





# DUKE LAW SCHOOL, 1868-1968: A SKETCH

by W. Bryan Bolich†

## I. 1850-1894

Tracing through Trinity College, Duke University's history began in 1838 when a group of Methodist and Quakers joined in the creation of a school in Randolph County called Union Institute, of which Brantley York was principal until succeeded by Braxton Craven in 1842. It was incorporated in 1851 as Normal College. A church-state institution emphasizing education for the profession of teaching in the public schools, its Board of Trustees included state officials with the governor as chairman. Having broadened its curricula and educational objectives in 1859 Normal College terminated its connection with the state and became Trinity College, an arm of the Methodist Church.<sup>1</sup>

The history of instruction in law at Duke began in 1850 as part of a liberal arts education when President Braxton Craven inaugurated his lectures on Political and Natural Law, which were replaced in 1855 by his lectures on Constitutional Law and International Law.<sup>2</sup> This utilization of law as part of a liberal arts curriculum, of which Braxton Craven was an ardent advocate, stemmed from the influence of Sir William Blackstone who in 1753 became a lecturer on law at Oxford University and was in 1758 made the first holder of its distinguished Vinerian Professorship of English law. It seems startling that this late date marked the first lectures on English law ever delivered in a university. At this time the Inns of Court were in eclipse, and the only avenue to the legal profession was through self-education and office apprenticeship, which generally produced legal craftsmen unlettered in the broad context and implications of the law. Blackstone contended that this situation could never "be effectually remedied but by making academical education a previous step to the profession of the common law, and at the same time making the rudiments of law a part of academical education." Blackstone's first lecture, the Study of Law, outlined and attempted unsuccessfully to introduce a system of legal education in England. However, his message bore fruit in America where his *Commentaries*, of which this lecture was the first part, became the legal bible of lawyers and law students. His thesis that all citizens should study and understand the law under which they lived was widely followed in this country.<sup>3</sup> Until the last half of the nineteenth century, the average American lawyer's preparation followed the English pattern of self-study and apprenticeship. In the late 1700's and early 1800's several chairs of law were established with able men such as Wythe (Wm. & Mary, 1779), James Kent (Columbia, 1793), and Parker (Harvard, 1815). The aim was not to train lawyers, but to lay a broad foundation in responsible citizenship for the further education of prospective lawyers and non-lawyers alike.<sup>4</sup>

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