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CONSTITUTION  
—AND—  
BY-LAWS  
OF THE  
West Virginia Bar Association  
ORGANIZED JULY 8 1886  
TOGETHER WITH THE  
OPENING ADDRESS OF HON. JOSEPH SPRIGG  
AND THE  
PROCEEDINGS OF THE FIRST MEETING.

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MORGANTOWN:  
NEW DOMINION STEAM PRINTING HOUSE,  
1886.





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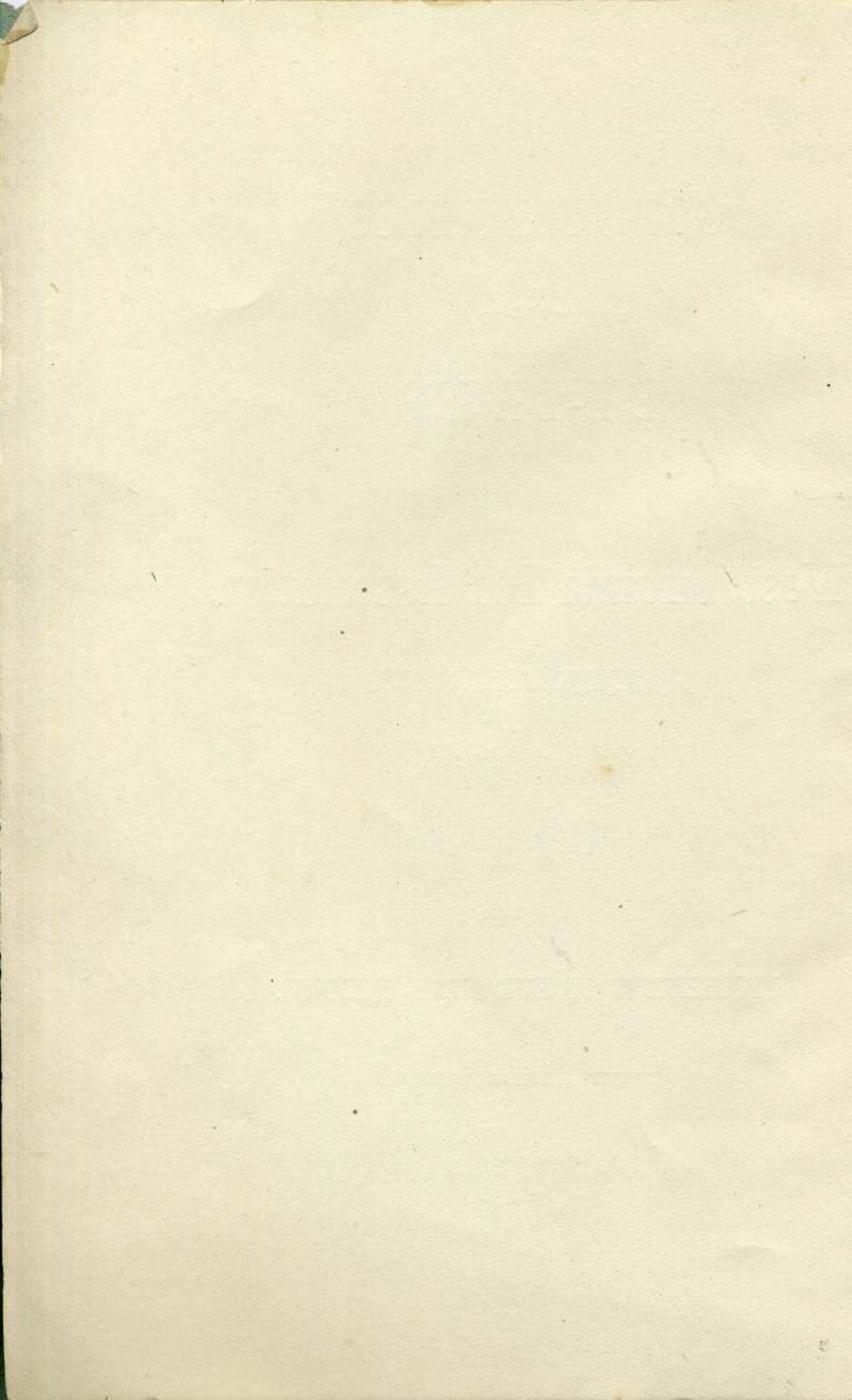
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# West Virginia Bar Association.

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## OFFICERS.

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### PRESIDENT,

HON. JOSEPH SPRIGG, of Hardy County.

### VICE PRESIDENTS,

- 1 Circuit—HON. ROBT. WHITE,  
2 “ —HON. JAMES MORROW,  
3 “ —HON. B. F. MARTIN,  
4 “ —HON. L. G. BENNINGTON,  
5 “ —HON. W. W. VANWINKLE,  
11 “ —HON. C. HIGGINBOTHAM,  
12 “ —HON. J. D. ARMSTRONG,  
13 “ —HON. C. J. FAULKNER, Jr.

