#### Twelve weeks

September 19, Tuesday—Fall Term opens. Registration of old students. The President's annual address to all students, University Auditorium, 8:30 A. M.

Organization of first year class, Law Building, 10 A. M. Organization of second year class, Law Building, 11 A. M.

September 20, Wednesday—Recitations begin.

November 30, Thursday—Thanksgiving holiday.

December 4 to 7, Monday to Thursday—Term examinations.

December 7, Thursday (noon)—Fall Term closes.

#### WINTER TERM

#### Twelve weeks

December 12, Tuesday—Winter Term opens, 2 P. M.

December 25, Monday—Christmas Holiday.

1917

February 26 to March 1, Monday to Thursday—Term examinations. March 1, Thursday (noon)—Winter Term closes.

#### SPRING TERM

#### Sixteen weeks

March 6, Tuesday—Spring Term opens 2 P. M.

June 12 to 16, Tuesday to Saturday—Final examinations, secondyear class.

June 17, Sunday—Baccalaureate Address.

June 16 to 21, Saturday to Thursday—Final examinations, first-year class.

June 19, Tuesday—Senior Class Exercises, 8:15 P. M.

June 20, Wednesday-Alumni Banquet, 8 P. M.

June 21, Thursday—Thirty-sixth Annual Commencement, 8:15 P. M.

## VALPARAISO UNIVERSITY

## THE DEPARTMENT OF LAW OF VALPARAISO UNIVERSITY

#### Academic Year 1916-17

#### FACULTY

HENRY B. BROWN, A. M., President of the University.

OLIVER P. KINSEY, A. M., Vice-President of the University.

MILO JESSE BOWMAN, A. M., LL. B., Dean and Professor of Law.

JOHN BOMAN, LL. B., Professor of Law.

JOHN H. GILLETT, LL. D., Professor of Law.

Ex-Justice of the Supreme Court of Indiana; author of "Gillett on Indirect and Collateral Evidence," and "Gillett on Criminal Law."

WILLIAM DALY, A. B., LL. B., Professor of Law.

LENN J. OARE, A. B., LL. M., Professor of Law.

WILLIAM H. DOWDELL, LL. B., Judge of the Moot Court.

### GENERAL STATEMENT THE UNIVERSITY

Valparaiso University was established in 1873 with the design of giving every person an opportunity to obtain a thorough, practical education at the least possible expense. From a small beginning it has become one of the largest institutions of learning in the United States. The school was founded with three departments, four instructors, the original part of what is now known as the Old College Building, and the total enrollment during the first year was two hundred ten students. The institution now maintains twenty departments, its faculty numbers two hundred twenty instructors, its equipment includes eleven large school buildings, laboratories capable of accommodating eighteen hundred students daily, a general library of more than fifteen thousand volumes

besides departmental libraries, work-shops for various departments, two farms for the work in agriculture, and there was an enrollment last year of more than five thousand students. Many of the ideas of which it was a pioneer, as all-year instruction, the quarter system, co-education, and self-support for students, have survived the criticism of early years and have been adopted by the foremost colleges and universities. Both the growth of the school and the success of its tens of thousands of graduates attest that it satisfies a real educational need.

#### LOCATION

The University is located at Valparaiso, Indiana, a beautiful residence city forty-four miles east of Chicago, in a region remarkable for its industrial and agricultural development. The city is on the main lines of three railways, the Pennsylvania, the Grand Trunk, and the Nickel Plate, making it easily accessible from all points. Because of the volume of passenger traffic, made largely by the University, most through trains stop at Valparaiso. The city has well paved streets, cement walks, a complete sewerage system, gas and electric light plants, interurban street car service, and a water supply officially declared to be among the best in the state. Recent vital statistics give Valparaiso the lowest death rate of all Indiana cities. The location of the University thus combines all of the advantages of a small city with many of those of a metropolitan center.

#### THE DEPARTMENT OF LAW

The Department of Law was instituted in 1879 under the name Northern Indiana Law School by the Hon. Mark L. DeMotte, who was for some years a member of Congress. From the first the school prospered under his leadership as Dean and the teaching of himself and his associates in the faculty. During this period the relation of the school to the University was close but semi-independent. The text-book method and the plan then in vogue of presenting one subject at a time to each of the two classes were followed. The standard of admission was low, but the faculty and student body were filled with the spirit of work. A very large per cent of the graduates became successful practitioners, and scores have served as governors and members of the supreme courts of their states and as senators and representatives in Congress. In 1907 the school became in the full sense a department of the Univer-

sity. Under the present management the law building has been remodeled, the library much enlarged, the requirements for admission gradually raised, the case method adopted, and the curriculum greatly enriched by the addition of many subjects of instruction. For some years the attendance has been larger than that of any other law school in Indiana.

#### PURPOSE

The Department stands for sound legal education, complete utilization of time, and minimum expense. It aims to train for the practice of law those who possess sufficient maturity, zeal, and ability to sustain the demands of serious professional study.

#### EQUIPMENT

The Department occupies a comfortable building, with well appointed recitation and library rooms, and offices for the instructors. A good working law library, which is being added to yearly, is maintained in the building, and its use is free to law students from 9 A. M. to 9 P. M. The general library of the University is also open to law students without additional charge.

#### ACADEMIC YEAR

The academic year 1916-17 will open on Tuesday, September 19, 1916, and will close on Thursday, June 21, 1917. Instruction will begin on Wednesday, September 20, 1916.

The year in the Department of Law consists of three terms. The quarter system, which prevails in most of the other departments, does not apply. The Fall term comprises twelve weeks, the Winter term, twelve weeks, and the Spring term sixteen weeks. An intermission of two school days occurs between terms. There are no vacations, and the only holidays are Thanksgiving day and Christmas day. A year at this school therefore signifies forty weeks of uninterrupted study. Realizing that a student's expenses are continuous, the school gives a day's instruction for practically every working day spent in residence.

