



UNC  
SCHOOL OF LAW

NORTH CAROLINA LAW REVIEW

---

Volume 13 | Number 2

Article 2

---

2-1-1935

## Editorial Board/Editorial

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

---

### Recommended Citation

North Carolina Law Review, *Editorial Board/Editorial*, 13 N.C. L. REV. 196 (1935).

Available at: <http://scholarship.law.unc.edu/nclr/vol13/iss2/2>

This Note is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized editor of Carolina Law Scholarship Repository. For more information, please contact [law\\_repository@unc.edu](mailto:law_repository@unc.edu).

*The*  
North Carolina  
Law Review

Volume XIII

February, 1935

Number 2

EDITOR IN CHARGE

J. H. CHADBOURN

ASSOCIATE FACULTY EDITORS

M. S. BRECKENRIDGE  
ALBERT COATES  
FRANK W. HANFT  
FREDERICK B. MCCALL

A. C. McINTOSH  
J. E. MULDER  
E. M. PERKINS  
R. H. WETTACH

M. T. VAN HECKE

STUDENT BOARD OF EDITORS

JOEL B. ADAMS, *Editor-in-Chief*

R. MAYNE ALBRIGHT  
MAURICE V. BARNHILL, JR.  
ROBERT BOOTH  
JOE L. CARLTON  
FRANKLIN S. CLARK  
FRANKLIN T. DUPREE, JR.  
PETER W. HAIRSTON  
JOHN R. JENKINS, JR.

J. A. KLEEMEIER, JR.  
E. D. KUYKENDALL, JR.  
THOMAS H. LEATH  
HARRY W. MCGALLIARD  
D. W. MARKHAM  
F. M. PARKER  
HERBERT H. TAYLOR, JR.  
N. A. TOWNSEND, JR.

EMMETT C. WILLIS, JR.

*The contributions of the student editors in this issue have been written under the supervision of individual members of the law faculty. Publication of signed contributions from any source does not signify adoption of the views expressed either by the LAW REVIEW or its editors collectively.*

NOTICE

The Law Library of Columbia University desires to obtain a copy of Vol. I, No. 2 of the NORTH CAROLINA LAW REVIEW. Anyone wishing to dispose of this issue please notify Miles O. Price, Law Librarian, Columbia University.

THE LAW SCHOOL\*

ENROLLMENT

The ninety-first year of the Law School of the University of North Carolina opened this fall with an aggregate total of 131 students as compared with 124 at this time last year. There are fifty-one students in the first year class; forty-six in the second year class; and thirty-

\* This is the substance of the Dean's Report to the President for the year ending October 31, 1934.

four in the third year class. Of the 131, seventy-four, or 56%, have received college degrees. Of the senior class, twenty-nine, or 85%, have college degrees. All of the 131 students in the Law School are residents of North Carolina except nine, of whom two are from Connecticut; one from the District of Columbia; one from Louisiana; one from New Jersey; one from South Carolina; two from Massachusetts; and one from Wisconsin.

#### FACULTY CHANGES

Atwell Campbell McIntosh, Professor of Law in the University of North Carolina since 1910, and for the preceding six years Professor of Law in Trinity College (now Duke University), has been appointed Kenan Professor of Law Emeritus. Dr. McIntosh was the first member of the University faculty to be appointed to a professorship emeritus on the Kenan Foundation. He is the author of a casebook on Contracts, originally published in 1908, with a second edition in 1915; of a casebook on Remedies, on which he collaborated with the late Dean Samuel F. Mordecai of Trinity College Law School in 1910; and of a treatise on North Carolina Practice and Procedure, published in 1929, widely relied upon by the bench and bar of this state as authoritative. During the compilation of the Consolidated Statutes of 1919, Dr. McIntosh acted as assistant to the late Dean Lucius P. McGehee of this Law School in that work, and was in complete charge of the preparation of the annotations to the Consolidated Statutes. Dr. McIntosh continues to serve the legal profession, the students and the School in an advisory capacity.