### SECRETARY.

W. P. WILLEY, of Monongalia County.

### TREASURER.

F. M. REYNOLDS, of Mineral County.

### EXECUTIVE COUNCIL.

PRESIDENT JOSEPH SPRIGG, }  
SECRETARY W. P. WILLEY, } *Ex-Officio.*

HON. J. J. DAVIS, J. A. HUTCHINSON,  
HON. A. F. HAYMOND, W. P. HUBBARD,  
FRANK BECKWITH.

## OPENING ADDRESS OF HON. JOSEPH SPRIGG.

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GENTLEMEN:—

As I have had a good deal to do with your assembling here to-day, it has been suggested as proper for me to call you to order, and to state briefly the objects and purposes for which you have been invited to come.

We have assembled, My Brethren of the Bar, for the purpose of organizing a State Bar Association, to be composed of all the Attorneys in good standing in the State who see proper to join with us.

As stated in the published call for this meeting, the object and purpose in organizing this association is the advancement of the science of Jurisprudence, the promotion of reform in the laws, to facilitate the administration of justice and to uphold integrity, honor and courtesy in the legal profession in West Virginia.

My brethren, these are grand, worthy and noble objects. I do not know that we could assemble, having in view the promotion of grander, more worthy or nobler objects than these. As citizens of West Virginia, I conceive it to be our duty, to endeavor to carry out each one of the objects and purposes I have mentioned. I take it, we owe it to ourselves, to our neighbors, and to our children to promote, by all the means in our power, good government in the State of West Virginia. We are citizens of West Virginia, and as such, have an interest in common with the rest of our fellow-citizens of the State, in promoting good government. In the promotion and perpetuation of good gov-

ernment in the State our lives, happiness and fortunes are as indissolubly connected as any other class of citizens.

We are about, My brethren of the Bar, to form an Association for the promotion of good government within our State, believing that as an organized and compact body, acting in concert and harmony, we can do more good than we can otherwise. It will be no inconsiderable event, gentlemen, that the members of the Bar—and the judges and expounders of the laws of the State—meet together in a compact and harmonious body to consult with each other upon the duties, obligations, and social interests which directly or indirectly spring out of our profession. Such consultation means very much more than the cultivation of social intercourse. It means, in the language of our published call for this meeting, “The advancement of the science of jurisprudence,” which in its highest purposes and ultimate results, means the promotion of the peace of society and the security of *all*, in the rights of life, liberty and property.

Drawing our inspiration from that great foundation of civil liberty, the Common Law, and educated by the masculine courage of its great masters, we, My brethren, naturally stand in the front rank, to protect and defend organic law, and make its sovereign power loved by the good and orderly and feared by the bad and vicious.

Our profession, more than any other, represents that great principle of divine power, that there is no respect of persons before the law.

I am perfectly well aware, My brethren, that there is prevalent among certain classes, a sentiment inimical to our profession. But I am very happy to say, I believe it is principally confined to the most ignorant and demagogical. Who does not know, that whenever and wherever there is government regulated by law, and it happens that with either real or fancied cause, these rights are invaded by the strong arm of the government or by the violence or cupidity of individuals, our counsels and our aid and assistance *are first* invoked by the sufferer for redress; and no matter how poor and humble he may be, no worthy member of our profession ever turns the “cold shoulder” to him. In the language of Mr. Justice Blackstone, ours is a



profession taught the science "which distinguishes the criterions of right and wrong;—which teaches to establish the one, and prevent, punish or redress the other; which employs in its theory the noblest faculties of the soul, and exerts in its practice the cardinal virtues of the heart; a science which is universal in its use and extent, accommodated to each individual, yet comprehending the whole community."

The science of the law, My brethren, is a grand and noble science. It has had, and has to-day within its ranks more good noble-minded and true-hearted men, statesmen and patriots, than any other profession. Let me say that a profession that can boast of such men, statesmen and patriots as Marshall, Taney, Webster, Clay, Calhoun, Story, Kent, Wirt, Martin, Johnson, Pinkney, Chase, and whole hosts of others I could mention, need not fear the adverse criticism of any individual or class of men. We know, My brethren, that we love our State and our whole country. We know that what we do is for the best interests of our State and country. We love our State and our country, not simply because the one is broad, rich and powerful, and the other capable, under proper management, of becoming so, but because, under their laws, *the lives, liberties and fortunes* of the people are protected *better* than in any other government under the sun. We know our duties to our government, and to our fellow men. We are taught these grand principles by our profession. We desire to improve our laws. We desire the improvement in the law to keep pace with the progress of other improvements. We desire to better our own and the condition of our fellow citizens generally, so far as the law can do it.

