

JAMES BARR AMES.
1846-1909.

In the death of James Barr Ames, the Dean of the Harvard Law School, on December 8th, last, the comparatively small body of men who devote themselves exclusively to legal teaching and research, has lost its most prominent member. Mr. Ames was born in Boston on January 22, 1846. His early education was received in the grammar schools of Medford and Boston and in the Boston Latin School. In 1864 he entered Harvard College and four years later received the A. B. degree. On his graduation he taught in a private school in Boston, returning to the University to begin his study of law in the autumn of 1869.

In the fall of 1870 Christopher Columbus Langdell was appointed Professor of Law in the Harvard Law School. Professor Langdell at once began to teach the law of Contracts, by using selected cases as a basis for discussion in the class room. The innovation on the lecture and text-book methods theretofore universally used was not viewed with general favor. Mr. Ames himself, in his essay on the life of Langdell,¹ tells us: "Hardly one of the Boston lawyers had any faith in him. After the first lecture at the school * * * the attendance dwindled to a handful of students who were stigmatized as 'Langdell's Freshmen.'" These freshmen, however, were among the best men of the school, the foremost being Mr. Ames himself.

When Mr. Ames graduated from the Law School in 1872 he received an appointment as Assistant Professor of Law. He was the first person in this country to teach law without having practiced it. The appointment was undoubtedly due to Langdell and the support which President Eliot gave to

¹ *Great American Lawyers*, Vol. VIII, p. 848.

his policy. In 1886, in an address at the dinner of the Harvard Law School Association, Langdell gave his reasons for recommending so striking a departure from the custom of appointing practitioners to professorships in law schools: "I wish to emphasize the fact that a teacher of law should be a person who accompanies his pupils on the road which is new to them, but with which he is well acquainted from having often travelled it before. What qualifies a person, therefore, to teach law, is not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of cases,—not experience, in short, in using law, but experience in learning law; not the experience of the Roman advocate, or of the Roman praetor, still less of the Roman procurator, but the experience of the jurisconsult." The career of his great pupil, and the success which crowned his own administration, has amply justified the principle of selection so clearly stated.

After four years as an assistant professor, Mr. Ames resigned, but was immediately appointed to a full professorship, and two years later, in 1879, was made Bussey Professor of Law, a position which he held until he was made Dane Professor of Law in January, 1903. On the resignation of Dean Langdell in June, 1895, Mr. Ames was placed at the head of the Law School.

It has been said with truth by one of Mr. Ames's colleagues that he possessed in a remarkable degree the qualities which make a great teacher. "His profound scholarship; his genius for teaching; his enthusiasm for the truth which made of every student who came under his influence a devoted disciple; his infinite patience and willingness to give himself up wholly to the work of the school, united to make him the ideal teacher and the ideal Dean." Some conception of his influence on the Bar and on American law may be gained when we realize that during his connection with the Harvard Law School, several thousand students came under his influence, and that no inconsiderable portion of these are to-day as practitioners, judges and law teachers,

among the leaders of the profession. It should also be mentioned that his activities were not confined to teaching and legal investigation, but that, especially in recent years, his advice was sought by practicing lawyers in the conduct of litigation, and by public bodies entrusted with the framing of legislation. It does not detract from the just fame of Langdell, to say that the success of Langdell's administration of the Harvard Law School was, in no small part, assured by the work of his able disciple, and it is no more than just to point out that the acceptance by the leading law schools of the country of the "Case Method" of teaching law, is due more to Mr. Ames than to any other one man. He published at a comparatively early period case books on several leading branches of the law, thereby rendering it possible for other teachers who had not the necessary time or experience to make collections of cases themselves, to teach by the case method. The elaborate notes which he appended to the cases, not only gave evidence of the extent of his own researches, but were and are of great assistance to other teachers using his books.

Mr. Ames was one of the foremost living students of English legal history. It is a matter of sincere regret that the immense labor which he expended on his case books, while it insured the rapid success of a scientific method of law teaching, prevented him from giving to the world but a fragment of the result of his labors in this field. No one who has read his articles on the History of Assumpsit, can fail to realize the value of the work which he might have accomplished. A personal acquaintance only deepened this impression. It is true that in his scattered articles and in his notes to his collections of cases, the student who desires to go to the bottom of any one of a wide range of subjects, has an invaluable mine of well arranged original material, besides much to give him aid and direction; but the ability to grasp and use with efficiency large masses of legal raw material is not given to all of us, and we cannot but regret that time was not allowed him to put into more permanent form the results of his own researches.

The very great influence which he acquired over his students and the members of his own and other faculties who came into personal contact with him, was only in part due to his great learning. He was a man of charming manners and most attractive personality. Strong in his own convictions, with a clear cut reason for his own actions, and for any policy adopted by the school of which he was the head, he never failed in consideration for the feelings and opinions of others, besides having that rarest of qualities, a genuine interest in the problems of others engaged in work similar to his own. No teacher of law, especially no dean of a law faculty, ever sought his counsel in vain. The methods employed in his own school and the reasons which governed the principles on which it was conducted, were not regarded by him as trade secrets. He was ready to be the helpful comrade of all who made the teaching of law their life work. Those who obtained his friendship prized it as a great privilege.

Wm. Draper Lewis.