Readings in American Law: The 1830s (395-001) – Autumn 2013 (3 credits)

Professor Ross E. Davies (rdavies@greenbag.org; 703-991-8049), Professor Gregory F. Jacob (gjacob@omm.com)

Classes: Wednesdays, 10 a.m. to 12 noon in Room 432C. Note: The course is scheduled for 10 to 11:50 a.m., but we will extend every class session to noon to make up for the fact that we will not meet on November 20. Office hours by appointment.

Text: N.B.: Read the specified edition. It is the one we will discuss and on which you will be quizzed. Symbols: $ = buy it; $ = easy to find, so get it yourself (or ask a librarian); † = get at www.rossdavies.org.
† [Joseph G. Baldwin], Sketches of the Flush Times of Alabama and Mississippi, 18 Southern Literary Messenger 674 (1852)
Δ Mrs. [Eliza Maria] Child, An Appeal in Favor of That Class of Americans Called African-Americans (Boston, MA: 1833)
† James Jones, Practical Forms of Write, Processes, &c. (Galena, IL: 1830)
† Niles’ Weekly Register, volume 51 (Sept. 3-Oct. 29, 1836)
† Ohio State Journal and Columbus Gazette, Mar. 8, Mar. 25 & Apr. 16, 1836; Ohio State Journal and Register, Aug. 15 & Dec. 11, 1838, Mar. 12, 1839; journal and Register, Mar. 13, 1839
Δ Joseph Story, Commentaries on Equity Jurisprudence, volume 1 (Boston, MA: 2d ed., 1839)
Δ United States Reports, volume 38 (Petzer’s Reports, volume 13) (Jan. Term 1839): selected cases TBA
Δ Timothy Walker, Introduction to American Law (Philadelphia, PA: 1837)
† John C. Wright, Reports of Cases at Law and in Chancery Decided by the Supreme Court of Ohio (Columbus, OH: 1835)

Assignments: Please read the assigned material and be prepared to discuss it in class on the first date next to which it appears. Preparation includes taking notes on the reading and doing outside research to support your contributions to the discussion (feel free to bring handouts of yours). During every class (except the first one), the readings will be projected on a screen so we will all be looking at the same page at the same time. So, if you have a comment to make you must direct us to the relevant page in the reading, and because you will have no electronics in class (see below) you will have to have noted the page ahead of time. Long before the we get to the U.S. Reports, each student will be assigned a case on which to make an oral presentation and lead a discussion on one of the U.S. Reports dates (you are free to express preferences for particular cases at any time). Assignments are subject to change based on the pace of the course and the whims of the instructor. As should be obvious, you must read the assigned part of the Howe book before the semester begins. It will make pleasant summer reading.

For each class session, please:
(a) Read, take notes, research, and think about the assigned material. Stay an assignment or two ahead of schedule, just in case.
(b) Leave all electronics outside the classroom or, if you must bring them with you, keep them stowed during class. No laptops, no e-readers, no PDAs, etc. This means, of course, that you must prepare notes for class and print them out ahead of time.
(c) Note and follow in-class instruction. If you miss a class you must get notes from a classmate. Make arrangements in advance as a precaution against unanticipated absences. There is a strong tradition in law of sharing notes with colleagues in need. Be a part of it.
(d) Look up words you do not know. I recommend the latest of editions of Black’s Law Dictionary, the OED, and American Heritage, plus a couple of roughly contemporary dictionaries – for example, Webster’s (1828) generally and Bouvier’s (1839) for law.

Purpose of the course: What is the point of reading and talking about a bunch of stuff from some bygone era? Actually, there are at least three points: (1) to gain deeper understanding and appreciation of an important period in legal history; (2) to practice the careful study of law in context; and (3) to enjoy one of the most enriching of lawyerly activities – reading about law and then probing its meaning and function with engaged colleagues. By the end of the semester you should be sufficiently expert in one short period of legal history and the practice of law during that time to have both a useful point of reference for your work in the present and some sense of trends in the development of substantive law, in the legal institutions, and in law practice. There is a lot of reading, and pre-class thinking, but if you like those activities you will like this course, because there isn’t much else required (given that the quizzes described below will be pretty easy for anyone who does a good job of reading and preparing for discussion).

Grades: Your grade is based on closed-book quizzes and participation. Quizzes count for 1/3 of the grade. A quiz consisting of a few (ten or so) straightforward questions about the assigned reading is given at the start of most classes in which we discuss new material. They are designed merely to determine whether you have, in fact, done the reading and paid attention. They are easy for anyone who has done the reading but not for someone who has not. There are no make-ups: miss a class in which a quiz is administered, miss that quiz. Skipping class to avoid a quiz can be costly for two reasons: (1) the quizzes are based on the assigned part of the Howe book before the semester begins. It will make pleasant summer reading.

Grades

Sept. 4: Walker, 201-203 (quiz) Oct. 9: Jones, 1-164 (quiz) & U.S. Reports sign-ups Nov. 6: U.S. Reports, TBA
Sept. 18: Wright’s Reports, all

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