The peace, happiness, and prosperity of our country, My brethren, rest and ever will rest upon the virtues of her people, and the cultivation of a true spirit of liberty, equality and patriotism. The very best way to create a reverence for law, is to make the law worthy of it, and the best security for life, liberty and property, is wise, wholesome laws, honestly and faithfully executed. To secure love of country, on the part of the people thereof, we must have good laws, and make and keep *all* the ministers of the State pure. The members of our profession

must look to this. It is our peculiar task. It is for this purpose we are here to-day, to organize a State Bar Association. Estimating at its true value, My brethren, of the Bar, the intimate relations of our profession to the public, can there be any higher duty or more worthy object, than that to which I have referred? to-wit: the promotion of the administration of justice, the advancement of the science of jurisprudence, and the up-building and upholding of the honor of the profession? Because of our calling, gentlemen, we are constantly brought face to face with the defects and imperfections in our laws. No other class of men in the community see as quickly or know better the defects and imperfections of the law. There is no other class of men in the community better fitted to furnish a remedy for such defects and imperfections. I know of no other occupation in life half so well calculated to make men self-reliant and capable of forming sound, just judgments upon public questions as they arise. The study of the law necessarily stores in men's minds a mass of useful information in respect to property, liberty and business, which will be brought into requisition almost every day. But the incidental effects of the study of the law are still more important. A body of men instructed in the law, cannot fail to have an important influence; and their extensive connection with the people engaged in all the great industries of the State and country, cannot fail to give them great advantages over others less favored.

I believe, My brethren, that the time will come, in this country, when men will be selected for important positions with some reference to their educational qualifications to perform the duties, and that, as a necessary consequence, there will disappear from the bodies that make our laws that great anomaly, ages ago pointed out by Mr. Justice Blackstone, when he said it was "perfectly amazing that there should be no other state of life, no other occupation, art or science, in which some method of instruction is not looked upon as requisite, except only the science of legislation, the noblest and most difficult of any."

I need not stop to call over the many positions connected with the making and administration of our laws, in which higher degrees of legal learning are, in my humble judgment, absolutely

essential; and especially a revival of that interest in them which early teaching can alone induce. It occurs to me, My brethren, the greatest danger to our institutions and to our grand and glorious system of jurisprudence, springs from the listless inattention of large masses of our best people, in their eager pursuit after money, to that, which alone can make it of any value to them when acquired.

There is too great a disposition, unquestionably, on the part of such people to shirk personal performance of the most important public duties, and to cast them upon the ignorant and incompetent. In this way, we see, one by one, our great safe guards, either totally lost or seriously impaired.

For long ages, trial by jury has been looked upon by all liberty-loving people, as the bulwark of civil liberty, and the security of property. The continuance of jury trial has been provided for in the constitutions of all the states of the American Union, and yet, My brethren, how often do we hear and see the best and most intelligent men in the community, pleading with the judge on the bench, to release them from the performance of jury duty, that they may go and attend to money getting. My brethren, jury trial is our great bulwark and safe guard, so long as ignorance, incompetency and dishonesty are excluded from the jury box. We can not do without it. We must reform, improve and *preserve it*.

The judges of our courts are now no longer the organs of public authority to simply settle private disputes or punish public offences. They ought to be, and most of them are sentinels upon the watch-towers of our constitutions to sound the alarm of approaching danger, and to protect the persons and property of the people from all illegal invasion. The judges of our courts must give effect to the spirit and grand purposes of these instruments, no matter from whom or where the invasion may come.

Is it not a remarkable fact, gentlemen, that in such a vast country as this, with so many temptations constantly before them, and while so many other men in other positions succumb to these temptations, we hear and see *so little* of the unjust or corrupt judge. Throughout the history of our country, we very

rarely meet with anything of the sort, and this one *great, grand and glorious fact*, speaks volumes for the legal profession. It should, and no doubt will be *our* constant aim to keep the fountain of justice pure and clean.

I have been for some years, watching the workings and results flowing from such organizations as the one we are about to form, and I have been greatly impressed with the usefulness of them. Until the past winter, it has never been my good fortune to be present at a session of one of them. I happened, the past winter, to be in the City of Dayton, in the great State of Ohio, on a social visit to friends, and whilst there, the State Bar Association held its annual session in that city. I met there leading and influential members of the Bar from all sections of that great commonwealth. Many of the judges of their Superior and Inferior courts were there also. They discussed and formulated reforms in the law. One of the leading and most important reforms under discussion, was, the reduction of the principles of the Common Law into the form of a Statute—in other words, the codification of the principles of the Common Law. The discussion on this interesting subject lasted for several days, and I heard some very able and learned arguments, pro and con on it. When the question was submitted to the Association for discussion, I laughed at the idea of attempting to do anything of the sort, but I must admit before it closed I was thoroughly convinced that it was not only practicable, but advisable, proper and right, to reduce to the form of a Statute the principles of the Common Law.

