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## EDITORIAL NOTES

THE REVIEW—It is hoped that this REVIEW may be of service to the law students, the law teachers, the members of the bar, and to the judges upon the bench, and, through them, to the people of the state.<sup>1</sup>

As a supplement to the routine daily class work of the School, it will afford to the second and third year students, a means of intensive training in legal writing. To them, the independent experience, under faculty supervision, in the analysis, investigation and critical discussion of current problems in North Carolina law will be invaluable. As the REVIEW goes into volumes year by year, it will constitute a collection of reference materials on the local law, of definite value as collateral readings in connection with class discussion.

To the faculty of the School, the REVIEW will be an added incentive to systematic research in the state law and a medium for the

publication of the results achieved. To the members of the bar and the judges upon the bench, the REVIEW will make available, in the form of leading articles, editorial notes and comments, discussions of important legal problems, statements of the significance of outstanding recent state and federal decisions, and historical accounts of the development of distinctive topics and doctrines of North Carolina law. In other words, the REVIEW will carry to the active members of the legal profession, the work the School is doing in tracing the development of law in North Carolina and in the country at large.

Of equal importance to the law student and to the law teacher, will be the opportunity afforded by the REVIEW to learn of the attitude, the needs, and the problems of the attorneys and judges in active practice. It is hoped that those who are daily carrying on the litigation and the legal work of the state may find in the REVIEW a means of expressing their reactions to, and their constructive suggestions for dealing with, the difficulties encountered in the practical administration of

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<sup>1</sup> For an interesting account of the possible uses of such a publication as this, see Herbert F. Goodrich, *The Scope and Function of a State Law Review*, Proceedings, Association of American Law Schools, 1920, 157.

the law. Only through this closer contact and understanding can the lawyer, the judge, the law student, and the law teacher effectively unite in what should be a common effort for the solution of modern legal problems. In this latter connection, namely, that of the public service of the legal profession as a whole, particular attention will be given in the pages of the REVIEW to the influence upon legal problems of matters of legislation, government, business, and social and economic conditions.

**THE SCHOOL OF LAW**—The School of Law opened its seventy-ninth year last fall with an initial registration of 113 students, the largest in the history of the School.

The new three year course of study has been in operation this year, with thirteen third year students, thirty-three in the second year class, and sixty-seven in the first year class. A number of the courses formerly given have been considerably enlarged and extended, and new courses have been offered in Public Utilities, Trusts, Administrative Law, and Practice.

The faculty has been increased from four to five full time teachers. The new position was filled in September, 1921, by the appointment of Maurice Taylor Van Hecke, Ph. B., J. D., as associate professor of law. Mr. Van Hecke did his undergraduate work at Beloit College and the University of Chicago, and received his legal training at the University of Chicago Law School. For a time, he practiced law in Chicago, and then served for three years as a member of the legal staff of the Illinois Legislative Reference Bureau. During 1920-21, he held the position of assistant professor of law in West Virginia University. He has charge of the courses in Private Corporations, Equity II, Evidence, Use of Law Books, Public Utilities, and Statutes, and is editor-in-charge of THE NORTH CAROLINA LAW REVIEW.

Assistant Professor Oscar Ogburn Efrid, A. M. LL.B., resigned early last summer to enter private practice in Winston-Salem. The vacancy thus created was filled in September, 1921, by the appointment of Robert H. Wettach, A. M., LL.B., S. J. D., as assistant professor of law. Mr. Wettach received his collegiate and professional training at the University of Pittsburgh. After some experience in the practice of law in that city, he entered the graduate course in the Harvard Law School, and received his doctor's degree from that school last June. He will give the courses in Criminal Law,

Persons, Negotiable Instruments, Agency, Sales, and Conflicts of Laws, and will have charge of the Law Clubs.

The other three members of the faculty are well known to the North Carolina Bar. They are: Lucius Polk McGehee, A. B., who, as professor of law and later as Dean, has been connected with the School of Law, with the exception of one year, since 1904; Patrick Henry Winston, professor of law since 1909; and Atwell Campbell McIntosh, A. M., who came to the School from Trinity College as professor of law in 1910. Mr. McGehee has charge of the courses in Property I and II, Constitutional Law, and Administrative Law. Mr. Winston gives the courses in Torts, Equity I, Partnerships, Wills, Insurance, Practice, and Trusts. Mr. McIntosh has the courses in Contracts, Common Law Pleading, Equity Pleading, Procedure Under the Code, Municipal Corporations, Federal Courts, and Bankruptcy.