Dr. McIntosh's course in Civil Procedure II has been taken over by Assistant Professor Chadbourn. Mr. Chadbourn has been teaching the courses in Evidence, Civil Procedure I and Federal Procedure. His book, *Lynching and the Law*, has received nation-wide praise from both professional and lay critics.

Mr. John E. Mulder has been appointed Assistant Professor of Law. He received his A.B. degree at the University of Iowa and his law degree at the University of Wisconsin. After a year's service on the faculty of the University of Wisconsin Law School, he was awarded a graduate fellowship at the Columbia University Law School, where he received the LL.M. degree a year ago. For the year 1933-1934, he was connected with the law firm of Root, Clark, Buckner and Ballentine of New York City. He is giving the courses in Contracts, Contracts II, and Vendor and Purchaser.

Associate Professor McCall has been promoted to a full professorship.

Mr. Breckenridge was on leave of absence for the fall semester, acting as counsel for a sub-committee of the Committee on Interstate and Foreign Commerce of the House of Representatives in Washington, in charge of the investigation of various aspects of the petroleum industry. A part of Mr. Breckenridge's teaching duties were taken over by Mr. Edwin M. Perkins, a graduate of the Law School in 1933, who has since been serving as an assistant in the Institute for Research in Social Science. Mr. Perkins will give the course in Taxation during the spring. Mr. Coates will be on leave of absence during the spring semester in the interests of the Institute of Government.

Mr. Wettach has served this fall on the State Advisory Board of the National Recovery Administration, and as examiner for the National Textile Labor Relations Board. Since January, 1934, Mr. Hanft, by appointment of the Governor, has served as Associate Utilities Commissioner, sitting en banc on utilities cases of major importance.

#### FACULTY RESEARCH

Faculty publications during the year include:

Mr. Chadbourn: *Lynching and the Law*, 20 *American Bar Association Journal* 71-6, February, 1934.

Mr. Hanft: *Control of Electric Rates in North Carolina*, 12 *North Carolina Law Review* 289-325, June, 1934; *The Legal Aspects of Group Insurance*, *Law and Contemporary Problems*, February, 1935.

Mr. McCall: *The Judicial System Becomes Complex—Our Judicial System Before and After 1919*, *University News Letter*, Vol. XX, No. 5, February 28, 1934; and the following book reviews in 20 *American Bar Association Journal* 544-545; *MORE AND BETTER WILLS—TESTAMENTARY BENEFACTIONS*, ed. by Alfred Williams Anthony; *LAST WILLS AND TESTAMENTS*, by Carl W. Mueller; and *WILLS, EXECUTORS, AND TRUSTEES*, by William J. Grange.

Mr. Perkins: *Tax Injunctions and Suits to Recover Taxes Paid Under Protest in North Carolina*, 12 *North Carolina Law Review* 20-42, December, 1933; *The Sales Tax and Transactions in Interstate Commerce*, 12 *North Carolina Law Review* 99-119, February, 1934; and *The Power of Congress to Levy Taxes for Distribution to States*, 12 *North Carolina Law Review* 326-349, June, 1934.

Mr. Van Hecke: *A New Constitution for North Carolina*, 12 *North Carolina Law Review* 193-212, April, 1934; *North Carolina Annotations to the Restatement of Contracts, Sections 1-177*, 13 *North Carolina Law Review* 1-164, December, 1934; *Review of Clark's CASES ON PLEADING AND PROCEDURE, Volume II*, 47 *Harvard Law Review* 370-

373, December, 1933; Review of Havighurst's *CASES ON CONTRACTS*, 29 *Illinois Law Review* 406-408, November, 1934.

Mr. Wettach: Corporations as Agencies of the Recovery Program, 12 *North Carolina Law Review* 77-98, February, 1934 (in collaboration with R. H. Schnell).

Faculty research in progress includes:

Mr. Coates: Research on the *CODE OF CRIMINAL PROCEDURE* to be published by the American Law Institute.

