William Carey Jones

It was in 1889, as I recall the year, that William Carey Jones, then an associate professor at the University, signed my "study-card," thereby admitting me as a student in his classes in United States History and Constitutional Law. The latter subject, and his course in Roman Law, given in the senior year, constituted the entire curriculum of legal subjects at the University at that time. It was much easier in those days of small numbers—the University had an attendance of less than half a thousand—for students and professors to become intimately acquainted. In no one of the classes I have mentioned were there more than a score of students. In my own case, the friendly contact then begun ripened into a warm attachment and deep affection as the years rolled by. Professor Jones was considerate and kind in classroom. He rejoiced at the success and advancement of his former students, and enjoyed keeping alive some form of contact and association with them. In his later years he found as keen enjoyment in attending the very democratic meetings of the college fraternity of which he was a charter member at the University, or in associating with a group of law students, as he did in sitting down at the most formal gathering. He kept his spirit and his heart youthful by association with his young student friends, yet a simple and charming dignity of manner commanded universal respect.

We who were permitted to attend the University in the "old days" enjoyed a rare privilege. We sat at the feet of the masters, and in the list with Kellogg, "Prof. John," and "Prof. Joe" Le Conte, Moses, Howison, and others of the "elder statesmen," I place the names of younger men, such as Edwards, Gayley, O'Neill, and Jones. This list is not by any means exclusive, and every "old grad" would name others. The greatness of those men was not only in their knowledge and learning, but in their personality which influenced and inspired the little groups of students who enjoyed an almost "upper chamber" association with them. And so it came naturally about that "Wm. Carey," who once gave but two courses in "law,"
should become the beloved "Dean Jones" of the School of Jurisprudence of the University of California.

After graduating from the University, Professor Jones studied law and was admitted to practice. He did not practice very long, and I remember, now as I think of it, seeing the discarded brass sign stowed away behind some legal-looking papers and law books in his room in old North Hall, and which bore the inscription "Win. Carey Jones, Atty. at Law." Professor Jones was more of a student than a practitioner. The atmosphere of the library and the lecture hall was more to his liking than the engagements of office or courtroom. I shall not dwell upon his ability and fame as a teacher—others will do that. He had a deep and an abiding reverence for the Common Law. He believed in being well grounded in the fundamentals of legal knowledge. What was more natural, then, than that, as the outstanding feature of his life-work, he should choose to edit and annotate a new edition of Blackstone? Next to the title page of that monumental work there is an extract from the Oxford Lectures of Sir Frederick Pollock. From that I quote one sentence which, to my mind, might well be spoken of Dean Jones: "So venerable, so majestic, is this living temple of justice, this immemorial and yet freshly growing fabric of the Common Law, that the least of us is happy who hereafter may point to so much as one stone thereof and say, The work of my hands is there."

As a neighbor, Dean Jones was genial and helpful, and took a lively interest in the affairs of community and town. In 1894 he, with other freeholders, drafted a charter of the City of Berkeley. The finished document was largely the result of his study and foresight, and many of its provisions were copied and adopted in cities throughout the country.

Dean Jones was devoted to his Alma Mater, and a labor of love on his part was the writing of a History of the University of California, which appeared about 1895. In preparation for this work he collected a vast amount of material, and preserved in a delightfully interesting way the early history of the University.

Dean Jones was a good citizen. He never counseled nor countenanced anything but reverence and respect for, and obedience to the constitution and laws of the land. It will never be said that any act or word of his caused a fellow-man to think less of himself, or his country and its established institutions.

William H. Waste.
Two years spent in the classroom under William Carey Jones leave a very distinct memory. It is a memory full of human associations—the memory of the man rather than the teacher.

For I cannot think of him as a teacher separate and apart. When he crossed the threshold of the classroom there was no change—he was just as you met him on the street or in his home or in the office; just as frank; just as friendly; just as approachable; just as fair.