I was told by gentlemen in attendance upon that meeting that in the few years they had been at work, they had effected many and great reforms in the Laws of Ohio. At first, the legislators of the State, gave them “the cold shoulder”—looked upon them with suspicion. But it was soon discovered that the lawyers composing the Bar Association were working for the general good. That the reforms they formulated and asked the Legislature to enact into laws were in the interests of good government and necessarily in the interests of the people; hence that Association has accomplished great good in Ohio. There is still a wide field open to them there.

So, My brethren of the Bar of West Virginia, it may be with us. The men, the people send to their Legislature, may at first, turn to us "the cold shoulder," and regard us with suspicion, and turn down our recommendations. But, we should not be discouraged. We should not give up the good work in despair. If such should be the case, it should only stimulate us to greater and grander efforts. Before we ask the Legislature to do anything looking to a change in the laws, or the administration of justice, we should *first thoroughly study and discuss the subject matter thereof*. Let us be sure we are right, that what we ask of them, if enacted into law, will redound to the lasting good and glory of the State. When we satisfy ourselves of this fact, *let us ask it, and keep on pressing it upon them, until we secure it*. I have great faith in the good, hard, common sense of the masses of the people; and I believe that when they see we are working in their interests they will *compel* their representatives to accord us a respectful hearing.

It should be our aim, of course, to attempt nothing save of a general character. If we desire this organization, we are about to form, and through it to do good, we must know nothing *save the general good*—aim at nothing, but the general good. When the Association is organized, and composed, as I trust it will be, of *all the best lawyers and judges of the State, regardless of political opinions*, and reforms in the laws are thoroughly discussed and formulated, *I know* our recommendations will receive respectful consideration from the legislative branch of the government, and eventually become laws. I have great faith in the power and influence, that this Association will wield in the making and execution of the laws in this State.

Gentlemen, my whole heart is in this business, because my best judgment tells me great good will be accomplished by and through this organization. I want to see it made a grand success, therefore, I trust all present will give it their best energies and talents. We are lawyers, and therefore may be excluded from public office, but we can not be prevented from doing good in our day and generation in this way. I am very sure, in urging the organization of a State Bar Association, I have no other object in view but the general good, and I am fully convinced

such are the motives actuating each one present. If we do succeed, My brethren, in accomplishing good for the people and State of West Virginia through this organization, I shall feel amply rewarded for all I have done towards inaugurating it. That we shall be able to accomplish good I have not the faintest shadow of a doubt.

We are bound by our obligations as citizens of the State, to make an effort to do good. As individuals, we may not be able to accomplish much, but as an organized, harmonious and compact body of patriotic men, we can not fail to accomplish good, and wield a healthy and beneficial influence over the legislation of the State.

My brethren, we are behind the times in West Virginia. We have been asleep and lagging behind long enough. Let us wake up and make an effort to keep pace with the progress of events elsewhere. Let us try, at least, to do our duty as citizens and members of a learned profession. When we do this, and not until then, we will have done all that can be asked or expected of us.

Let it be understood, distinctly, that we have not assembled here to-day, to organize a State Bar Association for the purpose of redressing or protesting against any wrongs or grievances personal to ourselves, as a class. We have none that I am aware of. The organization we are about to form is to work in the interests of the whole people of the State. I thank you, My brethren, for the kind and respectful attention you have given me, and in conclusion, nominate as temporary chairman of this meeting, Hon. William P. Hubbard, of the City of Wheeling.

MINUTES  
OF THE  
*FIRST MEETING.*

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A meeting of the gentlemen of the bar of West Virginia was held at Grafton, West Va., July 8, 1886, pursuant to the following call:

**NOTICE!**

*To the Members of the Legal Profession in West Virginia:*

GENTLEMEN:—Believing that as an organized body, we can advance the science of jurisprudence, promote reform in the laws and facilitate the administration of justice in our State, and the better uphold integrity, honor and courtesy in our profession and cultivate a more cordial intercourse among ourselves, we, the undersigned, hereby call upon all members of the Bar in West Virginia, who can possibly make it convenient to do so, to meet in the town of Grafton, on Thursday, July 8, 1886, for the purpose of forming a State Bar Association. We earnestly press every gentleman who possibly can, to be present and aid us in forming this association from which we confidently believe great good will flow. Joseph Sprigg, Chas. J. Faulkner, J. M. Hagans, John J. Davis, Frank Beckwith, R. F. Dennis, Okey Johnson, Thomas C. Green, Samuel Woods, Geo. E. Boyd, John J. Jacob, Thayer Melvin, Alfred Caldwell, R. G. Barr, Wm. P. Hubbard, Henry M. Russell, Robert White, J. G. Hutchinson, T. M. Garvin. All the daily and weekly papers of the State are requested to publish this notice free of charge until July 7.

