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Special Meeting of the South Carolina Bar Association

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SPECIAL MEETING OF THE SOUTH CAROLINA BAR ASSOCIATION

On December 10, 1960, at 10:30 A.M., a special meeting of the South Carolina Bar Association was held in the assembly room of the Law School on the campus of the University of South Carolina. The purpose of this meeting was to unveil the memorial book, "Memory Holds the Door" which will be located in the Library of the Law School.

The program was opened by Dr. Robert L. Sumwalt, President of the University of South Carolina, who welcomed the President of the South Carolina Bar Association and guests. Dr. Sumwalt referred to the cordial relations and fine support which have been given to the Law School of the University by the Bar Association. He stated that on this occasion the University would be represented by Dean Robert McC. Figg, Jr. of the Law School.

The program was then turned over to President Riley who called the special meeting of the Bar Association to order. The invocation was given by the Reverend Edwin B. Clippard, Rector of Grace Episcopal Church in Anderson, South Carolina and a former graduate of the University Law School. President Riley then welcomed the members of the Bar Association and guests and thanked the University for the use of the facilities of the Law School both on this occasion and in the past.

President Riley then presented David W. Robinson, Esquire, a past President of the South Carolina Bar Association and a member of the Special Memorial Committee of the Association. Mr. Robinson then read the names of the judges and lawyers memorialized in the book.

Judge Martin F. Ansel of Greenville
 Professor William Thomas Aycock of the Law School
 Attorney General G. Duncan Bellinger
 Christie Benet of Columbia
 Judge Milledge L. Bonham of Anderson
 Judge Ernest F. Cochran of Anderson
 F. William Cappelmann of Columbia
 Paul A. Cooper of Columbia
 Judge Thomas P. Cothran of Greenville
 William Elliott of Columbia
 Judge C. C. Featherstone of Greenwood
 Dean James Nelson Frierson of the Law School
 Judge George W. Gage of Chester

Judge J. Lyles Glenn of Chester
 Judge G. Benjamin Greene of Anderson
 F. Barron Grier of Greenwood
 Clement F. Haynsworth of Greenville
 Henry J. Haynsworth of Greenville
 Judge E. H. Henderson of Bamberg
 Professor Benjamin D. Hodges of the Law School
 Edward P. Hodges of Columbia and Washington
 Judge Lanneau D. Lide of Marion
 James Edwin McDonald of Winnsboro
 Moffatt Grier McDonald of Greenwood
 A. C. Mann of Greenville
 President William D. Melton of the University
 Professor M. Herndon Moore of the Law School
 Judge John J. Parker of Charlotte
 James L. Petigru of Charleston
 Dean Joseph Daniel Pope of the Law School
 Judge George E. Prince of Anderson
 David W. Robinson, Sr., of Columbia
 Professor Elbert Marion Rucker of the Law School
 Claude N. Sapp of Columbia
 Judge Thomas S. Sease of Spartanburg
 Judge Thomas H. Spain of Columbia
 Dean John P. Thomas of the Law School
 William Joseph Thomas of Beaufort
 Nathaniel A. Turner of Columbia
 Judge Henry Hitt Watkins of Anderson
 Judge Charles A. Woods of Marion

Mr. Robinson then introduced Mr. J. Edwin Belser who delivered the address.

MR. BELSER:

IDEALS OF THE LAWYER

Mr. Chairman, Fellow Members of the Bar, Ladies and Gentlemen:

Today we are gathered to pay tribute to the memory of some of our departed brothers in the law who so lived as to reflect ideals of the lawyer. It is becoming, therefore, that this morning we should direct attention to such ideals. When we think of the lawyer's part in our civilization, we envisage an educated man, a leader, capable, of good character and of absolute integrity. Such public approbation tends to stimulate him to greater effort and to sustain him in his endeavor to measure up to his reputation.