He knew that teaching was not preaching. Complex things became simple because no mystery was made of them. There was no formalism. He did not tell us what to think—he made us think. He did not say “It is” but somehow got us to ask: “Is it so”? He had a way of getting results easily and naturally. When the result was attained, when we had grasped a fine distinction or a fundamental truth, it was sometimes difficult to see just how he did it. But it had been done.

I remember some of the matter-of-fact things I learned in his classes. And I shall always remember many things he taught by example rather than by precept: that the law is not an exact science; that one need not be dogmatic in order to be impressive; that one can argue without becoming heated; that there is nothing like a saving sense of humor. From any teacher who can learn more?

We have lost a great teacher in William Carey Jones—but more than that we have all of us lost a true friend. He was a teacher—he was a man.

Herman Phleger.

Most great services in the world are not fully appreciated until the one who has rendered them is gone. But this particularly applies to teaching. So much in teaching depends upon suggestion and example, so much is the indirect result from the reaction of mind upon mind and thought upon thought, that only many years afterwards can the beneficiary of a great teacher’s effort analyse the results of this teaching with sufficient perspective to appreciate its importance. If teaching were simply a matter of clear and emphatic exposition of facts already known there would seem little justification for the time spent in the classroom, for all that the teacher could tell would be found equally well stated in the texts. But there is something subtle and elusive in the work of the successful teacher which illuminates what otherwise would seem commonplace truths and gives to assembled facts a meaning and significance which for his particular audience at least they never would have had save for his inspired interpretation. This is why with a rich background of
experience, with deep historical knowledge, and fortunate in an unusually keen and kindly sense of humor, William Carey Jones was able to guide so many of us into an understanding of the law which even now that he is gone we do not fully appreciate.


The tendency of the modern student, accustomed to instruction in large impersonal groups, is to accept his university as he finds it, and endure or enjoy it according to his temperament. It is rarely that he becomes conscious of the university as a social instrument created by the vision of far-seeing men and closely linked to the society which it is intended to serve.

This is why those of us who were students in the Law School of the University of California during the last three years of Dean Jones' service there were fortunate. The Law School was his life work. We became members of it in the days of its fruition. His broad vision, steadfast purpose and rich experiences had created a school in which we found teaching in the ways of living as well as in the rules of law. We learned that the Law School was more than a place to secure information; it was an integral part of the profession and the society that it serves.

During much of this time Dean Jones was ill. He was carrying on his task under great difficulties and was forced to spare himself the drain on his energies from any interviews with students. Yet in spite of the fact that most of us did not have the close personal contact with him enjoyed by earlier students, each one of us felt that in Dean Jones we had a friend, wise, kindly, with the ripe understanding born of his years of work with the human material from which the Law School was created.

No group felt this friendly force more deeply than the women who studied law under Dean Jones. He appreciated the special problems facing the woman attorney; he understood her ambitions; he encouraged her efforts. Not one of the woman graduates of the Law School but remembers some bit of wise advice salted with wit, some quiet expression of confidence, some word of sympathy which solved the troubles of Law School days and helps in unraveling present tangles.

His was the leadership which guides through friendship. The men and women who have studied, and will study, in the school which he created have felt, and must always feel, its power.

San Francisco, California. Ruth R. Lange.
William Carey Jones was born in Washington, October 15, 1854, in the home of his grandfather, Senator Thomas H. Benton; he died in Pekin, October 1, 1923. Except for a few months at the beginning and at the end, his entire life was spent in California. All his working years were devoted to the University of California. His was the rare fortune to live so long and in such a way that he was enabled to see many of his dreams become realities.

The outward events of his life do not present a vivid story, though the contemplative find romance in the spirit as much as in the world. He entered the University of California with the first classes at Berkeley in 1871, received his A.B. degree in 1875, the A.M. in 1879, the LL.D in 1923. During the years immediately following graduation, he occupied the position of Recorder and Secretary to the President of the University. In 1877 he became instructor in Latin. Between 1882 and 1894 he was successively instructor, assistant professor and associate professor of United States History. He was made professor of Jurisprudence in 1894. The duties of director, later dean, of the School of Jurisprudence were added in 1912. During the years 1918 to 1920, he was also dean of the graduate division, and in 1919-20 was chairman of the administrative board of the University.

