

**THE COMMENCEMENT
ANNUAL OF THE
UNIVERSITY OF MICHIGAN,
VOL. 6, NO. 1, JULY 1, 1886**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649514571

The Commencement Annual of the University of Michigan, Vol. 6, No. 1, July 1, 1886 by Frank E. Beeman

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

FRANK E. BEEMAN

**THE COMMENCEMENT
ANNUAL OF THE
UNIVERSITY OF MICHIGAN,
VOL. 6, NO. 1, JULY 1, 1886**

28665

VOL. 9. NO. 1.

JULY 1, 1886.

THE

COMMENCEMENT ANNUAL

OF THE

UNIVERSITY OF MICHIGAN.

FRANK E. BEEMAN,
PUBLISHER.

ANN ARBOR:
COURIER PRINTING ESTABLISHMENT,
1886.

Entered according to Act of Congress, in the year 1886,
By FRANK E. HEEMAN,
In the office of the Librarian of Congress, at Washington, D. C.

Closing Address of Professor Henry Wade Rogers to the
Graduating Class of the Law School of the Uni-
versity of Michigan, June 17th, 1886.

Members of the Graduating Class :

Almost two years have passed since you assembled in this place for the first time, and listened to the introductory lecture of Mr. Justice Campbell. To-day you are assembled to hear the last lecture to be delivered to you as students of law in this University.

In the intervening period you have acquired a knowledge of the elementary principles of law, and are about to go forth to become members of the legal profession, to sound its depths and shoals of honor.

It cannot be inappropriate on such an occasion to congratulate you upon the fact that you are to enter a profession so useful, so dignified, and so honorable as is that of the law—the chosen profession in which Coke, Mansfield, and Marshall obtained such imperishable renown, and in which Erskine, Choate, and Webster found so much delight.

THE LEGAL PROFESSION.

The three professions, which by common consent are called the “learned” professions, are almost equally necessary to the welfare of society. They are alike useful, and alike honorable. Each of them affords full scope for the exercise of the talents which dignify and the virtues which adorn human character. Nothing can be more worthy a noble mind than to preach among men the mystery which from the beginning of the world hath been hid in God. The profession of medicine, too, is entitled to all the honor that its practitioners claim for it. In the Iliad we read,

“A wise physician, skill'd our wounds to heal
Is more than armies to the public weal.”

But not less honorable, and not less useful is the profession of the law. Indeed so long as men shall live under a government of laws, it will be difficult to over-estimate the dignity and usefulness of a profession that makes such a government possible.

Chancellor Kent once said to the students in the Columbia law school that he knew no duty, next to the worship and obedience which we owe to our Father which art in Heaven, that was more imperative in its performance, than that which the municipal law of the land required of its profession.

When Charles Sumner, at Heidelberg, was asked by Thibaut and Mittermaier, German jurists of eminent renown, as to the position of the American lawyer, his reply was: "No person is his superior. His position, gentlemen, if you will pardon me for saying it, is what yours would be in Germany, if there were no aristocracy of birth." And so that philosophical foreigner, De Tocqueville, found in the legal profession of this country a real aristocracy, an aristocracy not of family or wealth, but of thought and character. "If I were asked," he says, "where I place the American aristocracy, I should reply without hesitation, that it is not among the rich, who are united by no common tie, but that it occupies the judicial bench and bar."

But the American lawyer has not always occupied this honorable position. In the early history of this, as of other countries, the clergy constituted the class of influence and prestige. The legal profession had no prominence in the early colonial period. It was not until immediately preceding the Revolutionary period that the lawyers constituted in this country a powerful and influential class. Then it was that men of high social position and real talent began to devote themselves to the study and practice of the law.

In the period immediately following the Revolution the profession lost something of its former influence, hav-

ing for a time incurred the ill will of the people. During the war the administration of justice was of necessity largely suspended. After the war closed the amount of private debts was enormous. The result was that lawyers were overwhelmed with business, and the courts could not dispose of half the cases upon their dockets. The people were poor and idle, while the lawyers were busy and growing rich. What more natural than to assert that they were growing rich at the expense of the poor? They were accordingly denounced as "banditti, as blood-suckers, as pick-pockets, as wind-bags, as smooth-tongued rogues." The public press lent itself to the dissemination of the prejudice and called on the people to boycott the profession, and to see to it that no lawyer was elected to public office. By degrees this feeling wore itself out, the profession regained its former prestige, and ambitious young men of talent devoted themselves to the law as being the surest way of attaining popular favor and political distinction.