All know the lawyer as an educated man because of his study and training. Before the present day law school as we know it, the prospective lawyer spent years of study in the office of an established lawyer. The applicant sought and got advice and training from the active practitioner, thus becoming fitted for the role of lawyer by actual experience and practice. Then came the law school. At the turn of the century the

teaching staff of our law school consisted of two professors, the names of both of whom are inscribed in our Memorial Book, Colonel Joseph Daniel Pope, who taught real estate and equity, and Professor M. Herndon Moore, who taught code pleading and practice. Your speaker studied under both of them. Now the applicant before being admitted to the present day law school is screened as to his education, ability, capacity, character and morals. A college or university degree is usually required before he is accepted by the law school. Then follows three years of intensive study and training in the law school. Judge Story said: "I will not say with Lord Hale that the law will admit of no rival . . . but I will say that it is a jealous mistress and requires a long and constant courtship. It is not to be won by trifling favors, but by lavish homage." The lawyer thus is required to be well educated and is fitted to become either a successful practitioner of the law or, as frequently is the case, to become teacher and professor in our law schools. As examples of lawyers who were successful in their practice turning their attention to teaching we have among those whom we honor today M. Herndon Moore, Dean J. Nelson Frierson, and John P. Thomas. We also honor today, not in memory but in his proper person, our beloved Dean, Samuel L. Prince, who turned from the law to become Dean of our Law School. But as years caught up with him he returned to the law.

The law is of ancient vintage. The earliest known written laws are Hammurabi's Babylonian Code of 2250 B.C., mentioned here by reason of its antiquity. Then followed the basic laws of India, the Assyrian Law Codes, Institutes of Justinian, Penal Code of China, and the Roman Law. Our common law heritage is of Germanic origin and was brought to England by William the Conqueror in 1066. Magna Charta, the outgrowth of the Common Law, wrestled from King John of England in 1215, is the oldest definite advance to the rule of written law as we know it in contrast to rule by the will or word of man. The English settlers brought to America the common law which moulded American destiny. The Common Law was embodied and crystalized in the Constitutions of the several states (except Louisiana where the civil law prevails) and of the United States following the American War for Independence. Many of the lawyers in the Constitutional Convention were educated in England. Perhaps that fact influenced Gladstone to say that the American Constitution is the most wonderful work that ever came from the mind of man at any single time. Under our Constitution, and laws enacted pursuant thereto, it is the American boast that we live and enjoy life under the rule of law.

Jean Jacques Rousseau says:

It is to law alone that men owe justice and liberty. It is the salutary organ of the will of all which establishes in civil rights the natural equality between men. It is the celestial voice which dictates to each citizen the precepts of public reason, and teaches him to act according to the rules of his own judgment and not to behave inconsistently with himself. It is with this voice alone that political leaders should speak when they command.

The lawyers in our legislative halls, in cooperation and consultation with lay members, crystalize and draft into legislation the laws ultimately

adopted. The law as a profession, not a trade, is a living organism which must keep pace with the advance of the sciences. In this space age of electronics, of rapid transportation and communication by land, water and air, new problems in the law are constantly arising and must be solved. Their solution requires constant and advanced study and first hand knowledge gained by travel. As many of our dedicated professors and teachers have not the financial means of doing either advanced study or traveling, it is fitting and it behooves us to participate in the creation, enlargement and perpetuation of the endowment fund so nobly conceived and created by and through the consecrated effort of some of our brothers, including Dean Samuel L. Prince, David W. Robinson and Dean Robert McC. Figg, Jr. The fund now amounts to approximately \$135,000.00, of which more than half is due to the farsightedness and generosity of our departed friend and contemporary, Ed Hodges. He has set a noble example. May others, seeing the benefits accruing to our law school and its graduates, be inspired to add from time to time to the endowment fund. In addition to these here named, there are many other of our brothers whose memory should be enshrined by their friends in our book of Endowment Memorials. "To live in hearts we leave behind, is not to die." As the endowment fund grows, not only will it serve to perpetuate the memory of honored ones but also the increased income will be devoted to the assistance of our teachers in taking advanced courses of study in the science and application of the law, thereby increasing the teachers' effectiveness which in turn results in enlarging the students' vision. Both results are worthy of our generosity.