In an address which he delivered before the students of the School of Jurisprudence at a banquet on March 9, 1912, Professor Jones employed the occasion to clothe with living tissue this skeleton of dates and facts. His own words cannot be paraphrased without loss. He said:

"I was graduated in 1875. I immediately took up the study of law, intending to practice that profession. As a means of livelihood in the interim, I secured through President John Le Conte the office of Recorder of the Faculties. Two years later, at the instance of Professor Martin Kellogg, I was appointed instructor in Latin as well. I passed the bar examination in 1879. In the summer of 1880, resigning my position at the University, I visited the East on a vacation trip. I had made provisional arrangements for going into practice in San Francisco. On my return to California I was surprised to hear from President Le Conte that my resignation, instead of being accepted as a matter of course as I had expected, had been referred in the Board of Regents to a committee, of which Dr. Horatio Stebbins was chairman. A number of conversations with Dr. Stebbins followed. My acquaintance with him had hitherto been slight.
From then on his splendid intellect, his powerful personality, his deep interest in and sympathy with young men, contributed in giving stimulus and direction to my course of life.

"In these conversations with Dr. Stebbins in the late summer in 1880, the whole field of University polity was gone over, the origin, the history, the problems and plans and prospects of the institution were discussed. The outcome was, for myself, that I decided, for better or for worse, to remain with and of the University of California. I accordingly adjusted my life to the conditions of an academic career, with its limitations and drawbacks, with its pleasures and attractions. Not only that, not only did I decide to take up university teaching as a profession, but I resolved to devote my life as teacher or professor, to the service of the University of California. And while offers and inducements came to me to go elsewhere, or to do elsewise, I remained steadfast to the determination I formed in the summer of 1880, to live my life in the heart of the University of California, to put forth all my energies in the cooperative effort, then so marked in its Faculty, to build up the institution, in whatsoever way the demands of the hour might dictate, but always with a general purpose in my mind. Need I say that every year, almost every day, has presented its problems, its special work, that there has always been something of University import to keep my hands full? Offers and inducements, in the face of my fixed and constant purpose, were hardly temptations. No other academic field offered any allurement. I would either spend my life on the campus of my Alma Mater, or I would pursue the active practice of law.

"Running through my mind at the moment when I made this decision of my life, and controlling all my actions since, was the purpose not to abandon the study of law, but rather to pursue this study in even a large way, to strive to be of more service as a lawyer along academic lines than as a practitioner. It might seem, to one looking over my University positions, that I had shifted about from one subject to another. But the fact is that while I responded to the call of the University, the needs and opportunities of the institution, and my own intellectual interests, the general trend of my work, whether as teacher of Latin or of history, was always governed by one purpose and had but one goal, my own fuller appreciation of the meaning of law and the building of the foundation work of a true university school of law."
"Hastings College of the Law was opened in 1878. I was at that time Recorder of the Faculties, and as such Secretary of the President. I was thus in daily intimate association with one of the finest and noblest men I have ever known, John Le Conte. Judge S. C. Hastings, during the two or three years while the law college was incubating, came frequently to Berkeley to see President Le Conte, and I had many a conversation with him. It chanced also that during two summers I met him several times in Lake County, where he had a country home. Twice, too, it happened that we met on the top of a stage-coach, and rode and conversed together during all of a summer afternoon and early evening. His ideas were large, though vague and unsettled, on the subject of legal education and on the kind of law college that ought to be built up in affiliation with the University of California. He desired himself to make a beginning. He realized that his endowment could furnish but a first instalment toward supplying what he conceived to be the field and scope of the future law school. He hoped that from the seed he planted a great center of legal learning might develop. It seemed to him expedient that for a time the lectures should be given in San Francisco; but he anticipated that ultimately the instruction would be conducted at Berkeley. He repeatedly made the suggestion that I should be the local representative of the law school at Berkeley. The scheme was impracticable, but the suggestion nurtured an already sprouting idea in my mind.