I have read in Hamerton's *Intellectual Life* that in England there are only three occupations, out of the hundreds which men pursue, that a member of the nobility can enter upon without a sacrifice of cast. He may be a land owner, a soldier, or a priest, as these three callings are alone entirely free from some degrading stigma, being absolutely and ethereally pure. Next to these, he says, is ranked the profession of law, and that of medicine, upon both of which rests "some traces of the lower earth." A member of the nobility may fight or preach, but he ought not to plead or heal. We are prepared, therefore, to accept the statement which Mr. Freeman has expressed in his *Impressions of the United States*: "The lawyers in America are an even more important class than they are in England."

At Rome, to the end of the Republic, the legal profession is said to have been the sole field for all ability, except the special talent for generalship. We are told that

through the practice of the law lay the approach to wealth, to fame, to office. The legal profession was at first the sacred inheritance of the patricians, but in the decline of Roman jurisprudence, it fell into the hands of the freedmen and plebeians, who are said to have exercised it as a sordid and pernicious trade.

"To be my lord, study the law.
The mighty Julius pleading at the bar,
Was greater than when thundering in the war.
He conquered nations; 'tis of more renown
To save a client than to storm a town."

Such is the dignity of our profession. But what shall I say of its mission? It may be truthfully said that it is the mission of the legal profession to defend public liberty, and to vindicate the rights of man. The members of the profession stand as 'sentinels over the constitution and liberties of our country, and *ex-officio* natural guardians of our laws.' Upon them is devolved the solemn responsibility of preserving unto men life, liberty, and property. They are the very conservators of society, and upon them rest great and solemn responsibilities. "So may the gods be merciful to me," exclaimed Cicero in the prosecution of Verres, "whenever I think of the moment when I shall have to rise and speak in defense of a client. I am not only disturbed in mind, but tremble in every limb of my body." "Oh! sirs," exclaimed one of our own great orators, "it is a splendid sight to see the lawyer as he stands at the bar in the thick of the fight, all glowing with the chivalrous impulses which a lofty sense of honor and duty can alone inspire, trembling under the burthen of a human life, a fortune, or, dearer than all, a reputation, which hangs upon his own quivering breath. 'Tis then that the man becomes

'A holy mystery—
A part of earth, a part of heaven,
A part, oh! God of thee.'

ADMISSION INTO THE PROFESSION.

It is because the legal profession is charged with such grave and solemn responsibilities, that the state does not allow any person who chooses to enter on the practice of the law as one would enter on any of the ordinary avocations of life, but insists that he shall possess those qualifications of learning and of character which fit one to discharge trusts of so weighty and delicate a nature.

It is unfortunately true that the standard of admission to the legal profession is lower in this country than it is in any other of the leading nations.

In France to entitle one to be admitted as an *avocat* the candidate must have obtained the degree of Bachelor of Letters after an examination in French, Latin, and Greek, in literature, history and philosophy; and he must also have obtained his degree in law from the *Faculté de Droit* after a three years attendance on the lectures of the Law School.

In Spain to be admitted as a barrister one must have received an academic education, and a degree of licentiate at law at a University.

In Germany likewise there is only one way into the profession, and that is by way of the classical schools and the universities. The candidate must have completed the course in the gymnasium or classical college, which takes the student on an average until his twentieth year. Thereafter and before he can be admitted in full standing to the bar he must pursue a preparatory course in law which takes eight and one-half years, at least three of which must be spent in the study of law at the University. In that country a man spends the years of his life from the sixth to the twenty-ninth in making ready for his professional career. On the completion of his law studies in the University he must pass a severe examination before a committee of judges, attorneys, and law professors, whereupon he becomes a *Referendar*, and is assigned to serve as a clerk to judges or attorneys. Five years thereafter on