

LAW DEPARTMENT

J. B. Duffie, Editor

In the Limelight.

Recognizing the ability of the "lawyers to be" of the University of South Carolina, the negro colleges of Allen and Benedict had a Senior law student to act as referee, a Junior law student to act as umpire, and a student who will commence the legal study next year to act as head linesman in their football game last Thursday at the fair grounds during the negro fair.

Moot Court Appointments.

The appointments for November 12 have been handed out by the clerk, R. R. McLeod. The case on trial is that of The State vs. McBride, charged with murder. Circumstantial evidence will be the gist of the testimony offered by the prosecution. The case will be heard by a jury. Messrs. Darby and Hartz will appear for The State and Messrs. Symmes and Cary will represent the defendant. Professor Rucker will preside. D. A. Brockington will act as Associate Justice. This is the second jury trial case which has been docketed by the court and is even more interesting than the previous one. Therefore, all members are urged to be present next Thursday, Nov. 12, at 7:45 o'clock.

Moot Court Proceedings.

The case heard in Moot Court Thursday night was one on appeal. The action in the lower court was for trespass on real estate. The abbreviated facts are: Defendant entered graveyard lot of the Plaintiff, thinking he was the legal owner and buried his dead. The Plaintiff requested Defendant to vacate and he refused, saying he would not do so unless the law directed him to. Subsequently this action was brought and tried, a verdict being returned in favor of the Plaintiff. The Defendant then appealed.

The appeal resolved itself into a discussion of two main questions, although thirteen exceptions were taken. They may be briefly summarized as follows:

1. As to the credibility or admissibility of the testimony of the witness Green, who testified as to the contents of a certain deed, the testimony being secondary. His testimony was allowed on direct examination, but ruled out on cross-examination because contradictory. It was proved that the witness could neither read nor write. The Respondents contended that the testimony was inadmissible because it was hearsay testimony. The Appellants argued that the pre-

Medical Examination.

Dr. Currell has announced that every man must undergo a physical examination. Students will go in groups of ten every day until the entire student body has been examined. It is urged that all the students cooperate in this movement, for thereby some disease might be avoided or some malady cured.

Dr. Watson will be in charge of the examination. He says that so far this year few students have been to the infirmary and if physical weaknesses are pointed out early enough, very few may be compelled to go.

Contrary to Dr. Currell's announcement, it is understood that the co-eds will not take advantage of this splendid opportunity.

Student Body Editors.

At a student body meeting Monday J. McB. Dabbs was re-elected student body editor of The Gamecock. S. L. Latimer, Jr. was elected to the new position of athletic editor. The editor-in-chief has two able assistants in these men. Mr. Dabbs has shown his ability by his work on the former staff "Slats" needs no introduction as athletic editor, since for some years he has been sporting editor of The Columbia State.

siding judge should have left the testimony to the discretion of the jury, because it was a question of fact, and therefore should not have been excluded.

2. As to the construction of the statute under which the action was brought. If brought for forcible entry and detainer treble damages would lie. Respondents submitted that under the pleadings the public statute would be judicially taken notice of, because all public statutes are so taken. The Appellants, on the other hand, argued that the action was one of simple trespass on real estate, the same being in the nature of an easement or license. Hence, damages, if any, should be awarded only to the extent of trespass on real estate. The first point was argued by Mr. Griffith for the Appellant, and Mr. Wannamaker appeared for the Respondents. The second point was argued fully by Mr. Johnson, who closed for the Appellant. Mr. McInnes took up the contra of the proposition for the Respondents. The case was quite an interesting one and all four of the attorneys acquitted themselves well. Mr. Verner of the Columbia bar was the Chief Justice, and Messrs. McLeod and Meyer acted as Associate Justices. Taking everything into consideration, the meeting on the whole was undoubtedly one of the best that was held either last year or this year.

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