Present, the following named gentlemen:

BERKELY COUNTY—

C. J. Faulkner and Stewart Walker.

DODDRIDGE COUNTY—

Phineas Gano and Jackson V. Blair.

HARDY COUNTY—

Joseph Sprigg.

HAMPSHIRE COUNTY—

Judge J. D. Armstrong, S. L. Flournoy, R. W. Dailey, Jr., and Henry B. Gilkison.

HARRISON COUNTY—

John J. Davis, J. Philip Clifford, Charles W. Lynch and G. D. Camden.

JEFFERSON COUNTY—

Frank Beckwith.

MARION COUNTY—

U. N. Arnett, H. N. Ogden, James Morrow, Jr., John W. McCoy, A. F. Haymond, W. S. Haymond, W. W. Campbell and T. H. B. Staggers.

MINERAL COUNTY—

F. M. Reynolds and W. C. Clayton.

MONONGALIA COUNTY—

J. M. Hagans, George C. Sturgiss, L. V. Keck, R. E. Fast, W. P. Willey and Frank Cox.

OHIO COUNTY—

Wm. P. Hubbard, J. D. Ewing and Robert White.

PLEASANTS COUNTY—

Aug. Campbell.

PRESTON COUNTY—

Wm. G. Brown.

RITCHIE COUNTY—

P. W. Morris and L. G. Bennington.

TUCKER COUNTY—

P. Lipscomb and A. B. Parsons.

TAYLOR COUNTY—

John W. Mason, M. H. Dent, Frank Woods, John H. Holt,



B. F. Martin, John T. McGraw, V. P. Chapin, Joseph Marum, Latelle La Follette, W. R. D. Dent, Z. M. Cochran and L. S. Johnson.

UPSHUR COUNTY—

C. C. Higginbotham and G. M. Fleming.

WIRT COUNTY—

William Beard.

WOOD COUNTY—

John A. Hutchinson, W. W. Vanwinkle and Talbot O. Bullock.

The meeting was called to order by Mr. Sprigg, of Hardy, who moved that Mr. Hubbard, of Ohio, be elected temporary President, which motion being put was carried unanimously. On motion of Mr. Hutchinson of Wood, Mr. Marum, of Taylor, was elected temporary Secretary. On motion of Mr. Sprigg the President appointed the following gentlemen to draft a constitution and by-laws:

Jos. Sprigg, John A Hutchinson, Judge C. J. Faulkner, John J. Davis, Judge A. F. Haymond, G. C. Sturgiss, J. D. Ewing, Frank Beckwith, J. W. Mason and S. L. Flournoy.

On motion of Mr. Beckwith, of Jefferson, the temporary President was made a member of the committee.

On motion of Mr. Hagans, of Monongalia, a recess was taken until 2 o'clock P. M.

AFTERNOON SESSION.

The following persons paid the required fee and were duly enrolled as members of the Association:

ROLL OF MEMBERS.

ROBERT WHITE,	- - - - -	Wheeling.
W. C. CLAYTON,	- - - - -	Keyser.
W. W. VAN WINKLE,	- - - - -	Parkersburg.
WM. BEARD,	- - - - -	Wirt C. H.
P. GANO,	- - - - -	West Union.
F. M. REYNOLDS,	- - - - -	Keyser.