"The first Professor of Law in Hastings College was John Norton Pomeroy. His coming to California gave a position of incontestable standing to Hastings, for he was a man of well-established national reputation. He was more than a lawyer,—he was a publicist and jurist. Personally, he had a most lovable, sweet and simple disposition. I shared with many others who came within the reach of his learning and personality, in having my thought and tendencies greatly influenced by him.

"I taught Latin for a period of five years. My interest in that subject, while preparing for the bar, led me into the field of Roman Law. In the spring semester of 1882 I was persuaded by Professor Kellogg to offer to the Senior Class a course in Roman Law. I regard that course given thirty years ago as the real germ of the Department of Jurisprudence. In that summer my title was changed, and I was appointed instructor in United States History and Constitutional Law. The history side of the title indicated an existing need of the University cur-
riculum, with an emphasis of my own on American History; the legal side of the title indicated a desire on my own part to mark out a path for the recognition of law from the cultural point of view. During the ensuing twelve years, while a member of the Department of History, I gave courses in Roman Law and Constitutional Law, and also in Jurisprudence and International Law, until my hands were full of exclusively legal subjects.

"And so there had grown up within the Department of History another department—one of law—law in its more academic aspects and treatment. This fact was recognized in 1894—after my return from a year's study abroad—by President Kellogg and by the Regents acting on the recommendation of a committee consisting of Regents George T. Marye, D. M. Delmas, and Columbus Bartlett. I was accordingly made Professor of Jurisprudence, head of a new department.

"The germ of this department was, as I have said, the course in Roman Law given in 1882. The formal establishment came in 1894. Freed now from the necessity of giving courses in history, I devoted myself to working out a scheme of University instruction in law.

"In 1897-98, Dr. Louis T. Hengstler came into the department as my first assistant, and Dr. Gustav Gutsch gave a course in Modern European Law. The year 1898-99 saw the beginning of a professional curriculum by the inclusion of courses in torts, crimes and contracts. Judge Curtis H. Lindley was appointed Honorary Professor of the Law of Mines and Water, and delivered a course of lectures. Graduates who had taken as seniors the first year subjects at Berkeley were received into the middle class at Hastings College. In 1900-1, I again went to Europe on a leave of absence, and Mr. George H. Boke came into the department. In 1901-02 President Wheeler recognized the desirability of enlarging the curriculum, and in addition to Mr. Boke, Dr. Hengstler and myself, Mr. W. H. Gorrill was added to the staff as instructor and Mr. W. B. Bosley and Mr. Warren Olney, Jr., as lecturers. With this increased faculty we were enabled to offer two complete years of professional work. In 1902-03 Mr. O. K. McMurray, Mr. H. M. Wright, Mr. William Denman, and Mr. Lloyd Baldwin were added to the corps of lecturers. Three years of professional study were now provided and a fully developed law school, of practically graduate standing, was in operation. Three men received the degree of LL.B. in May 1903.

"Dreams that had their first faint outlinings—I remember
WILLIAM CAREY JONES

them well; the visions of youth never wholly fade from the mind, but oftentimes become a living inspiration in advancing years—one splendid summer afternoon twenty-five years before in Lake County were now realized in form and in gratifying measure in substance. The law school was meagre in some respects, but it was started right, and it was large in potentialities; a better condition, I submit, than being large in expanse, but dwarfed in outlook. My solicitude then was, as my solicitude now is, not that the law school which we have seen grow up on the Berkeley Campus, will not be large enough in faculty and students and material endowments—I have no anxiety as to the ultimate outcome in those respects—but my solicitude ever is that our California law school, the School of Jurisprudence, by which title I hope we may soon be recognized, shall be a vital source of power and shall contribute more largely and effectively than any other American law school ever has done to the advancement of law in this country."

This simple history of the career of one charged with a noble mission for service modestly omits the great difficulties to be overcome in its accomplishment. Unremitting industry, unaltering faith, profound feeling were united in this man with the most human qualities, the keenest wit, the love of beauty, the kindliest tolerance for the weak and foolish. This rare combination of the virtues of saint and sinner enabled him to achieve what less fortunately endowed spirits could never have brought about. His calm power and quiet force seemed, like the steel worker’s torch, to cut through the adamant of inertia and prejudice.

