

# REPORT

OF THE

## FIFTH ANNUAL MEETING

OF THE

# Virginia State Bar Association,

HELD AT

WHITE SULPHUR SPRINGS, W. VA.,

38253

August 1st, 2d and 3d, 1893.

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WHITE SULPHUR SPRINGS, W. VA.,  
*Tuesday, August 1, 1893.*

Frank H. McGuire, of Richmond, Chairman of the Executive Committee, called the Association to order at 11 o'clock A. M., and said :

It is my duty to call the Association to order and to invite you to listen to the address of our President.

Mr. R. T. Barton, President of the Association, then read his address.

*(See Appendix.)*

The President : I will announce the following committees :

Committee to Recommend Officers—S. S. Turner, of Front Royal ; E. E. Montague, of Hampton ; Eppa Hunton, Jr., of Warrenton ; W. O. Hardaway, of Roanoke ; and R. R. Prentis, of Suffolk.

The President : There being no dissent, the report of that committee is adopted. The Committee on Grievances.

R. S. Thomas, of Smithfield : Mr. President,—That committee has not been called together, because there has been no grievance reported to it. I therefore report that the committee has no report to make.

F. H. McGuire, of Richmond : Mr. President,—I move that a committee be appointed from the Association at large to present fitting memorials upon the death of our lamented members—Colonel W. W. Gordon, Major Legh R. Page, Captain Alex. D. Payne and Judge John W. Stout.

The resolution was adopted, and the Chair appointed for that purpose a committee consisting of Judge B. W. Lacy, of New Kent; S. V. Southal, of Charlottesville; James Pleasants, of Richmond; A. C. Braxton, of Staunton; and J. K. M. Norton, of Alexandria.

The President : The next in order is the report of the Special Committee on the grave of Chancellor Wythe.

R. G. H. Kean, of Lynchburg : Mr. President,—Pressure of business called the chairman of that committee to the far West for the whole summer, and he advised the other members that he would be unable to be present at this meeting. What the committee had done under the resolution of the previous meeting he had taken part in and concurred in. I submit the report of the committee.

Mr. Kean read the report of the committee.

(*See Report at end of Minutes.*)

The President : You have heard the report of the committee. It will be considered as adopted unless there is objection, and so recorded. I will be glad if the Chairman of the Executive Committee will announce the changes which that committee has made in our programme for to-night.

F. H. McGuire, of Richmond : In the absence of Mr. Hurd, who is absent on account of illness, the paper of Professor Graves will be read to-morrow morning at the time appointed for the address by Mr. Hurd. This evening the report of the Special Committee on Law Reform will be brought up, which was con-

have ceased to be written. They have degenerated into mere digests, and the best recommendation which their publishers think they can give them is to state in their circulars the many thousand cases which the text-books cite. The searcher after knowledge is doomed to many disappointments when he looks between their covers. Having first decided upon the heading of the index least likely to contain the subject on which he is seeking light, and found it there, he turns to the text, and is rewarded by finding the law stated just as the exigencies of his case demand. But his joy is short-lived, for he reads a few lines further and finds a "however," followed by a statement that many respectable courts have held the other way, or he makes a peculiarly apposite quotation from the text only to find that it is torn to pieces by an inconsistent foot-note.

We may well be thankful when text-books cease to be digests and become treatises, citing a few leading cases, instead of a mass of contradictory decisions. Such books will not need a new edition every year or two. They will lead the courts instead of following them.

There is some ground for hope that the reaction in favor of the treatise as against the digest is already commencing. Mr. Buswell, in his recent admirable work on "Personal Injuries," has set a good example in producing a treatise, which, while it may not always command our assent, still impresses us with its force; and our distinguished President, while possibly approaching dangerously near to the province of the digester in some instances, has yet enriched the legal literature of the State and earned the gratitude of the profession by giving us, in the new edition of his law practice, a work which at least has opinions of its own.

Respectfully submitted,

ROBERT M. HUGHES,  
R. G. H. KEAN,  
R. T. W. DUKE, JR.

REPORT OF THE SPECIAL COMMITTEE TO ERECT  
A TABLET TO THE MEMORY OF  
CHANCELLOR WYTHE.