Mr. McCall: A study of The Estate by Entireties and Some of Its Collateral Consequences (with the aid of W. R. Booth, student research assistant). This study proposes to determine whether or not the common law marital estate by the entireties can any longer justify its existence on the basis of its social utility. Necessary remedial legislation will be suggested. A further study of The Torrens System of Land Registration to determine ways and means of bringing about a more widespread use of this highly desirable method of registering land titles, to be published in *Yale Law Journal*.

Charles S. Mangum, Jr., and Mr. Wettach: A study to determine the legal status of the Negro, with especial reference to the South. Particular studies have been made by Mr. Mangum concerning legal and practical aspects of the Negro's service on juries and in voting. Further studies will involve problems of discrimination as illustrated by residential and other forms of segregation.

Mr. Mulder: Waiver of Contractual Liabilities (with the aid of E. C. Willis, student research assistant), to be published as a thesis in partial fulfilment of the requirements for the S.J.D. degree at Columbia University; an article on Anticipatory Breach of Contract (with the aid of E. C. Willis).

Mr. Perkins: Ten Years of the Federal Estate Tax Credit Clause; An Extraterritorial Factor in the Graduation of Chain Store Taxes.

Mr. Van Hecke: Civil and Criminal Contempt in the Enforcement of Injunctions, to constitute a part of a treatise on *THE LAW OF INJUNCTIONS*.

Mr. Wettach: The preparation of the North Carolina Annotations to the Restatement of Conflict of Laws (with the aid of J. A. Kleemeier, student research assistant).

#### SUMMER SESSION

Visiting professors in the summer session of 1934 included: Charles T. McCormick of Northwestern University; Lon L. Fuller of Duke University; Walter Wheeler Cook of The Johns Hopkins University; and Henry Rottschaefer of the University of Minnesota. Visiting pro-

fessors for 1935 will include: Edson R. Sunderland of the University of Michigan; Philip Mechem of the State University of Iowa; Harold C. Havighurst of Northwestern University; and Walter Wheeler Cook of The Johns Hopkins University.

#### LIBRARY

The Library now includes 31,250 volumes, of which number 4,334 have been added during the last year. To Mr. Henry Groves Connor, Jr. of Wilson the Law School is indebted for the gift of the private library of his father, the late Judge Connor. This collection embraces 1,250 volumes. Professor Lon L. Fuller of the Duke University Law School and the Law School Association each presented the Library with one hundred dollars for the purchase of new books. Two hundred and four volumes of the North Carolina Supreme Court Reports were given by the state. Other donors include: Mr. Alexander B. Andrews of Raleigh; Judge Thomas Calvert of Raleigh; and Professor R. T. Steffen of the Yale Law School.

Under an act passed by the 1933 General Assembly the Law School has received from the Secretary of State twenty-five sets of session laws, Supreme Court Reports and Attorney General Reports for exchange purposes. As a result, 2,434 volumes of similar materials from other Southern states have been added to our library. The internal operation of the Library has been greatly facilitated through the services of a staff of FERA students.

Because of her work in developing the Law Library without adequate financial support during the lean years of the depression, Miss Elliott, Law Librarian, was invited by the Association of American Law Schools to deliver a paper at the annual meeting in Chicago Christmas on "Contents of a Law Library Maintained on an Annual Budget of \$2,500."

#### CURRICULUM AND ADMINISTRATIVE CHANGES

After some months of discussion and revision of the recommendations made by a committee composed of Messrs. Breckenridge and Hanft, the faculty, in May, made a number of changes in the curriculum, and in the administrative requirements of the School. Chief among these are new courses in Administration of Justice, Contracts II, Future Interests, Administrative Law, Jurisprudence, Labor Law and Taxation; and two new rules, to become effective in September, 1935, whereby all regular applicants for admission to the Law School must have received a grade of C or better in at least fifty per cent of their undergraduate courses, and whereby no law student will be eligible to