In December, 1920, the School became a member of the Association of American Law Schools, an association of some fifty-six of the leading law schools in the United States and Canada, dedicated to the improvement of legal education in America. The School was represented at the December, 1921, meeting of the Association by Messrs. McGehee, Van Hecke and Wettach. In February, 1922, Mr. McGehee represented the School at the Washington Conference on Legal Education of Delegates of State and Local Bar Associations.

The summer session of the School will open June 15th and extend until just prior to the bar examinations in August. The summer faculty will consist of four of the regular members of the faculty of the School, and Associate Justice Walter Parker Stacy, of the North Carolina Supreme Court.

The new home of the School of Law is described elsewhere in this issue.

**THE NEW LAW BUILDING**—By a happy coincidence, the REVIEW is able to announce, in its first number, that before the end of the academic year 1922-1923, the new Law Building authorized by the last legislature will be ready for occupancy. The School will go out of its present cramped and almost impossible quarters with a profound sense of relief and satisfaction. The present Law Building, though beautiful architecturally, is utterly inadequate for the special purposes of the School. It can, however, be advantageously devoted to some other need of the University—perhaps to the theatre so earnestly desired

by Professor Koch for the Carolina Play-makers. How wretched the present accommodations of the School and library are, how disheartening the conditions of work have been, only those can realize who have struggled on with the existing equipment. It is with the greatest gratitude and pride that the School sees before it a new era of improved facilities for work and usefulness.

As the goal of many years' exertions draws near, it may be of interest to put on record a short statement as to the previous homes of the School. When the School was founded by Judge William H. Battle eighty years ago, it was conducted in one of the offices in the yard of the present Battle house. At that time the two offices, now both to the right as one enters the yard, stood one on either side of the entrance, and it was in the office on the left that the School had its home from 1843 until some years after the Civil War. When Dr. John Manning was elected to the professorship of law in 1881, he moved to Chapel Hill and established his law office and the Law School in the small building on Henderson Street, near the present post office, now occupied by the telephone exchange. The next home of the School was the room directly opposite the main entrance on the first floor of the Old South Building. It moved into these quarters after Dr. Manning's death in 1899, when the School was finally and formally absorbed into the University. From this room it passed, about 1907, during the Deanship of Judge James C. McRae, to the present Law Building, which had been previously the University Library. Now at last the School is to have a permanent home adequate for its needs and worthy of its long history and the devoted part its alumni have played in the development of the University.

The new Law Building will stand northwest of the Emerson Stadium, forming the eastern end of a quadrangle opening toward the west, the north and south sides of which will be the new Social Science and Language Buildings. This group will occupy the place now used for tennis courts south of the Steele Dormitory and the Gymnasium. With the Steele Dormitory and other buildings to be erected in line with that dormitory to the south, the Law, Social Science and Language buildings will ultimately form the eastern side of the mall or avenue extending south from the South Building and designed to form the central axis of the new campus.

The Law Building, facing toward the mall, will extend north and south about 140 feet

with a depth of 40 feet. The plans show an impressive and graceful building in the colonial Georgian style of architecture. Looking at it from the front, the eye will be arrested by a portico rising the entire height of the building, supported by six Ionic columns. The sky-line of the roof will be broken by a colonial cupola. The outside material of the building will be brick finished with Indiana limestone. It will be built in the fire-proof reinforced concrete type of construction, a matter of especial importance as it will be the permanent home of the law library.

The ground plan of the building will include three parts; a central section 48 feet long, and two wings each about 47 feet long. There will be a well lighted basement, above which will rise two floors surmounted by a mezzanine floor.

The basement, entered by the stairways descending from the two ends of the entrance hall on the main floor, will contain, immediately under the entrance hall, space for lockers for the students' books and coats. Under one wing will be a large room where the students may rest, without feeling that they are in the way or obstructing work, when they are not attending lectures or working in the library. The importance of this student's room is especially emphasized. It will relieve the upper parts of the building, lecture-rooms, library, reading-rooms, passages and halls from noise and will help to develop an atmosphere of study and industry in connection with the portions of the building devoted to serious work. It must be remembered, too, that the Law Building will be the exclusive workshop and home of the students from the time that lectures begin in the morning until the building is closed at night, and the success of the School is dependent upon the atmosphere of professional study and discussion developed about and associated with that building. The other wing of the basement will be devoted to storage rooms and toilets.