#### ADMISSION OF STUDENTS

#### REGULAR STUDENTS

The following persons are admitted to the first year class without examination as candidates for the degree of Bachelor of Laws:

- 1. Graduates of standard universities or colleges, upon producing their diplomas or certificates of graduation from the classical, scientific, or equivalent course.
- 2. Students not less than eighteen years of age, upon producing certificates from a standard university or college, or from a four year high school or preparatory school which is commissioned by the State in which it is located or accredited by the State University of such State, showing the successful completion of at least fifteen high school units (the usual college requirement, equivalent to four years of high school work). Blank forms for certificates will be mailed upon application. In the case of applicants from States requiring a high school education as a preliminary to the bar examination, certificates of the bar examiners or other proper authorities that such requirement has been complied with will be accepted.

A unit represents one year's study of a subject in a high school. The fifteen units may be made up from the following subjects, including not more than five units of foreign languages. The Roman numerals indicate the year of study in a subject.

Subjects	Units
English I, II, III, IV	4
Latin, Elementary, I, II	2 2
Greek, Elementary, I, II	2 1
French, Elementary, I, II	2 2
German, Elementary, I, II	2 2
Spanish, Elementary, I, II	2
History, Ancient	
American	1

Subjects	Units
Mathematics	
Algebra, Elementary	. 1
Advanced	. 1/2
Geometry, Plane	. 1
Solid	- 1/2
Plane Trigonometry	- 1/2
Science	
Physics	. 1
Chemistry	. 1
Physiography	. 1
Biology	
Botany	- 1/2
Zoology	- 1/2
Political Economy	. 1
Civil Government	. 1
Commercial High School Subjects	
Accounting and Finance	. 1
Bookkeeping	. 1
Business Organization	. 1
Commercial Law	. 1
Commercial History	. 1/2
Commercial Geography	- 1/2
Government and Industrial Problems	. 1

Persons presenting fourteen units will be permitted to enter upon condition of making up their deficiency in the High School Department before entering the second year.

#### SPECIAL STUDENTS

Fersons who cannot qualify as candidates for the degree but who are at least twenty-one years of age and have had such educational training and experience as should enable them to pursue satisfactorily the study of law, may be admitted as special students by consent of the Dean. Applicants for admission as special students must submit references as to character, maturity, and experience, and give evidence of general education and exceptional ability such as may be considered a fair equivalent to the more formal requirements made in the case of regular students. Those living at a distance are advised to submit their applications and recommendations by mail and receive assurance from the Dean that they are sufficient before presenting themselves in person.

Special students take the same work as regular students, and are given certificates showing attendance and work done. These are accepted by the bar examiners of nearly every state as a satisfactory showing of study of law in a law school to the extent of the time covered by them.

#### ADVANCED STANDING

Without examination.—Students from other law schools of high grade are given credit, not exceeding one year in amount, upon producing certificates showing the successful completion of work in law equivalent to that of the first year in this school. Applicants may present credits in second year subjects instead of first year subjects which they may lack, and take the latter subjects with the first year class. Credit cannot be given for work not done in residence at a law school.

By examination.—Persons who are not less than twenty-one years of age and who, after becoming entitled to enter this school as regular students, have studied law for at least two years under the direction of a practicing attorney are permitted to take examinations in the subjects of the first year for admission to the second year, upon presentation of the certificate of such attorney showing the time, character, and amount of such study. Correspondence is invited upon these matters in advance. These examinations are open also to students who have conditions in first year subjects to remove.

#### REGISTRATION

#### THE TIME TO ENTER

Every student in the Department and every applicant for admission is expected to register in person on or before Tuesday, September 19. Registration will not be permitted after October 1, with the single exception that an applicant who has done sufficient work in law to enable him to proceed with the first year class, may enter at the beginning of any term for which he is prepared. The reasons for this rule are imperative. The fundamental subjects are given during the Fall term only, and without proper preparation in these, no student can expect to do satisfactory work in the more advanced subjects.

#### ROUTINE OF ENTRANCE

Payment of the tuition fee and arrangements for board and room should first be made at the University office in the Old College

Building. Certificates or other credentials and receipts for tuition should then be presented at the office of the Dean in the Law Building. If not approved, the money paid will be refunded. In case of doubt as to the sufficiency of credentials, correspondence is invited before the applicant presents himself for admission.

#### INSTRUCTION

#### LENGTH OF COURSE

Students who enter in September, 1916, will be eligible, as heretofore, to graduate in two years. The same subjects, with a few exceptions, will be given as in three year schools. The number of hours in each subject is also about the same, the total for the two years being more than thirteen hundred hours of class-room instruction. No encouragement can be given to beginning students who desire to complete the course in less than two full years.

Beginning in September, 1917, the course will be extended to three years of thirty-six weeks each. This change will not affect students registered before October 1, 1916.

#### OBJECT OF COURSE

The design of the Department is to give such a training in the principles of English and American law as will constitute the best preparation for the practice of the profession in any part of the country. It aims to give due weight to both theory and practice, and to develop in its students both knowledge and power. It therefore endeavors to teach legal principles in such a way that students will acquire a considerable acquaintance with the rules of positive law and also receive a systematic training in legal modes of thinking and the solution of legal problems.

#### METHOD OF INSTRUCTION

Case method.—The instruction is given mainly by the discussion of legal principles as disclosed by reported cases. The value of case study in legal education is now beyond dispute. Cases are the official and authoritative repositories of the law. By studying them at first hand, the student learns from the original sources and comes into direct contact with the best examples of legal reasoning. By solving legal problems in their natural connection with the facts of life which generate them, he learns, not rules by rote, but principles in their concrete application. By differentiating cases, he develops powers of analysis, discrimination, and judgment. By tracing the development of legal doctrines from case

to case, he gains a sense of historical perspective and legal evolution which is indispensable to an informed understanding of existing law.

