

READ CAREFULLY

AMERICAN LEGAL HISTORY

FINAL EXAMINATION

SPRING SEMESTER, 1991

Professor Claxton

Your response to this examination should be returned to Mrs. Jane Burns on the third floor no later than 4:30 p.m. on Friday, May 17.

You are to use the materials listed below, but only these materials:

1. The Presser and Zainaldin casebook.
2. Hall, *The Magic Mirror*.
3. Your own class notes (or those you already have copied from someone else prior to receiving your copy of this examination).
4. All class handouts.
5. Morison, *The Oxford History of the American People* (three copies on reserve in the Library).
6. Any English-language dictionary.
7. *Black's Law Dictionary*.

**PUT YOUR EXAMINATION NUMBER IN VARIOUS OBVIOUS
LOCATIONS ON YOUR EXAMINATION RESPONSE.**

**DO NOT CONSULT WITH ANY OTHER PERSON.
DO YOUR OWN WORK.**

PLEASE TURN TO THE NEXT PAGE.

The statement set forth below was written by Professor G. Edward White of the University of Virginia School of Law. Professor White is one of the foremost scholars of American legal history. You are to assume that Professor White's words actually are your own, and that they constitute the two introductory sentences to a major article on American legal history that you will write. Please deliver a copy of your article to Mrs. Burns no later than 4:30 p.m. on Friday, May 17.

The indigenous character of American jurisprudence is fully discernible by the middle of the nineteenth century. A uniquely broad definition of "common law," a reverence for natural rights principles as embodied by the Constitution, and a high tolerance for judicial lawmaking in nonconstitutional and constitutional contexts are evident.