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Address

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ADDRESS

BY WILLIAM N. MILLER.*

Ladies and gentlemen:

I appreciate the honor of speaking on behalf of the judges.

Why should West Virginia have a great university, and as a part of it a college of law? Why encumber ourselves with such a burden, the sole object of which, in the estimation of some, may be to make lawyers to practice their profession, and judges to preside in our courts? Is it not that we may do our part of the world's work and keep our home fires burning? Many do, perhaps some do not, appreciate the importance of the question. Great and important as is the cultivation of the liberal arts and sciences to our material growth and prosperity, and as the study of religion and philosophy is to our mental and spiritual advancement, colleges devoted to the study of the science of law are second to none in importance. In this state, devoted, as many of its people are, to mining, manufacturing and other industrial pursuits, the call for mining, mechanical, electrical and civil engineers is imperative; but without wise laws, wisely and faithfully administered by trained lawyers and wise and fearless judges, the wheels of progress would soon be turned backwards, and all would become chaos and darkness. This is not prophecy; I am speaking to you the wisdom of the past. It was not Pericles, statesman, patron of art, soldier, publicist that he was, but Solon and his statutes, that rendered possible Grecian power and progress. It was not her legions, but her twelve tables, that made Rome the mistress of the world; it was not the defeat of the Moslems, but the discovery of the Pandects, that preserved Europe. The glory of the Roman Empire was in her equitable laws and the development of her great lawyers and teachers. Her celebrated schools taught by Labeo and Capito, and the schools of other great teachers, and the contributions to her laws by such men as Papinian, Ulpian, Caius, Paulus and others, that kept alive the spirit of liberty.

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With the lapse of these, the Roman Empire fell. Her salutary laws were supplanted by the will and edicts of despots, and darkness spread over the whole known world. And as was said by a modern statesman: “It was not the Norman conquest, but the Common Law, which evolved constitutional freedom out of chaos, revolution and despotism.”

As in the old world, so in this new land of liberty and freedom, regulated by law, many of the greatest expositors of the law have been teachers in the great law schools and universities. In this country we can never know what the effect on our progress might have been if Greenleaf and Story and Washburn and Parsons, of Harvard, Chancellor Kent of Columbia, Pomeroy of the University of California, Cooley of the University of Michigan, and others like them, had not contributed their great works to our legal literature. And do we fully appreciate the more recent contributions of Wigmore of Northwestern University, Page of the University of Wisconsin, Henry Wade Rogers, once of the same school, and of our distinguished guest, Professor Pound, the present dean of the Harvard Law School? And I would not omit mention of the great works of Professor Minor, late of the University of Virginia, and the books of our own Dean Hogg, lately of our own College of Law. What I wish to emphasize is, that these great contributions to the science of law have emanated largely from the schools. The schools have furnished the inspiration and the opportunity. These men did the work of stating and restating and clarifying the law, then greatly to be desired. They thus accomplished for their times in part what is now proposed for our own by the American Law Institute—namely, a restatement of the entire body of the substantive law of today. It can not be accurately determined how successful the work proposed by the Law Institute may be, nor how generally it may be accepted as authoritative. If it is done as greatly as is the greatness of the undertaking, it will constitute a long step towards extricating us from the present wonderland of conflicting judicial decisions, and perhaps do much to encourage greater uniformity in the statute laws of the states, greatly to be desired, particularly those relating to the transfer and devolution of property by deed or will, the law of marriage and divorce, parent and child, and the laws of commerce and business generally.

But however successful the work of the Law Institute may be, the time will never come when the law school will cease to be of the supremest necessity, not only to preserve and enrich the laws,
but to train men for the bar and bench, able to expose the fallacies of all false and pernicious doctrines.

During the last fifteen or twenty years, I have watched closely the character of the work done by our law college. In my judgment most of the new recruits who have come from our school have come to the bar as well equipped as from any of the older and larger colleges and universities. In the early days many came from the ranks of men having practically no legal education or natural ability, some of them justices of the peace, pension examiners and the like. The raising, in recent years, of the qualifications for admission to the bar has had much to do in bringing about the present status. The effect is going to be made more strikingly manifest as time goes on, not only in the betterment of the laws, but in the character of the bar, and of the judges called to preside in our courts.

The methods of teaching are now much superior to those of earlier times. The schools now are not so much engaged as formerly in crowding the minds of the students with mere abstract principles of law. Since the case system of teaching was first introduced by Professor Langdell, at Harvard, that system has been quite generally adopted in the law schools of the country. The advantages of this system over the old are very apparent when the work of our school is examined. In reading the notes and criticisms of recent decisions by members of the law classes, as published from time to time in the Law Quarterly, I have been greatly pleased at the accurate and practical knowledge displayed.

And now with the new law building and the better equipment for the work, we may confidently look forward to greater accomplishments by teachers and students. The inspiration will be greater. My fondest hope and expectation is that the law college will continue to prove itself worthy of the support and confidence of the people.
PRACTICE COURT ROOM.