But while in this school the analysis of cases is the chiet medium of instruction, other means are not ignored. Beginning students, before entering fully upon the study of cases, are first carefully grounded in the elements of the common law, partly by lectures but primarily by their own study of institutional writers. This method, which has been employed by the Department for many years, has recently received a noteworthy confirmation in the report on "The Case Method in American Law Schools," made in 1914 by Prof. Redlich of Vienna to the Carnegie Foundation for the Advancement of Teaching. Approving of the case method, he yet offers the following criticism and suggestion:

"It is characteristic of the case method that where it has thoroughly established itself, legal education has assumed the form of instruction almost exclusively through analysis of separate cases. The result of this is that students never obtain a general picture of the law as a whole, not even a picture which includes only its main features. This is, in my opinion, however, just as important for the study of Anglo-American law as for the codified continental systems, and is a task which should also be accomplished by the law courses in the universities. To this end, the following seems to me above all things requisite:

"First, as an introduction to the entire curriculum, care should be taken to introduce to the students, in elementary fashion, the fundamental concepts and legal ideas that are common to all divisions of the common law. In American university law schools the students ought to be given an introductory lecture course, which should present. so to speak, 'Institutes' of the common law. Every department into which the American law is divided, whether as common law or equity, employs certain common elementary ideas and fundamental legal concepts which the student ought to be made to understand before he is introduced into the difficult analysis of cases. Concepts such as choses in action, person and property within the meaning of the law, complaint and plea, title and stipulation, liability and surety, good faith and fraud, should, in these elementary lectures, be given to American students in connection with a system of the law, even though this should include only the general fundamental features. They should not, as usually occurs to-day, come to the students unsystematically and unscientifically, as scraps of knowledge more or less assimilated out of law dictionaries and indiscriminate reading of text-books."

This recommendation fairly describes what the Department of Law already is accomplishing by teaching, with all possible earnestness, the subjects denominated Elementary Law and Introduction to the Study of Law. Consistently with this plan also, the most fundamental subjects of the first year are based on the study of case-books and text-books in conjunction, and as the student gradually masters the difficult art of analyzing cases, an increasing proportion of the later subjects are developed from case-books alone. Even in his study of cases the student is not confined to the readymade solutions of legal problems as supplied by the courts, but at every stage of his progress he is required to apply his knowledge to statements of fact placed in his hands as hypothetical cases, or problems, and made a part of his daily preparation. Much attention is also given to finding and applying authorities, drafting legal papers, and practice in the University courts. All phases of the work proceed on the principle that education consists in self-activity. Hence recitations rather than lectures are employed, and students are held to the careful preparation of daily assignments. Informal lectures supplement the regular work, but their place is subordinate.

Instruction in pleading and practice.—To familiarize students with court procedure and practice, instruction in these subjects is given almost continuously throughout the course. Especial attention is therefore invited to the Procedure series, the Practice series, and the Practice courts. These have been placed so as to correlate with the substantive subjects and to proceed step by step with them.

The Procedure series embrace: (1) Criminal Procedure, presented in its natural connection with Criminal Law, (2) Common Law Actions, an account of the forms of action at common law, designed to give students an appreciation of the forms of action as he encounters them in his substantive case books, (3) Common Law Pleading, a study of the principles of civil procedure at common law, the science of which is basic for all existing systems of pleading and practice in the United States, (4) Equity Pleading, a study of the pleading and practice in courts of equity, with special reference to the States which retain the separate practice and to the elements which reappear in the codes and in the equity rules of the Federal courts, (5) Historical Development of Code Pleading,

an account of the rise and progress of the reformed procedure in England and America and its influence in those States which have not adopted it in its entirety, (6) Code Pleading, an examination of the main statutory provisions of the reformed procedure and of the doctrines developed by the courts, (7) Evidence, a study of the principles which govern the admission and rejection of evidence and the examination of witnesses.

The Practice series consist of: (1) Introduction to the Study of Law, which includes among other things an elementary and practical explanation to beginning students of the methods of legal study and the sources of law, (2) Legal Bibliography, a more advanced and critical study of the classes and use of law books, together with practical exercises in finding authorities, analyzing cases, and preparing briefs, (3) Trial Practice, a discussion of questions of practice and tactics, and the principles which govern their solution, (4) Legal Ethics, a consideration of matter of professional conduct.

Practice courts.—Accompanying the formal instruction in procedure and practice, two practice courts are conducted, presided over by members of the faculty. These are known as the University Moot Court and the University Circuit Court.

In the University Moot Court issues of law supposedly reached by demurrer, stated in instructions, or presented by motion for a new trial are argued, one student appearing for each side. The judge of this court is an experienced practitioner. The questions involved in these cases are usually somewhat narrow, and are sufficiently close to be open to argument. Each student is expected to base his argument upon a practically exhaustive search of the authorities, thus making practical application of the methods which he has studied of finding and using authorities. The design of the court is to provide experience in the investigation and argumentation of questions which arise in actual practice. In order that each student may receive the greatest possible benefit, the class is divided into small sections and each section meets twice a week for about twelve weeks. The work is graded so as to prepare the student for the second practice court and to familiarize him with the working methods of courts.

The University Circuit Court is organized with a full staff of officers and equipped with records and legal blanks such as are used in the regular courts. The presiding judge has had many years experience on the bench as a trial judge and as a justice of the Supreme Court of Indiana. Criminal and civil actions are insti-

tuted, process is issued, returns are made, default days, motion hours, continuances, and time requirements for filing papers are observed, and causes are prosecuted to judgment and execution. A record of proceedings is kept, and causes are brought to issue and tried with a view to the record on appeal. The court meets daily for two court terms of four weeks each. During the first term especial attention is given to the framing of pleadings, the service of writs, and the joining of issues. During the second term causes at issue are brought on for hearing, juries are empaneled, witnesses are examined and cross-examined, and the cases are conducted through the various stages to judgment. The work to most intents is that of an actual court. After each sitting such suggestions and criticism of the work done are given as seem helpful.

Participation in these courts is required of all regular secondyear students. Voluntary organizations also are formed for the conduct of trials. While participation in this work is not required, the Faculty recognize its value and extend their cordial encouragement.

#### PROGRAM OF INSTRUCTION

The subjects of instruction are arranged so as to give the basic subjects during the first year and the more specialized subjects during the second year. They constitute a typical law school curriculum, and include the subjects most commonly required in bar examinations and most essential to the practitioner.

#### SUBJECTS OF THE FIRST YEAR.

- 1a. Elementary Law.

  An introductory and outline study of the fundamental concepts and principles of the law, both substantive and procedural. Bowman's Lectures on the Elements of Law, Robinson's Elementary Law (1st ed.), and Bowman's Questions, Exercises, and Notes. Blackstone's Commentaries are used for collateral reading.
- 1b. Introduction to the Study of Law.