G. M. FLEMING,	- - - - -	Buckhannon.
T. O. BULLOCK,	- - - - -	Parkersburg.
R. E. FAST,	- - - - -	Morgantown.
G. C. STURGISS,	- - - - -	Morgantown.
FRANK COX,	- - - - -	Morgantown.
JACKSON V. BLAIR,	- - - - -	West Union.
JOSEPH MARUM,	- - - - -	Grafton.
W. G. BROWN, JR.,	- - - - -	Kingwood.
W. S. HAYMOND,	- - - - -	Fairmont.
JNO. J. DAVIS,	- - - - -	Clarksburg.
J. PHILIP CLIFFORD,	- - - - -	Clarksburg.
J. D. EWING,	- - - - -	Wheeling.
W. P. HUBBARD,	- - - - -	Wheeling.
JNO. A. HUTCHINSON,	- - - - -	Parkersburg.
B. F. MARTIN,	- - - - -	Grafton.
U. N. ARNETT, JR.,	- - - - -	Fairmont.
L. G. BENNINGTON,	- - - - -	Ritchie, C. H.
A. F. HAYMOND,	- - - - -	Fairmont.
C. C. HIGGINBOTHAM,	- - - - -	Buckhannon.
W. R. D. DENT,	- - - - -	Grafton.
M. H. DENT,	- - - - -	Grafton.
J. W. McCOY,	- - - - -	Fairmont.
L. V. KECK,	- - - - -	Morgantown.
STUART W. WALKER,	- - - - -	Martinsburg.
C. J. FAULKNER,	- - - - -	Martinsburg.
J. D. ARMSTRONG,	- - - - -	Romney.
FRANK BECKWITH,	- - - - -	Charlestown.
L. N. LaFOLLETTE,	- - - - -	Grafton.
AUG. M. CAMPBELL,	- - - - -	St. Mary's.
H. B. GILKISON,	- - - - -	Romney.
S. L. FLOURNOY,	- - - - -	Romney.
R. W. DAILEY,	- - - - -	Romney.
FRANK WOODS,	- - - - -	Grafton.
JOHN W. MASON,	- - - - -	Grafton.
JOSEPH SPRIGG,	- - - - -	Moorefield.
W. P. WILLEY,	- - - - -	Morgantown.
J. M. HAGANS,	- - - - -	Morgantown.

Mr. Sprigg from the Committee on Constitution and By-Laws made a full and comprehensive report in writing, which, after discussion and amendment, was unanimously adopted. (The Constitution and By-Laws as adopted by the Association, appear on a subsequent page.)

The Association then proceeded to the election of officers. Messrs. Sprigg, Faulkner and Davis were nominated for President, when the two latter having been withdrawn, the Secretary was directed to cast the ballot for Gen. Sprigg.

The following gentlemen were elected Vice Presidents:

- 1 Circuit—Hon. Robt. White.
- 2 “ —Hon. James Morrow.
- 3 “ —Hon. B. F. Martin.
- 4 “ —Hon. L. G. Bennington.
- 5 “ —Hon. W. W. Vanwinkle.
- 11 “ —Hon. C. Higginbotham.
- 12 “ —Hon. J. D. Armstrong.
- 13 “ —Hon. C. J. Faulkner.

• W. P. Willey, of Monongalia, was elected Secretary.

F. M. Reynolds, of Mineral, was elected Treasurer.

The following persons were elected members of the Executive Council, of which the President and Secretary are members *ex-officio*:

Hon. J. J. Davis, J. A. Hutchinson, A. F. Haymond, W. P. Hubbard and Frank Beckwith.

On motion, the Secretary was directed to send printed copies of the Constitution and By-Laws, together with the opening address of Gen. Sprigg, to all members and such lawyers as desire them.

Mr. Hubbard offered the following:

*Resolved*, That the members of Congress from West Virginia are requested to obtain legislation by Congress to repeal the special statute conferring Circuit Court powers on the U. S. District Court within the State, and to provide for holding ses-

sions of the Circuit Court at the places where the District Court now sits.

After considerable discussion the Association declined to consider the resolution at this time.

On motion of Mr. White the Secretary was directed to furnish the *Wheeling Register* and *Intelligencer* with copies of the proceedings for publication.

On motion of Mr. Hutchinson, the Association adjourned subject to the call of the Executive Council.

JOS. SPRIGG, Pres't.

W. P. WILLEY, Sec'y.

## MEETING OF THE EXECUTIVE COUNCIL.

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Immediately after the adjournment of the Association the Executive Council went into session, whereupon President Sprigg nominated and the Council confirmed the following committees, to-wit:

On Grievances—James Morrow, C. J. Faulkner, R. W. Dailey, C. C. Higginbotham, Frank Woods, J. D. Ewing, T. O. Bullock, J. V. Blair.

On Judicial Administration and Legal Reform—C. J. Faulkner, T. O. Bullock, John W. Mason, J. P. Clifford, Judge J. A. Armstrong, Phineas Gano, C. C. Higginbotham, J. D. Ewing.

On Legal Education—W. P. Willey, Robert White, H. B. Gilkison, T. Walker, W. G. Brown, Geo. M. Fleming, W. W. Vanwinkle, L. G. Bennington.

On Admissions—U. N. Arnett, J. V. Blair, S. L. Flournoy, G. M. Fleming, Joseph Marum, Wm. Beard.

On Legal Biography—J. M. Hagans, Robt. White, L. G. Bennington, A. M. Campbell, M. H. Dent, W. C. Clayton, C. J. Faulkner, Geo. M. Fleming.

On motion of Mr. Hubbard the Secretary was directed to draw his order on the Treasurer for ten dollars to pay the *Wheeling Register* for advertising, and five dollars to pay Joseph Sprigg for expenses incurred in behalf of the Association.

On motion the Secretary was directed to proceed immediately to have the Constitution, By-Laws and proceedings of the Association printed.