The lawyer earns respect not by reason of his birth but by reason of the use of his learning. As a man of integrity endowed with learning he is naturally looked upon as a leader in community affairs. The approbation of his neighbors, coupled with the assurance given him by his learning, enable him tactfully to meet and accept the views of his neighbors, and with them formulate plans to better such local conditions as may need correction. Neighbors come to listen to him and lean upon his advice in community, state and national affairs. But on his part he must give as well as receive. He must take an active part in such community affairs as church, Sunday School, Community Chest work, clubs, and other social affairs. In other words, he must be a good, all-round citizen and join in local activities.

His learning enables the lawyer to become a man of ability and a leader. He must be able to distinguish the good from the bad, the wise from the unwise, the course likely to succeed from that likely to fail. Legal ability manifests itself in many forms. There is the pleader who drafts his complaint, petition, or answer in such form as to set forth with clarity and skill the facts which under the applicable law will most likely produce the desired result. There is the trial lawyer, who after analyzing the facts, presents them to the court and jury for their consideration and determination, skillfully portraying the facts favorable to his client. His gift for presentation varies with the personality of the lawyer. None whose memory we honor here today were more unlike than Mr. D. W. Robinson on the one hand and Claude Sapp and Paul Cooper on the other. Mr. Robinson grouped, marshalled and presented

the facts of his side of the case with such force and clarity of expression, that they stood out to the court and jury. He painted a word portrait for all to see. Claude Sapp and Paul Cooper each presented his facts with such humorous terms, quips and jests that even if the facts were adverse they did not seem so bad after all. The three, though unlike in many respects, were successful practitioners, and enjoyed the respect of the bench and bar.

Then, too, there is the office lawyer, more aptly characterized as Counselor. To him come business executives and others usually seeking advice in financial matters or corporate policy. From association, office lawyers frequently become the officers or directors of business corporations. Occasionally they go into the educational field as did Dr. W. D. Melton, who became President of the University in 1922 and died in harness in 1926. Under him the University made great strides in enlargement of both its physical plant and its student body.

Over and above all else the lawyer must be of unquestioned character and integrity. Many years ago Judge Memminger, speaking for our Supreme Court, said: "While 'custom and experience has placed values upon most of the treasures of mankind, no effort of the human mind has ever been able to estimate and determine the value of good character.'" As officers of the court lawyers must be of good character and must not do any shabby thing. Disbarment from the profession may result. Our Supreme Court and our Bar Association will not countenance shabby actions in members of the profession. The lawyer must keep faith with his fellow lawyers, as well as with his client. Because he is deemed a man of integrity he is called upon to advise in financial affairs, in drafting of wills, to serve as executors of wills and as trustees of estates, large and small, and for minors or incompetent persons. Then, too, more than the preacher and family doctor, he is entrusted with the most intimate of family relations. He keeps his trust as a sacred duty. Of such were attorneys Christie Benet, William Elliott, and Billy Cappelmann. The mention of these men is not to be taken as disparagement to the large number of other lawyers not mentioned, but only because those mentioned were well known to your speaker.

The lawyer must be a man of good judgment. He it is who meditates with his client as to the merits of the cause under consideration. His is the decision as to whether to litigate, compromise or settle the matter in dispute. Abraham Lincoln said to the Lawyer:

Discourage litigation. Persuade your neighbor to compromise whenever you can. As a peace maker the lawyer has a superior opportunity of being a good man. There will still be business enough.