  The nature, origin, and sources of law; the function of courts; jurisdiction; a historical sketch of English and American law; methods of legal study; the use of statutes, reports, digests, encyclopedias, and treatises; the force of adjudged cases as precedents. Woodruff's Introduction to the Study of Law, and Pound's Introduction to Study of Law.
- 2a. Contracts. 100 hours, Fall and Winter terms. Simple contracts: offer and acceptance; consideration. Contracts under seal: formalities of execution; delivery. The Statute

of Frauds. Parties affected by contracts: third person beneficiaries; assignees; joint obligors. Performance of contracts: conditions; alternative contracts; impossibility. Discharge of contracts or causes of action arising thereon: waiver; rescission; release; novation; accord and satisfaction. The elements of quasi contract. Huffcut and Woodruff's American Cases on the Law of Contract (2d ed.), Huffcut's Anson's Law of Contract (2d ed.), and Bowman's Lectures and Problems in Contract.

3. Torts. 80 hours, Fall and Winter terms.

Trespass to person, to land, and to chattels; conversion; legal cause; negligence and standard of care; contributory negligence; imputed contributory negligence; duties of occupiers of land; extra-hazardous occupations; liability for animals; deceit; defamation; malicious prosecution; right of privacy; interference with social, contractual and business relations, including strikes, boycotts, unfair competition and business combinations; parties to tort actions; remedies; discharge of causes of action. Burdick's Cases on Torts (3d ed.), and Burdick's Law of Torts (2d or 3d ed.).

#### 4-5a. Criminal Law and Procedure.

80 hours, Fall and Winter terms Sources of criminal law; intent and act; attempts; insanity as a defense; the analysis of particular crimes, as assault, homicide, larceny, burglary, arson, forgery. Jurisdiction and venue; prosecution; arrest; bail; indictment; arraignment; trial; motions for new trial and in arrest of judgment; judgment, sentence, and execution; appeal and writ of error. Case-book to be announced.

#### 2b. Legal Bibliography and Brief Making.

40 hours, Winter and Spring terms. The classes of law books; how to find the law; the use of statutes and decisions; the doctrine of precedent; interpretation of decisions; weighing and valuing authorities; the trial brief; the brief on appeal. Practical exercises and preparation of briefs. Cooley's *Brief Making and the Use of Law Books* (3d ed.).

6a. Persons. 30 hours, Winter term.

Marriage: consent and capacity; torts affecting marital relations; property rights of husband and wife; status of married women; conveyances, contracts, and quasi-contractual obligations of husband and wife; separation; divorce. Infancy: contractual and quasi-contractual obligations of infants; liability for torts; responsibility for crimes; ratification of infants' contracts; parent and child; guardian and ward. Peck's Persons and Domestic Relations and selected cases.

#### 5b. Common Law Actions.

30 hours. Winter term.

Relation of rights to remedies; the king's peace and the king's writ; the formulary system; courts; the steps in an action; original writs; the formed actions; growth of new actions; later classification of actions; development of law. Sunderland's Cases on Common Law Pleading and Martin's Civil Procedure at Common Law. Maitland's Lectures on the Forms of Action and Street's Foundations of Legal Liability (vol. 3) are used for collateral reading.

#### 6b. Agency. 60 hours, Spring term.

Principal and agent: formation of the relation; mutual obligations; liability of principal to third party; liability of agent to third party; the undisclosed principal; ratification; Factor's Acts; termination of the relation. Master and servant: independent contractors; liability of master for torts and crimes of servant; liability of master for injury to servant; fellow-servant rule; vice principal doctrines; Employers' Liability Acts; Workmen's Compensation Acts. Huffcut's Cases on Agency (2d ed.), Huffcut's Agency (2d ed.), and Peck's Persons and Domestic Relations.

#### 5c. Common Law Pleading.

50 hours, Spring term.

The declaration; the cause of action; pleas, dilatory and in bar; the replication and subsequent pleadings; demurrers; the general issues, the common traverse, the special traverse, confession and avoidance, estoppel; necessary allegations; the rules of pleading; amendment, aider, and repleader. Sunderland's Cases on Common Law Pleading and Martin's Civil Procedure at Common Law.

#### 7a. Equity I.

70 hours, Spring term.

Origin and growth of equity. Grounds of equitable relief: accident, mistake, fraud. The equitable maxims. Equitable doctrines: forfeitures and penalties, estoppel, equitable conversion, notice. Equitable remedies: injunction, specific performance, reformation, contribution, exoneration, subrogation. Equitable rights and estates: trusts, mortgages, liens. Hutchins and Bunker's Cases on Equity Jurisprudence and Eaton's Equity Jurisprudence.

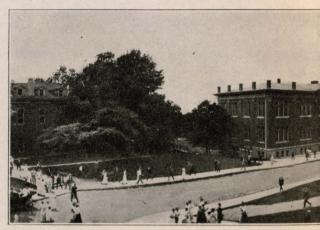
#### 5d. Equity Pleading.

[Omitted in 1916-17.]

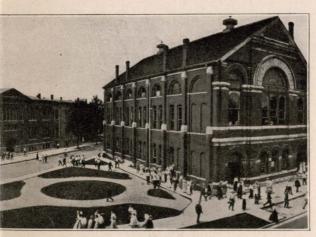
#### 8a. Bailments, Carriers, and Public Employment.

50 hours, Spring term.

Bailments in general; nature of public employment; its rights and duties; common carriers of goods and passengers; liability; limitation of liability; bills of lading; stoppage in transitu; connecting carriers; tickets; baggage; compensation; lien; sleeping car companies; telegraph and telephone; inns and warehouses;



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actions against public service companies. Goddard's Cases on Bailments and Carriers, Goddard's Outlines of Bailments and Carriers, and selected cases.

#### SUBJECTS OF THE SECOND YEAR

#### 8b. Sales of Personal Property.

30 hours, Fall term.

Formation and subject-matter of the contract; executed and executory sales; representations, conditions, and warranties; bills of lading; jus disponendi; seller's lien, right of stoppage in transituand other remedies of the seller; remedies of the buyer; the measure of damages. Benjamin's Principles of Sales and Cases on Sales (2d ed.).

#### 5e. Code Pleading.

60 hours, Fall term.

History of the movement for a statutory reform of procedure; relation of code pleading to common law and equity pleading; English and American systems compared; recent progress of procedural reform. The one form of civil actions; special proceedings; the cause of action; the complaint or petition; answers in abatement and in bar; denials and affirmative defenses; counterclaims; the reply; demurrers and motions; joinder of causes; union of defenses; amendment and aider; parties to civil actions. Hinton's Cases on Code Pleading, Bowman's Code Pleading and Practice, and Hepburn's Historical Development of Code Pleading. Pomeroy's Code Remedies is recommended for reference.