On motion the matter of fixing the time and place for the next meeting was deferred until the Council can further confer and consider the question.

Adjourned.

JOSEPH SPRIGG, Pres't.

W. P. WILLEY, Sec'y.

# West Virginia Bar Association.

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## CONSTITUTION

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### NAME.

1. This Association shall be known as "The West Virginia Bar Association."

### OBJECT.

2. The Association is formed to advance the science of jurisprudence; to promote reform in the law; to facilitate the administration of justice, to uphold integrity, honor and courtesy in the legal profession; to encourage thorough liberal legal education, and to cultivate cordial intercourse among the members of the Bar.

### MEMBERSHIP.

3. The members of the legal profession attending this convention, this 8th day of July, 1886, are hereby declared to be members of this Association, provided they shall, during its present session, pay the admission fee hereinafter mentioned.

Any member of the legal profession of West Virginia, of good standing, residing therein, may become a member of the Association, upon nomination and vote as hereinafter provided.

## ELECTION OF MEMBERS.

4. All nominations for membership shall be made by the Committee on Admission, and must be transmitted in writing, to the President, and by him reported to the Association, and the Association shall thereupon vote by ballot. Several nominees may be voted for upon the same ballot, and in such case, placing the word "No," against any name or names upon the ticket, shall be deemed a negative vote against such name or names, and against those only. One negative vote in every five, shall suffice to defeat an election. No member of the Bar, residing in a county where there is a local Bar Association, shall become a member of this Association, unless he shall also be a member of such local Association.

## OFFICERS.

5. The officers of the Association shall be a President, who shall be ineligible to re-election on the expiration of his term; one Vice President from each Judicial Circuit, represented by membership in the Association; a Secretary and Treasurer. All of these shall be elected at the annual meeting, and hold their offices till the next annual meeting of the Association, and until their successors are elected. A majority of the votes cast shall be necessary to the election of officers, including the election of the Executive Council. Such election shall be by ballot.

## COMMITTEES.

6. At the annual meetings, the Association shall elect an Executive Council, to be composed of five members and the President and Secretary.

The President shall, with the approval of the Executive Council, appoint the following standing committees, to-wit:

A Committee on Admission;

A Committee on Judicial Administration and Legal Reform;

A Committee on Legal Education;

A Committee on Grievances;

A Committee on Legal Biography.

And each standing committee shall be composed of one member from every Judicial Circuit, represented in the Association.

A majority of the members of every committee, who may be present at a meeting of the Association, shall constitute a quorum of such committee, for the purposes of such meeting.

Every committee shall, at each annual meeting, report in writing, a summary of its proceedings since the last annual report, together with any suggestions deemed suitable, and appertaining to its powers, duties or business. A general summary of all such annual reports, and the proceedings of the annual meetings, shall be prepared and printed by and under the direction of the Executive Council, together with the Constitution, By-Laws, names and residences of Officers, Standing Committees, and members of the Association, as soon as practicable after each annual meeting.

#### FINAL ACTION.

7. No action of this Association of a permanent nature or recommending changes in law or the administration of justice, shall be had until the subject matter thereof shall have been reported upon by the appropriate committee to which the same shall have been referred, unless this regulation shall be suspended by a two-thirds vote of the members voting thereon.

#### PRESIDENT.

8. The President or in his absence, the Vice President, senior in years, shall preside at all meetings of the Association, and the President shall deliver an address at the opening of the annual meeting next after his election.

#### EXECUTIVE COUNCIL.

9. This Council shall manage the affairs of the Association subject to the provisions of the Constitution and By-Laws, and shall be vested with the title to all its property as trustees thereof and shall make By-Laws for the Association, subject to amendment by the Association.

#### COMMITTEE ON ADMISSIONS.

10. The proceedings of this Committee shall be deemed confidential and shall be kept secret except so far as written or



printed reports of the Committee shall be necessarily and officially made to the Association.

COMMITTEE ON JUDICIAL ADMINISTRATION AND LEGAL REFORM.

11. It shall be the duty of the Committee on Judicial Administration and Legal Reform, to take notice of all proposed changes of the law, and to recommend such as may be in their opinion entitled to the favorable influence of the Association; and further to observe the working of the judicial system of the State; to collect information with reference thereto and to recommend such action as they may deem advisable.

COMMITTEE ON LEGAL EDUCATION.

12. It shall be the duty of the Committee on Legal Education to examine and report upon any proposed changes in the system of Legal Education and of admission to the practice of the profession in the State of West Virginia.

COMMITTEE ON GRIEVANCES.

13. The Committee on Grievances shall receive all complaints which may be made in matters affecting the interests of the legal profession, the practice of the law and the administration of justice, and report the same to the Association with such recommendations as they may deem advisable.