Entering the main floor, the student will find himself in an entrance hall, extending across the front of the central part of the building, 48 feet long, with a width of 24 feet. At each end of this will be stairways descending into the basement and rising upward to the library floor. This hall will contain four pillars supporting the library floor above. Behind this entrance hall, and occupying the remainder of the central section of the building will be a lecture room for small classes, 48 feet long by 15 feet wide. At each end of

the entrance hall and opening into it will be a lecture room about 46 feet by 40 feet. These rooms will be lighted by four large windows in each side. There will be no windows in the wall next the central section of the building, nor in the end opposite. This is so in order that neither the students nor the instructor may have to face the light directly. The lecturer's desk is placed at the inside end of the room. The rooms will be fitted with concentric rows of seats, the backs of each row being provided with a shelf or simple desk for the row behind, so that the student may have room to spread out before him his notebook and casebook or textbook.

The second floor, access to which is by stairways at the ends of the entrance hall, is given up to the library, reading rooms, and administrative offices of the School, and to a woman's room with its necessary accessories. The space between the stairways on the second or library floor will be devoted to the office and desk of the librarian. From this central position the librarian will be able to see what is going on in the reading rooms and to maintain a general supervision of the whole floor.

The library floor is lighted by windows at the sides and ends of the building and by small skylights. In the stack room the main light will be artificial. The ceiling height of the library, including the mezzanine floor, will be about 21 feet. One of the wings on this floor will be devoted to the stack room of the library. This will be fitted with steel stacks providing space, with the use of the mezzanine above, for 25,000 volumes. The stack room will be flanked on each side toward the front and rear of the building with small offices for the accommodations of the Dean and for the administrative work of the School. This wing will also contain the woman's room, and toilet facilities for the instructors and librarian.

Immediately in front of the librarian's desk, occupying the rest of the central section of the building will be a reading room 24 by 48 feet. This room will not provide enough space for the necessary accommodations of instructors, students and others, engaged in study or research work in the library, but for some years the space in the wing opposite that used as a stack room will be devoted wholly or in part to a reading room and to a room for the editorial work incident to the NORTH CAROLINA LAW REVIEW.

Ultimately, when it is needed, it is hoped that the building as originally designed may

be completed. The original plan includes a semi-circular apse at the back of the central section of the building with a radius of 24 feet. The first floor of this apse, added to the small lecture room on the main floor, of which mention has been made, will when completed provide a large lecture room and assembly hall for the entire School, suited for use either as a class-room, a room for general lectures, or for other special occasions. The second floor of the apse, added to the smaller central reading-room will, when erected, afford an entirely adequate and well lighted reading room for the library. This will release the second floor of the other wing, now to be used as a reading room, for additional stack space for the library. It was found inadvisable to construct this apse at the present time, but the plan of construction provides for its erection, when the growth of the School requires it.

L. P. McG.

**WIFE'S SEPARATE ACTION FOR PERSONAL INJURY TO HUSBAND**—In *Hipp v. Dupont*,<sup>1</sup> the Supreme Court of North Carolina holds that a personal injury to the husband, caused by the negligence of a third person, entitles the wife to maintain an action in her own name for the consequent loss to her of the husband's consortium. As this is the first case in which this result has been reached, although the question has arisen in several other courts, the ground of decision ought to be carefully examined.

At common law, of course, no such question could arise or was conceivable. The wife could not sue in her own name under any circumstances, and if she could have sued and recovered, the recovery would have inured to the husband. Her position at common law was one of frank inferiority. Upon marriage, she not only lost the capacity to sue, but the marriage operated as an assignment to the husband of her immediate property rights.

This state of things, however, has long passed. By the doctrine of a "married woman's separate equitable estate," elaborated during the eighteenth century by the English Court of Chancery, the wife who enjoyed a marriage settlement was enabled to retain her own property free from her husband's control. The nineteenth century, under the influence of a quickened perception of right and social justice and a deepened feeling of responsibility for social wrong, worked for the complete emancipation of woman and to raise her to a position of equality with man.

<sup>1</sup> 182 N. C. 9, 108 S. E. 318 (1921).