One who has known Professor Jones as teacher, as leader and as associate for a third of a century cannot be expected to subject his intellectual qualities to a critical analysis. They have become so familiar that one can scarcely think of them in an objective fashion. Certain things in his work as a teacher, however, seem to stand forth as unique. In the late eighties of the last century, he was a young man, an assistant professor of history, but none the less the student of that time thought of him as an important person in the University world, an equal in many respects of some of the older ones whom we justly regarded as great teachers and great men. Unlike the others, he showed us that there was a point of view beyond and transcending the academic one,—something of a shock to self-satisfied college students. Moreover,

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1 On November 12, 1912, by vote of the Board of Regents, the title "School of Jurisprudence" was adopted.
his method was not dogmatic,—even in that early day it was
critical. In our history courses, we studied with him messages,
reports and debates, and tried to weigh and appraise policies and
acts. There was freedom of opinion and freedom of discussion.
Occasionally one of the students conducted the class. Some
found the course based on Hunter's Roman Law with reading
of such books as Maine's Ancient Law an introduction to a new
world of ideas.

Working under his leadership in the School of Jurisprudence,
one found him ever tolerant and ever anxious to give the freest
scope to individual initiative. But above all, what characterized
him most was his willingness to sacrifice himself for the benefit
of the school which he created. No action of his life was char-
acterized by the desire of self advantage, but all was for the
common benefit. He never spared himself in seeking the welfare
of his associates or students. His personality has not only built
itself into the institution that he so loved, but it has impressed
itself upon the character of thousands who have come under his
influence, and in whose affections he still lives.

This short sketch may well be closed with the reproduction
of what he said on one of those occasions when he talked inti-
mately to his beloved students, an address like that from which
quotations have already been made, at a students' banquet in
March, 1911. The lawyer's duties and opportunities, his functions
in the social structure, are set forth with a sincere eloquence that
left a deep impression on those who listened.

"When a man reaches my age, he has behind him a vista of
years in which he can attempt to take stock of present tendencies,
as well as before him a future on which he can keep his steady and
hopeful gaze. The 19th century has been a splendid, expanding
one; and a person can have no regrets that his life was begun and
his first activities were carried out in the second half of a century
so charged with material advancement, so vital with human
effort and striving, so beautiful in blossoming ideals, so rich in
the general gain of good. There is only one respect in which I
am prone to envy the highminded young man of today, whose
adolescent outlook first came in the twentieth century, and for
whom the future holds, in the way of public service, a promise
of productive, constructive rewards in a measure unknown to
the generation past. It is in respect to politics, public life, public
service, and public morals that the marvelous change has been
wrought, and that the opportunity of the young man of today is
so far different from the opportunity of the young man of thirty years ago.

"In 1776 we emancipated ourselves from what we regarded as the tyranny of England. We vindicated the right of self-direction, the right to live our own political and social life. In 1861-65 we emancipated ourselves from a mental and spiritual thralldom which tolerated the delusion that one human being was entitled to hold another human being in physical subjection. The greatest blessing of the Emancipation Proclamation was to the white people. It raised indeed the yoke of servitude from the necks of the blacks; but for the whites, it erased from the mind of man the most debasing and distorted view of human relations that had come down from pre-civilized times. Now, at the dawn of the twentieth century, another, and the greatest emancipation in our history, has come. The War of Independence left us with the heritage of slavery still fastened upon our country. Political corruption that had been slowly and steadily eating its way into the body politic even before the Civil War, found in the fruits of that war its most nourishing diet. Colossal interests bred gigantic graft.

