

## USC Law School - Blackstone's Commentaries were part of law school curriculum

"Under Moses the curriculum of the law school was modified to place a heavy emphasis on Blackstone's Commentaries and Kent's Lectures." [ Photo of plaque in USC Law Center ]

### Reconstruction Era (1867-1877)

The University of South Carolina School of Law was established as one of ten academic schools when South Carolina College was reorganized as the University of South Carolina in 1865 and 1866. The Board of Trustees elected twenty-seven year old South Carolina attorney Alexander Cheves Haskell as the first professor of law and the law school opened on October 7, 1867. Professor Haskell developed his own system of leading the junior class through a course in Blackstone's Commentaries and the senior class through a course on Stephens' Pleading. By November there were four students in the law school's two classes. The first student of the law school was Arthur Moore of Columbia. He was joined by C. Pinckney Sanders (Walterboro), Jefferson Warren, and John T. Sloan (both of Columbia). Entrance requirements for the law school were no higher than for other schools and the course of study was not on the graduate level. Moore and Sloan completed the course in nine months and received the first bachelor of law degrees granted by the University on June 29, 1868. Haskell resigned the law professorship in November, closing the law school for the remainder of the academic year.

The Board of Trustees elected South Carolina attorney Cyrus David Melton to the professorship of law on July 12, 1869. Professors T. N. Roberts, Henry J. Fox, and Richard T. Greener, the first African-American faculty member at the University of South Carolina, assisted Melton with his teaching duties in the law school. The course of study was arranged to be completed in two academic years, though a student could enter both classes and complete the course in one year. Tuition for the law school's nine-month academic year was \$50.00. From the opening of the law school in October 1867 until the death of Professor Melton on December 4, 1875, classes were held in the University Library, now the South Caroliniana Library, and DeSaussure College.

During Melton's tenure, the University, including the law school, was integrated in October 1873. Walter Raleigh Jones was the first African-American to enroll in the law school on October 13, 1873. By the end of that October, five African-Americans had enrolled in the law school. On June 30, 1874, Jones earned the distinction of being the first African-American graduate of the law school. The Board of Trustees chose Franklin J. Moses, Sr., the Chief Justice of the Supreme Court of South Carolina, as Melton's successor. Under Moses the curriculum of the law school was modified to place a heavy emphasis on Blackstone's Commentaries and Kent's Lectures. When Moses died on March 6, 1877, the law school ceased to function. A Joint Resolution of the South Carolina General Assembly closed the law school on June 7, 1877. The Reconstruction-Era law school had graduated thirty-nine students between 1868 and 1876, including eleven who were African-American.

### University Library (1884-1891)

The law school was reopened in 1884 and has operated continuously ever since. Law students paid \$30.00 per year in tuition and an additional \$10.00 annual fee. The income from tuition was used to supplement the \$150.00 per year salary of the law professor. That arrangement continued until 1888, when the law professor's salary was brought in line with that of other University faculty members. The Board of Trustees elected South Carolina attorney Joseph Daniel Pope as professor of law on May 7, 1884.

Admission standards for the law school were almost identical to those for incoming freshman, the only difference being the age requirement. Law school applicants had to be at least nineteen years old, while college freshman could enroll as young as fifteen. The law course remained a two-year program, as it had been during Reconstruction, with junior and senior classes. Bachelor of law degrees were awarded to students who completed the course. The University assigned the law school to a classroom in the University Library, now known as the South Caroliniana Library. Daniel Walker Hollis, in his history of the University of South Carolina, suggested that the atmosphere of the library was perhaps expected to compensate students for the fact that, as far as he could determine, no funds were spent for law books. The law school opened in 1884 with ten students, all of whom were placed in the junior class. The following year enrollment increased to sixteen, with eight juniors and eight seniors. Five of the seniors received bachelor of law degrees at the end of that year. Eight students graduated from the law school in 1886, the first law degrees awarded since Reconstruction. Professor Pope and University of South Carolina President John McLaren McBrayer wanted incoming law students to have attended college for at least a year or two, but most enrolled with no college experience at all.

According to this placard on the wall of the USC Law Center, the curriculum of the University of South Carolina Law School included Blackstone's Commentaries during at least parts ( if not all ) of the period, c. 1867-1877. Blackstone's Commentaries, published 1765-1769, had been used to train lawyers in the United States for 100 years or so. William Blackstone wrote the Revealed Law of God ( the Holy Scriptures ) and the Laws of God in Nature were rightly the foundation of all human laws. William Blackstone's Commentaries: "Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human laws should be suffered to contradict these."