The proceedings of this Committee shall be deemed confidential and kept secret, except so far as reports of the same shall be necessarily and officially made to the Association.

COMMITTEE ON LEGAL BIOGRAPHY.

14. The Committee on Legal Biography shall provide for the preservation among the archives of the Association of suitable written or printed memorials of the lives and characters of deceased members of the West Virginia Bar.

SECRETARY.

15. The Secretary shall keep a record and conduct the correspondence of the Association and perform the usual duties of such office.

## TREASURER.

16. The Treasurer shall collect and by order of the Executive Council disburse all funds of the Association and keep regular accounts, which at all times shall be open to the inspection of any member or members of the Executive Council.

## ANNUAL MEETING.

17. This Association shall meet annually at such time and place as the Executive Council may select. It shall be the duty of the Secretary to mail to each member a written or printed notice of the time and place of each annual or special meeting at least four weeks in advance of such meeting. Those present at such meeting shall constitute a quorum.

## DUES.

18. The admission fee will in all cases be five dollars. The annual dues of members shall be three dollars, to be paid yearly on or before the first day of the annual meeting of the Association, and no person shall be qualified to exercise any privilege of membership who is in default.

## AMENDMENTS.

19. This Constitution may be altered or amended at any annual meeting, on the recommendation of the Executive Council, by a vote of a majority of the members present, or without such recommendation by a vote of two-thirds of the members present.

## EXPULSION.

20. Any member may be expelled by a majority vote of this Association at any annual meeting.

BY-LAWS  
OF THE  
West Virginia Bar Association.

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1. The Executive Council, at its first meeting after each annual meeting of the Association, shall select some person to make an address at the next annual meeting, on the life and services of any deceased member of the Bench or Bar of West Virginia of eminence, or other subject; and also not exceeding five members of the Association to read papers.

2. The order of business at the annual meeting shall be as follows:

- a.* Annual address of the President.
- b.* Report of Committee on Admissions and Election of members.
- c.* Report of the Secretary.
- d.* Report of the Treasurer.
- e.* Reports of Standing Committees:
  - Executive Council;
  - On Judicial Administration and Legal Reform;
  - On Legal Education;
  - On Grievances;
  - On Legal Biography.

- f.* Reports of Special Committees.
- g.* The nomination of Officers.
- h.* The appointment of Standing Committees.
- i.* Miscellaneous business.
- j.* The election of Officers.

The address to be delivered by a person invited by the Executive Council, shall be at the morning session of the second day of the annual meeting, and the reading of papers by the members appointed by the Executive Council shall be on the same day, unless the Executive Council shall designate some other time for the address and reading of papers. After the reading of each paper an opportunity shall be given for discussion on the topic of the paper.

The Executive Council shall publish some days in advance of each annual meeting, a statement of the person who is to deliver the address and the persons who are to read papers and the subject of each.

3. No person taking part in a discussion shall speak more than ten minutes at a time, or more than twice on one subject.

A stenographer shall be employed at each annual meeting.

4. At any of the meetings of the Association, members of the Bar of any foreign country or of any other State other than West Virginia, who are not members of the Association may be admitted to the privileges of the floor during such meeting.

5. All papers read before the Association shall be lodged with the Secretary. The annual address of the President, the reports of committees, and all proceedings at the annual meetings shall be printed; but no other address made or paper read or presented shall be printed, except by order of the Executive Council. Extra copies of reports, addresses and papers read before the Association, may be printed for the use of their authors, not exceeding one hundred copies to each of such authors. The Executive Council, as a Committee on Publication, shall meet within one month after each annual meeting, at such time and place as the Chairman shall appoint.

6. The terms of office of all officers including the Executive Council, elected at any annual meeting shall commence at the adjournment of such meeting; but the terms of office of the members of the several committees appointed by the President shall commence immediately on their appointment.

7. Each Committee shall elect its own officers, whose term of office shall commence on their election and continue until the appointment of a new committee; and each standing committee shall continue until its successor shall be appointed.

8. All standing committees shall meet on the day preceding each annual meeting at the place where the same is to be held, at such hour as the respective Chairmen shall designate.

9. Special meetings of any committee shall be held at such times and places as the Chairman thereof may appoint. Reasonable notice shall be given by him to each member by mail.

10. The Treasurer's report shall be examined and audited annually, before its presentation to the Association, by two members to be appointed by the Chairman of the Executive Council.

11. No resolution complimentary to an officer or member for any service performed, paper read, or address delivered shall be considered by the Association.

12. Any charges of unprofessional conduct against any member of the Association, if made in writing and signed by the person preferring them, shall be investigated by the Committee on Grievances, who shall recommend to the Association such action as they may deem proper; but no action shall be taken by said Committee or this Association without due notice to and service of the charges upon the accused.