"I said that perhaps the only respect in which I envied the young man his youth and his future was in the possibility of achieving something in the political and moral fields. Looking back upon my own life and experience and that of all my aspiring and pure-minded contemporaries, it seemed a ceaseless and fruitless task at which we were laboring. Every effort at reform was met with a sneer or a jeer. We were political heretics to be given short shrift for our rejection of the creed made for us at Washington, at Tammany Hall, at Harrisburg, or at Sacramento. Or we were only negligible dreamers, mere academic theorists, idly trying to disturb the divinely established order of things. It took faith, it took the brightest optimism to persevere in the three-decade fight, from 1870 to 1900, against the entrenched forces which were not yet known by the ugly names of 'interests' and 'graft.'

"When we come to the moment of real emancipation, there always appears on the horizon an arch emancipator. But every emancipator has his predecessors. Even Jesus had his John the Baptist, and there were many others who joined in making ready the human soil for the Supreme Tiller thereof. Columbus had his predecessors in that mental illumination that saw that the geographical possibilities of the world were not exhausted.
Hugo Grotius, fashioner of international relations into recognized principles of human conduct, had his predecessors without whom his great work would have been but a philosophical treatise. George Washington, emancipator of the idea of national existence, had his predecessors in the men who had been laying the foundations of national life since the landing of the Mayflower. Abraham Lincoln, emancipator of the spirit of national freedom, had his predecessors in the abolitionists who had not feared to sacrifice even their lives for the assertion of a principle. And Theodore Roosevelt, emancipator of the national conscience, had his predecessors in every man who since the Civil War has stood up against the selfishness, greed and rapacity of parties, interests and grafters.

"Well, the emancipation has come. Do you realize that you live in a land of free conscience? Do you realize that the young man of today can set out with every promise of improving the condition of the world, of vindicating right, of correcting wrong, as perhaps in no other era of history, certainly not of our American history? The conservatives, of course, are not dead, the reactionaries will never cease from troubling. They represent ineradicable tendencies of the human mind. They will furnish the obstructing forces which you will have to overcome. But not even they, in your generation, are going to treat your aims and ideals and methods with contempt and disdain. There is a difference between the generation that is past and the one that has begun. And in that difference lies the glorious opportunity of the young man. It is no longer the opportunity of the pioneer or martyr. It is not, now, the opportunity which many, in the cloudless days of college life, resolved to embrace, but which they had not the heart and strength to follow when the dark days of discouragement and temptation overtook them. But the opportunity now is one of achieving, of accomplishment. It is the opportunity of entering a campaign of righteousness, as leader, if such is your capacity, as comrade, at any rate, with other noble souls, and with the foreknowledge that you will be able to push your own country, and maybe all the world, up a peg or two in the progress of civilization.

"And what of the lawyer in this movement? I am personally doing all I honestly can to make of you capable breadwinners. No man in the faculty ever loses sight of that object. Our law school is organized with that vocational purpose. But if there were not a higher thought behind the institution whose realiza-
tion I have been seeking for twenty-five years, and whose material embodiment has just now grandly risen on the Berkeley Campus in the form of Boalt Hall of Law, I should feel that my efforts had been misdirected, that some trade form of law school would have served as well, nay, better.

"One characteristic of our age is that all the interests of the time are interdependent, are cooperative, are integrated in one general purpose. The unrest and agitation which are conspicuous in politics, in morals, in religion, are at work in the field of law. It is for you to turn that disquiet, that criticism, that dissatisfaction, that tendency to overthrow and destroy into right ways; to give a constructive character to such tendencies. Be prepared; don't delay; don't sit idly on the bank of the river of opportunity and let the stream flow irrevocably by. Think deeply and earnestly with all your faculties alive and all your knowledge at hand, and reform, remodel, readapt to the exigencies of today, to the expectations of tomorrow, the law that has grown out of tune with the spirit of the times, and the administration of the law which has been used by the panderers of the profession to subserve the interests of a trade.

"Fellows in the splendid fellowship of the law, you are the servants of highest rank in the state, the ministers of noblest service, the ministration of justice. If such is perchance your conception of your calling, now is your opportunity to make this holiest of secular vocations the greatest factor in the amelioration of human conditions. If your conception is less than that, I hope that the coming generation will have no punishment too severe for those who would prostitute the high priestess of justice to the lusts of the flesh."

Orrin K. McMurray.

Berkeley, California.