#### 8c. Real Property.

60 hours, Fall and Winter terms.

Distinctions between real and personal property; kinds of real property; holdings of real property, alodial and by tenure; the feudal system; legal estates in real property; equitable estates in real property, including trusts; estates of freehold; estates less than freehold, including the law of landlord and tenant; estates in severalty and the various joint estates; absolute and qualified estates, including mortgages; present and future estates, including reversions, remainders, and executory interests; the rules against perpetuities and accumulations; title by descent; title by purchase, including common-law deeds and modern conveyances; title by devise; the Recording Acts; the Torrens System. Reeves' Real Property (2 vols.), and selected cases.

#### 7b. Equity II—Trusts and Mortgages.

20 hours, Fall and Winter terms.

In connection with the course in Real Property, separate consideration is given to Trusts and Mortgages, supplementing the

treatment of these subjects in Equity I. Reeves' Real Property, and Hutchins and Bunker's Cases on Equity Jurisprudence (2d ed.).

- 2c. Bills and Notes. 45 hours, Fall, Winter, and Spring terms. Formal requisites; indorsement; acceptance; transfer; obligations of parties and of persons transferring by delivery; holder in due course; overdue paper; presentment, dishonor, protest, notice; checks; the Negotiable Instrument Law. Bigelow's Cases on Bills, Notes and Cheques and McMaster's Irregular and Regular Commercial Paper.
- 5e. **Practice Court I.** 25 hours, Fall and Winter terms. The University Moot Court. Argumentation of points of law and procedure presented by hypothetical cases.
- 6c. Partnership. 45 hours, Fall and Winter terms. Formation of a partnership; its nature, purposes, and members; title to partnership property; firm name and good will; partnership liability; rights and duties of partners inter se; dissolution and notice; distribution of assets; limited partnerships; joint stock companies. Gilmore's Cases on Partnership. Gilmore on Partnership is recommended for reference.
- 5f. Evidence. 60 hours, Winter term. Fundamental concepts; real evidence; circumstantial evidence, including reputation; qualifications of witnesses, including the opinion rule; impeachment and corroboration; extra-judicial admissions and confessions; the hearsay rule and its exceptions; oath and sequestration; privileged topics; privileged relations; mode of introducing evidence; functions of judge and jury; burden of proof; presumptions; judicial admissions; judicial notice. Wigmore's Cases on Evidence (2d ed.).
- 6d. Private Corporations. 60 hours, Winter and Spring terms. Formation of a corporation; its distinguishing features; promotion; issue of stock at a discount; extent and exercise of powers; liability for torts and crimes, including offenses under the Sherman Anti-trust Act; corporations de facto; ultra vires transactions; officers, stockholders, and creditors; reorganization; corporate forms. Warren's Cases on Corporations (2d ed.).
- 5g. Legal Ethics.

  The office of the advocate; compensation, contingent fees; promotion of publicity; criminal practice; relation of the attorney to the court, to clients, and to the bar; legislation; the oath of the attorney; the Canons of Ethics adopted by the American Bar Association. Warvelle, Legal Ethics, and lectures.

#### 5h. Trial Practice. 55 hours, Winter and Spring terms.

Summons; service and return of summons; appearance; continuance; trial by jury; right to open and close; judgment on the pleadings; demurrer to evidence; dismissal, non-suit, and directed verdict; arrest of judgment; new trial; trial and finding by the court. Sunderland's Cases on Trial Practice.

#### 5i. Practice Court II. 40 hours, Winter and Spring terms.

The University Circuit Court. During the February term causes are instituted and brought to issue. During the May term causes at issue are tried and prosecuted to judgment. The work is planned to accompany the instruction in Trial Practice and to illustrate and apply the principles there studied. Outlines for Practice in the University Circuit Court.

#### 10. Constitutional Law. 75

75 hours, Spring term.

Scope of legislative, executive, and judicial functions; power to declare statutes unconstitutional; respective spheres of the Nation and the States; taxation; money; regulation of commerce; territories and dependencies; the Federal Bill of Rights; ex post facto laws; impairing the obligation of contracts; privileges and immunities of United States citizenship; due process and equal protection of law in relation to race discrimination, to procedure, to the police power, to public callings, and to taxation; the fifteenth amendment. Wambaugh's Cases on Constitutional Law.

#### 8d. Wills and Administration.

55 hours, Spring term.

Intestate succession; persons taking by descent; dispositions in contemplation of death; testamentary capacity and intent; the execution, alteration, revocation, and revival of wills; ademption and lapse of legacies; executors and administrators; survival of rights and liabilities; payment of debts, legacies, and distributive shares. Costigan's Cases on Wills, Descent, and Administration.

#### 8e. Abstracts and Conveyancing.

[Not given in 1916-17.]

#### BOOKS

All books above listed are essential. Editions other than those named should be avoided. A law dictionary also is indispensable. Rawle's Bouvier (3d ed.), is the best. Anderson, Black, the Cyclopedic, Kinney, and Stimson are good. A set of Blackstone's Commentaries will be found useful. Second year students can make profitable use of the statutes of their own states.

#### INSTRUCTION IN OTHER DEPARTMENTS

The instruction given in the other departments of the University, with the exception of laboratory courses and private lessons in oratory, music, etc., is open, without additional charge, to students of the Department of Law upon filing at the University office the written consent of the Dean.

#### PUBLIC SPEAKING

Training in public speaking is given in the Department of Expression and Public Speaking, and law students are encouraged to avail themselves of the privileges of this Department. The Dean of the Department is a university graduate with several years advanced study in his field, including special training in university methods. Two of the courses offered are particularly adapted to the needs of law students. The first of these is called Public Address, and deals with the practical forms of speech making, extempore and impromptu oratory, the building of short addresses, and the like. The second course is Finished Debate, in which a text-book is used and weekly practice in debate is given. For more detailed information regarding the instruction of this Department, see the general catalog of the University or the bulletin of the Department of Expression and Public Speaking.