After years of practice, when he has become seasoned by experience, the lawyer may be elevated to the bench. As Judge, he passes upon the life, liberty and property of his fellow citizens. There he must hold steady the scales of justice. There rich and poor stand alike to be judged according to the rule of law. As Justice Marshall says: "Judicial power is never exercised for the purpose of giving effect to the will of the Judge; always for the purpose of giving effect to the will of the legislature; or in other words to the will of the law." Of those whom we honor today as holding aloft the scales of justice are Judges Martin

F. Ansel (formerly Governor of our State), Milledge L. Bonham, Thomas P. Cothran, C. C. Featherstone, G. Benjamin Greene, Lanneau D. Lide, George E. Prince (father of our beloved Dean, Samuel L. Prince), Thomas S. Sease, Thomas H. Spain, E. H. Henderson, and George W. Gage, of the South Carolina Bench, and Ernest F. Cochran, John J. Parker, Henry Hitt Watkins, Charles A. Woods, and J. Lyles Glenn, of the Federal Bench. Surely their number, their names, their records, known to most of you, are impressive.

In America, where under the rule of law all men are deemed equal, we may in closing well quote the words of Henry Brougham, Lord Chancellor of England, when he wrote:

It was the boast of Augustus . . . that he found Rome of brick and left it marble. But how much nobler will be the Sovereign's boast when he shall have it to say that he found law dear and left it cheap, found it a sealed book, left it a living letter; found it the patrimony of the rich, left it the inheritance of the poor; found it the two edged sword of oppression, left it the staff of honesty and the shield of innocence.

President Riley thanked Mr. Belser and presented Samuel L. Prince, Esquire, Dean Emeritus of the Law School and a past President of the South Carolina Bar Association. Mr. Riley called upon Dean Prince, the Chairman of the Special Memorial Committee of the Bar Association, to give a short history of the Endowment and the Book, "Memory Holds the Door," and to make a presentation of the Book.

DEAN PRINCE:

President Riley, Ladies and Gentlemen:

Some few years ago when Mr. D. W. Robinson was president of the South Carolina Bar Association he conceived two ideas:

- (1) That there should be an endowment for the law school and
- (2) That fifty people or groups would contribute \$1,000 each for this purpose.

The endowment would be for the development of the law school faculty, special lectures, improvements of the school and the profession in South Carolina, but not for salaries.

About the same time, but disconnected with Mr. Robinson's ideas, the law school faculty was trying to discover some means of carrying over to the present and future generations of lawyers something of the fine professional standards of some of those members of our profession of the first half of this century who were recognized as men with virtues worthy of emulation.

Then it was that the South Carolina Bar Association combined the ideas and provided that the donors each would be requested to select a former member worthy of being memorialized to be included in the Memorial Book. The story of this beautiful book you already know.

For the same general purposes, Miss Hodges, sister of the late Edward P. Hodges, left to the law school as an endowment some 80 thousand dollars.

Psychologists tell us that we may admire the work of a great man but we will not of necessity be inspired to attempt the same accomplishment; but if we read the biography of a great man showing some, if not all of his virtues, we are automatically motivated to emulate his virtues.

This is the principle governing the purpose of this Memorial Book.

Dean Prince then called upon Librarian Sarah E. Leverette with the assistance of John Waties Thomas, Jr., and Peyre Thomas Lumpkin, great-grandsons of the late John P. Thomas, to unveil the Memorial Book. Dean Prince then presented the Book on behalf of the Committee and the Bar Association to Dean Figg, charging him, the University, and the Law School with its safe care and preservation.

Dean Figg accepted the Book on behalf of the Law School and the University and directed Miss Leverette to proceed to the Library and place the book in the repository prepared for it. He further directed Miss Leverette to turn a page in the book each school morning. Dean Figg then thanked President Sumwalt and Dean Patterson for the repository, and also thanked the members of the Bar Association and the laymen, family and friends of those memorialized for making the endowment possible. He extended an invitation to those present to a reception, which was held in the Law School Library immediately after the ceremony.

President Riley again expressed his thanks for the support which had been given in the matter of the Endowment for the Law School.

The special session of the South Carolina Bar Association was concluded with a benediction pronounced by Reverend Clippard.