*To the Virginia State Bar Association:*

Your committee, who were charged at the last meeting of the association with the duty of erecting, "either in the court-room of the Chancery Court for the city of Richmond, in the new court-room to be erected in the city of Richmond for the Court

of Appeals, or in the chapel of William and Mary College, a mural tablet, with a suitable inscription, to the memory of Chancellor George Wythe," submit the following report :

After much consideration, the committee decided that the most appropriate place for the erection of this memorial was the chapel of the College of William and Mary. There were special reasons which, in the judgment of the committee, rendered this a peculiarly fitting place. Either of the other places would have emphasized simply his judicial career. But if the committee understood the sentiment of the association aright, it was not simply George Wythe the jurist, but George Wythe the lawyer, who was to be honored. In addition, this chapel commemorates his services as a legal instructor, which were a prominent portion of the work of his life. While a practitioner of law, he was the teacher of Jefferson, and in 1780, when the College of William and Mary was reorganized by Jefferson and made a university by the establishment of professional chairs, George Wythe was elected the first Professor of Law. This was the first professorship of law in any American institution of learning, and the second in the English-speaking world. Only the Vinerian, at Oxford, filled by Sir William Blackstone, antedates it, and the committee felt it especially incumbent upon them to link together the names of Blackstone and Wythe as the first great expounders of the common law. The fact that Wythe was also an alumnus of William and Mary, that the most stirring scenes of his life were passed in Williamsburg, before and during the Revolutionary War, and that even a considerable portion of his judicial career was also passed there, left no room for hesitation.

They therefore placed in the chapel a bronze tablet with the following inscription :

**GEORGE WYTHE, LL. D. :**  
**MEMBER OF THE CONTINENTAL CONGRESS,**  
**SIGNER OF THE DECLARATION OF INDEPENDENCE,**  
**MEMBER OF THE COMMITTEE OF 1779 ON REVISION OF THE LAWS**  
**OF VIRGINIA,**  
**JUDGE OF THE CHANCERY COURT.**  


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**FIRST PROFESSOR OF LAW IN THE COLLEGE OF WILLIAM AND MARY.**  
*The American Aristides, he was the Exemplar of all that is Noble and Elevating in the*  
*Profession of Law.*

A. D. 1898.

This Tablet is Erected by the  
**VIRGINIA STATE BAR ASSOCIATION,**  
 In Tribute to  
 His Courage as a Patriot,  
 His Ability as an Instructor,  
 His Uprightness as a Lawyer,  
 His Purity as a Judge.

The committee must express their appreciation of the courtesy shown by the Faculty of the College, who not only gave their consent, but extended many facilities which lightened the labors of the committee.

Owing to the promptness of Mr. R. Geissler, the maker of the tablet, it was finished and in place in time for the final exercises of the college. Those exercises were the bi-centennial of the foundation of William and Mary, and the attendance upon them was unusually large. The tablet was formally turned over to the college authorities, in the name of the association, by one of the members of the committee, and was much admired by those who were in attendance, and the Board of Visitors of the college adopted resolutions in acknowledgment of the gift, as appears by a copy of the same appended to this report. The committee beg leave to add, in conclusion, that the cost of the tablet was within the appropriation made by the association at its last meeting.

Respectfully submitted, R. G. H. KEAN,  
ROBERT M. HUGHES.

At a meeting of the Board of Visitors of William and Mary College, held at Williamsburg on the 20th day of June, 1893, the following resolutions were adopted on the motion of Colonel Lamb :

"It having come to the knowledge of this board that the Virginia State Bar Association has erected a handsome mural tablet in the chapel in honor of George Wythe, its first professor of law, and one of its most distinguished alumni ;

"*Resolved*, 1st. That the thanks of this board are due and are hereby tendered to the Virginia State Bar Association for their tasteful gift.

"2d. That the board feels specially gratified that the name of George Wythe, so eminent as a lawyer and a judge, has at last been honored by his brothers of the bar, and that the Bar Association has, so early in its career, set the example of honoring the great jurists who have adorned the past history of our State."

A Copy—Teste : HENRY B. SMITH, *Secretary*.

## REPORT OF SPECIAL COMMITTEE ON LAW REFORM\*

(AS SUBMITTED—MIN., P. 14).

*To the Virginia State Bar Association :*

Page 8. } At the last session of the Bar Association, held in July,  
} 1892, the following resolution was passed :

"*Resolved*, That it is the sense of this association that law and equity procedure should be consolidated, so that legal and equitable rights can be administered in one form of action.

\*The paging of the report as originally printed and distributed to members is preserved on the margin of this report.

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