#### PRE-LEGAL

The wide variety of subjects taught in the various departments and the policy of the University to meet the needs of every applicant are particularly advantageous to persons preparing for the study of law.

The Preparatory Department and the High School Department offer suitable courses to all who desire to strengthen their preliminary education without loss of time. Classes in the common branches and in high school subjects are formed in great numbers every quarter, and the students in them are much more mature than pupils in common schools and high schools. Hence students preparing for law may enter at any time and proceed as rapidly as their capabilities permit. Many States require the completion of a high-school course or its equivalent as a preparation for admission to practice law. The pre-legal courses provide an effective means of complying with this requirement. By writing to the Dean, any applicant may obtain information as to the requirements of the State where he expects to practice. For more detailed information regarding the instruction of these departments, see the general catalog of the University or the bulletin of the High School Department.

The Department of Commerce and the Department of Shorthand and Typewriting offer courses in Accounting, Business Practice, Shorthand, Typewriting, and Court Reporting, which often prove a means of advancement to practitioners.

The Department of Arts and Sciences offers courses leading to the Degrees of Bachelor of Arts and Bachelor of Science. By taking the combined course in Arts or Science and Law, students may effect a considerable saving in time. For high school graduates who cannot spend the time necessary to obtain a college degree, the Department offers instruction in History, Political Economy, Sociology, Psychology, English, Latin, Modern Languages, Science, Mathematics, Surveying, Parliamentary Law, and many other subjects which constitute an invaluable training for the law student and the lawyer. For more detailed information regarding the instruction offered by this Department, consult the general catalog of the University.

#### DEGREES

The degree of Bachelor of Laws is conferred upon regular students who have satisfactorily completed the subjects of instruction. Higher degrees in law are not given. Examinations, recitations, and attendance are considered in estimating grades. The pass mark is 75%. A mark of from 70% to 74% in any subject gives the student a condition in that subject. Grades are indicated as follows: M, merit; G, good; P, pass; C, condition; F, failure. C in more than 100 hours of work in either year impairs regular standing. F subjects must be taken over in class. A student who has received C in not more than 150 hours in the work of the first year may take examinations to remove his conditions. Otherwise such subjects must be taken over in class. Examinations for this purpose are given during the week immediately preceding the opening of the Fall term only. A student who lacks sufficient credits to graduate with his class in June, may be given his diploma upon removal of conditions. Students admitted to advanced standing must complete substantially one year's work in this school in order to receive the degree.

#### ADMISSION TO THE BAR

Graduates of the Department who are residents of Indiana and not less than twenty-one years old are admitted, upon motion and EXPENSES

without examination, to the Circuit and Superior Courts of the county, the Supreme and Appellate Courts of the State, and the District Court of the United States. This entitles them to practice in any State or Federal Court in Indiana.

#### EXPENSES

The tuition fee is sixty-five dollars for a year (forty weeks), paid in advance; or twenty-four dollars each for the Fall and Winter terms, and thirty-two dollars for the Spring term, paid at the beginning of the term. When a student who has paid the fee for the year leaves before the end of the year, term fees for the instruction received, including the term then in progress, is retained, and the balance is refunded.

No matriculation fee is charged. For each special examination there is a charge of three dollars. The diploma fee is seven dollars and fifty cents. Certificates of admission to the State and Federal courts cost five dollars. All fees are payable at the University office.

The other expenses for an academic year of forty weeks may be estimated as follows:—

Rent of furnished room	20	to	\$50
Board	70	to	100
Fuel and light	11	to	20
Books	15	to	35

\$116 to \$205

#### ROOM AND BOARD

The University buildings furnish rooming and dining accommodations for several thousand students. There are also a number of large rooming halls and dining halls operated by individuals, and many private families which supply room and board to students. In the University halls the rent of furnished rooms, two students in a room, is from \$6 to \$15 per quarter (twelve weeks) for each student. This includes the laundry for the rooms. At the lowest rate two students have a single room and wardrobe closet. At the higher rates there is a study room, bed room, and wardrobe closet. An additional charge of 25 cents per week is made where rooms are rented by the week. In the halls conducted by individuals room rent usually is payable only by the quarter.

The University furnishes two grades of board: \$23 per quarter (twelve weeks) and \$26 per quarter, payable in advance. When

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paid by the week the price is \$2.50 per week, payable in advance. Board at the same rates or, if desired, at slightly higher rates may be obtained in outside halls or in private families.

#### BOOKS

The price of the books, new, is about \$60 for each year, not including the law dictionary. Used books, however, may readily be bought for much less, and by rooming with a classmate even this cost may be cut in half. By purchasing a full set and selling them to a member of the succeeding class, the net expense is little more than nominal, although it is advisable to keep all books for reference while studying later subjects and after graduation.

#### OTHER EXPENSES

If a student takes care of his own fire, fuel will cost about \$9 per year. If he has steam heat the expense is \$15 per year. The cost of light need not exceed \$3 per year, but is of course higher if electricity is used. Laundry costs from 30c to 50c per dozen pieces.

#### RECAPITULATION

The total cost of tuition, books, board, room, heat, light, and laundry for forty weeks may easily be made as low as \$225. Many do it for less. Three hundred dollars is a liberal allowance. It should be remembered, however, that clothing and personal incidentals are a source of expense in school the same as elsewhere.

The University has given years of well-directed effort to the problem of reducing the cost to the student. Low rates have not been made at the expense of instruction or the reasonable comforts of life, but have been made by applying business principles to the cost of living. The salaries of instructors in all departments compare favorably with those in other colleges and universities, and the accommodations are equal to those ordinarily costing much more. The large attendance, a favorable location, wholesale buying for so large an institution, co-operation, attention to details, and an expert knowledge of the markets have made it possible to decrease cost without cheapening quality. The numerous large buildings have been planned and equipped for service and not display. Social life is simple, and individual extravagance is discouraged. The use of the athletic grounds, base ball field, running track, and tennis courts is free. Intercollegiate athletics is not encouraged, but interclass and interdepartmental contests, at almost negligible expense, are fostered. Musical, lecture, and entertainment courses of a high grade are numerous, and are given either free or, on account of the large attendance, at a nominal charge. The tuition fee is the lowest possible, and the school does not charge for "extras." One fee covers all.

#### GENERAL INFORMATION

#### REGULATIONS

The Department of Law comes within the same general regulations concerning discipline and other matters as the other departments. These regulations are set out in the general catalog of the University.

#### SELF HELP

There are many opportunities for employment in the University, in business establishments, and in private homes, whereby students may defray a part of their expenses. But since the ordinary expense is unusually low, law students should give their whole time to their studies if it is possible to do so. A student's time, ordinarily, is worth more to himself than to any one else.

#### COMMENCEMENT WEEK

The Baccalaureate address occurs on Sunday, the Senior Class Exercises on Tuesday, the Reunion of Alumni on Wednesday, and Commencement on Thursday of the closing week of the law year in June.

#### WHAT TO DO ON ARRIVING AT VALPARAISO

On reaching the city, come directly to the President's office, which will be found in the University building. Here all necessary information will be given with reference to classes, rooms, boarding, etc. Students are advised to make no contracts for rooms until the University office has been consulted.

#### FURTHER INFORMATION

Information on any point not covered in this bulletin may be obtained by writing to the Dean of the Department.

#### STUDENTS, 1915-16

#### SECOND YEAR

Frank Le Grand Aiken	Norwalk, Connecticut
Willard Jacob Amstein	Clark Station
Edgar John Baker	Lewistown, Montana
Clinton Henry Bentley	Utica, Minnesota
Samuel Carolinus Berry	Barrington, New Jersey
John Ernest Bliss	Glasgow, Montana
Boyd Benjamin Braselton	Weatherford, Texas
Maurice Stroble Breen	Chicago, Illinois
Earl Brewster	Camptown, Pennsylvania
Benjamin Jay Brown	Stephenson, Michigan
Jesse William Calhoon	
Allen Thurman Carney	Given, West Virginia
Earl Vincent Cline	Williamsport, Pennsylvania
Glenn Pressey Clinger	Oil City, Pennsylvania
James Thomas Crownover	Johnstown, Pennsylvania
Leroy Asbury Crownover	
Alfred Vernon Dalrymple	
Joseph De Marti, Jr	
Daniel Robert Dickens	
Max Evans	Lex, West Virginia
Wilson Fields	Hazard, Kentucky
Stephen Joseph Figas	Everson, Pennsylvania
Leon Fisk	
Arlie Maywood Foor	
Anthony Jacob Fritz	
Benjamin Lee Garman	Hulett, Wyoming
Edward Norbet Graham	Freeport, Minnesota
William Ernest Hall	Scotland, Arkansas
John Joseph Harrington	
John Andrew Hastie	Freeport, Pennsylvania
George William Hay, Jr	
Thorley von Holst	
Wilburn Patrick Hughes	
John Tilden Hull	Freemansburg, West Virginia
Raymond Carlyle Johnson	
Franklin Thomas Kelley	
Frank Whitney King	
Edward Valentine Knauf	and the second s
Philip Kraushar	Approach the property of the p
THE THE WORLD	introduction

Philip Richard Long	Kalispell, Montana
Clive Orval Lucas	Wetumka, Oklahoma
Hugh Nickolas Marron	Jackson Junction, Iowa
Edward Baxter Marsh	Salisbury, North Carolina
Stephen Earl Metzler	
Ernest Stanford Mitchell	Grass Valley, California
Ramon Novoa	Lares, Porto Rico
Stephen S. Parphenove	Viatca, Russia
Ben Perry	Carterville, Illinois
Henry Arnold Phillips	Lake City, Minnesota
Ruskin Bernard Phillips	Forest Grove, Montana
Edmund James Reynolds	New Glasgow, Nova Scotia
Orlin Lewis Ruehle	Allegan, Michigan
Alvin Lewis Rummel	Wakefield, Michigan
John Wilbur Scott	Grand Rapids, Michigan
Cecil Cameron Snyder	Niagara Falls, New York
Walter Francis Sokoll	Sheboygan, Wisconsin
Ellis Bothwell Southworth	New York, New York
John Jacob Stahl	Newark, New Jersey
Ryland George Taylor	Richmond, Virginia
Myron S. Tomastick	Gardner, Illinois
Nick Valasina	Schnectady, New York
Rea Hanly Ward	Tippecanoe
Albert Walker Weiland	Peru, Illinois
Okey Ellsworth Westfall	Kingsville, Ohio
David Livingstone White	Ulysses, Pennsylvania
Lula Vanche White	Ulysses, Pennsylvania
Fred Addison Wilbur	Superior, Wisconsin
Barton Lewis Wiley	Carter, Montana
James P. Willis	
Onni August Wuolle	Parkano, Finland

#### FIRST YEAR

Fausto Almeida	San Fernando, Philippine Islands
Edward Gustav Anderson	Aurora, Nebraska
Percy Jule Bailey	Madison, Wisconsin
Bertram Ballantyne Belding	Benton Harbor, Michigan
Clayton Lawrence Bissell	Kane, Pennsylvania
Albert Watson Blair	Mt. Vernon, Illinois
David Alderson Blankenship	Beckley, West Virginia
Philip Pierre Boland	Eureka, Missouri
Frances Lynes Borden	Petaluma, California
Nellie Emma Briggs	Ashland, Oregon

William McKinley Briggs	Achland Orogan
Donald Reid Bryant	Podding Pidge Connecticut
Otto Henrich Frederick Bundy	Redding Kidge, Connecticut
Fred Eugene Butler	
Joe Everette Butler	
R. E. Cardwell	
Frederick Cargo	
Ray Miller Chenoweth	
Fred Emery Cluen	
Holmes Humphrey Colbert	
Philip S. Cole, Jr	
Thomas Milton Collins	Comanche, Texas
Alexander Zhelasko Constantinoff	New York, New York
Paul Crain	Carterville, Illinois
S. Howard Dailey	Westfield, New York
Desford Ellwood Davis	
Benjamin Joseph Dean	
Frederick LaFayette Dendy	
J. Harold Downey	
Earle James Eatherton	Eureka, Missouri
Jared Tomas Elliott	Walnut Springs, Texas
Clell Eugene Firestone	
Everett Jesse Fletcher	Knox
William Joseph Galbraith	
Isidore Vito Gallegos	
Don Dee Gibbs	
William Thomas Goodwin	
Albert Elvin Grammer	
David Stuart Grant, Jr.	
Albert Edward Griffiths, Jr.	
Joe Steele Hall	Cootland Arkangag
William Scott Hawkins	
Earl Henry Herbert	
Prentis C. Hilliard	
James Harvey House	
John Edward Hughes	
Herbert Simon Humke	
Anibal Ibarra Rajas	
Sallie Rudolph Jacobson	
Thomas Lewis Johnston	
William Marvin Karr	
Warren H. Kelchner	
J. E. Kendrick	Lincoln, Illinois

Leland Stanford Kepler	Valnaraiso
August Henry Kessler	Red Bud Illinois
Tze Yuin Kiang	
Karol Cornelius Koehler	Priceburg Pennsylvania
Montgomery Larkins	
Henry Fletcher Lewis	
Clifton Isaac Little	
Ralph Loudin	
James Joseph McGinn	
Justin Stephen McGraw	
Henry McMahon	
Isidor Albert Mackoff	
Gonzalo Manibog	
Phlete A. Martin, Jr	
Alan Edgar Maurer	
Curt Stephens Moore	
Maksymilian Feliks Mierzejeski	
Olive Florence Nutter	
Warren Melville Nutter	
Carl Oswald	
Herbert George Partridge	
Clyde Alva Patterson	
Nick Louis Pavlakos	
Harold McCondless Pence	
Lester H. Pierce	
Lorenzo Pedroso Porras	
Frank Post	
Calvin Clifford Redden	
John Felix Redmond	
Chill Taylor Reed	
Hannah Rebecca Reed	
James Clarence Reed	
Kenneth Logan Remington	
D. Pinor Reynolds	
Virginia Smith Reynolds	
James Ryan	
Roy Eugene Sargent	
Henry Alvieus Shannon	
Lindsay Inghram Sharpnack	
Daniel Shaw	
Frank Herman Sheffield	

Charles Harry Shewmake	Kansas, Illinois
Gustavo Cruzado Silva	Vega-Baja, Porto Rico
Perry Smith	Eddyville, Illinois
Leonard Leon Snodgrass	Russiaville
Alva Soldner	Watertown, Wisconsin
Ivie Clinton Spencer	Trenton, Tennessee
John Henry Spencer	Sedan, Kansas
Thomas Henrick Strizich	Calumet, Michigan
Michael Henry Sugrue	Waterbury, Connecticut
Frances Dennis Sullivan	New Paltz, New York
Eric Joseph Sundin	Waterbury, Connecticut
Fred Birdsol Sweeney	Alliance, Nebraska
Sebastian Tangusso	Mineo, Italy
Ernesto Berendia Tantoco	Malolos, Philippine Islands
Bert Dodd Terwilliger	
Leslie Elden Thomas	Monon
Alfred Henry Tisch	
Martin Almer Tollund	Blue Mounds, Wisconsin
Frank Elmer Trobaugh	Murphysboro, Illinois
Daniel Ubaldo	Balinag, Philippine Islands
George Cleo Uhlir	Walnut, Nebraska
Maxwell Elmer Waldron	Tacoma, Washington
Cooper Franklin Welch	
Helen Marguerite White	Muncie
Ernest Frederick Winkler	Sandpoint, Idaho
David Herman Winter	Cecil, Wisconsin
Andrew Nathaniel Witko	Priceburg, Pennsylvania
Maurice Mansfield Wolfe	Lafayette
Clarence Lincoln Woodworth	
Lincoln Abraham Yerex	
Chay Hying Young	Chasu, Korea
Francis Clare Zachar	Chicago, Illinois

#### SUMMARY

Second year	70
First year	128
Total	198

#### DEGREES

On Commencement Day, June 17, 1915, the degree of BACHELOR OF LAWS was conferred on the following:

Orville Raymond Aldrich Eric Leonard Anderson Roy Erwin Apt Samuel Barnett Barnett Leon C. Booker Richard Jesse Brown Harvena Cannon Ira Taylor Collins Charles Franklin Cowart Harold Frank Dawes Floyd Stanley Draper Emmett Lewis Fitzpatrick Ida Grace Goodnow Clifford Graves William Benjamin Green Walter George Grossman Kyle D. Harper Henry Clay Holt Albert Yu Hugh Richard Francis Landers Albert Lauck Frank Marshall Lingenfelder Frederick George Lisius

George Granville McCament. Hugh Hawkins McCulloch Archibald Macdonald, Jr. Adelbert William Matt. Thaddeus Meczynski Mart Joseph O'Malley Earl Verganus Parsons John Blakely Patterson George Oswald Pfizenmayer Leroy Elsworth Rhodes Augustus William Roselip Edgar Raymond Scherich Wilbur Gerald Shaw Cecil Corbett Smith Tenderson Nathaniel Smith W. Gray Snyder Harrison Burt Steward Mae Bowman Strickland William McKinley Thomas Michael George Valasek Wesley Churchill Webster Julian Weslow William Everett Willis

On March 1, 1916, the degree of Bachelor of Laws was conferred on:

Stephen A. Barton, Jr., as of the class of 1915.

## Valparaiso University

THIS IS ONE OF THE LARGEST EDUCATIONAL INSTITUTIONS IN THIS COUNTRY. THE ANNUAL ENROLLMENT IS MORE THAN FIVE THOUSAND DIFFERENT STUDENTS. THE ADVANTAGES ARE UNSURPASSED.

The following departments are maintained:

Preparatory, High School, Primary Methods, Kindergarten Methods, Commerce, Phonography and Typewriting, Review for Teachers, Education, Arts and Sciences, Engineering, Architecture, Manual Training, Agriculture, Expression and Public Speaking, Music, Fine Art, Domestic Science, Pharmacy, Law, Medicine and Dentistry.

For information of any of the above departments

ADDRESS:

### Valparaiso University

Valparaiso

-:-

-:-

Indiana

## ARCHIVES VALPARAISO UNIVERSITY

Valparaiso University publishes the following bulletins:

The General Catalog

The High School Department

The Department of Public Speaking

The Conservatory of Music

The Department of Engineering

The Department of Agriculture

The Department of Pharmacy

The Department of Law

The Department of Medicine

The Department of Dentistry

The Alumni Quarterly

The Summer School

Any of the above bulletins will be mailed free by addressing

VALPARAISO UNIVERSITY

Valparaiso, Indiana