

# IN THE SUPREME COURT OF PENNSYLVANIA

## *In Memory of*

HONORABLE CHARLES ALVIN JONES

Justice of the Supreme Court

January 2, 1945—December 29, 1956

Chief Justice of the Supreme Court

December 29, 1956—July 31, 1961

A memorial service in honor of Chief Justice Charles Alvin Jones was held in Room 456, City Hall, on Tuesday, November 15, 1966, at 10 A.M.

There were present the Chief Justice and Justices MUSMANNO, BENJAMIN R. JONES, COHEN, EAGEN, O'BRIEN and ROBERTS, and a representation of the Bar and members of Chief Justice Jones's family and friends.

Chief Justice JOHN C. BELL, JR. presided.

CHIEF JUSTICE BELL: The Court is holding this morning a memorial service for former Chief Justice Charles Alvin Jones. Chief Justice Jones was a great Judge and a great citizen, with a delightful winning personality. In view of his outstanding services, it is particularly fitting that we should hold this service in his memory and honor.

The Court recognizes Mr. Littleton.

ARTHUR LITTLETON, ESQ.: It seems strange, almost incredible, that today, in this place and before this company, we should speak of Charles Alvin Jones in the past tense. We cannot believe that the vivid flame of his spirit has been quenched in death and that, for a little while, he has left us.

But since we are not as men who are without hope, this is not a time for sorrow and sadness. Rather is it an occasion for remembrance and recollection, and for rejoicing in the privilege that was ours in being associated with him in the work of our profession.

No one can yet attempt adequately to estimate the place which Charles Alvin Jones held in the life of the Commonwealth, or to compute the sum of his many-sided activities.

For, to many he was known as a wise counsellor and a brilliant Judge; to others, as a scholar, trained in the classics, a lover of good books and of literature, and a teller of fine tales; to yet others as a man of the world, devoted to sport—particularly fishing—and good fellowship; while to the intimate circle of his friends he revealed qualities of loyalty and generous affection of which the public was perhaps but little aware.

The phrase "circle of his friends" includes within its comprehension a host of the judges and lawyers of Pennsylvania. Between them there existed a close fraternity; for the Bar knew him as one possessing those personal qualities which endeared him to them as a judge, as a lawyer, as a man, and as a friend. Wherever lawyers gathered together, in legal clubs or at bar associations or at casual meetings, he was ever welcome, honored and loved by all.

True character will always stand the critical test of intimate acquaintance, and will not in consequence suffer any diminution in respect and regard. The character of Charles Alvin Jones furnished a fine illustration of this; for the more one came to know him, the more his personality grew in attractiveness, the more greatly his stature increased, the more striking became his quality as Judge. With him, intimacy led to devoted friendship and produced an enduring and unchanging feeling of deep respect and affection. A character, like this, which could so stand the critical test of close intimacy, must indeed have been one of the highest order.

He was born in the little town of Newport, on the banks of the Juniata River in Perry County, and, after attending the public school there, went to Mercersburg Academy, thence to Williams College, and thereafter to Dickinson School of Law, from which he received his degree of LL.B. Thus he was provided with the intellectual armor of the fundamental disciplines, and was afforded the opportunity to seek and to obtain the fullest meaning which he could for his own life—to know the best he could know, and to live by that best against all comers.

At school, at college, and later at the Bar he received the training which produced for us an outstanding Chief Justice—training which taught him to use his own mind rather than the mind of someone else; to choose and to judge and to renounce and, where possible, to create; to examine and make reflective commitments to principles which existed for him beyond all convenience and group pressures; to live and act not just according to the passing fashions of the day, but out of history and the significant hours of the human imagination.

His life and his thinking were keyed to that instinct of personal discipline and civic responsibility which reflected his early training; and thus there was given to him complete command over himself and his resources.

Like Lord MacMillan, he always believed that if the lawyer "is to fulfill his role usefully and wisely, he must have a mind not merely steeped with precedents of the law but possessing that width of comprehension, that serenity of outlook and that catholicity of sympathy which can nowise be so well acquired as from consort with the great masters of literature."

The Justice accordingly steeped himself in the best of poetry and prose, and kept himself constantly refreshed and renewed by contact with the great thinkers of the past.

We heard the echo of this in his public speaking, which reflected sentiment without sentimentality, ease without diffuseness, eloquence without declamation; in his private conversation, which was filled with tact and humor, a sense of human and historical values, and that professional pride in which he was never wanting; in his writing, which revealed a spaciousness, a consciousness of wide backgrounds and far horizons.

But he was not a pedant. Rather was he a scholar in the highest sense—in the range of acquirement and the flavor which comes with it. Observing and listening to him in any company recalled to one the quaint praise which Thomas Benton bestowed upon Chief Justice Marshall as "a gentleman of finished breeding, of winning and prepossessing talk, and just as much mind as the occasion requires him to show."

When he left the Bar to ascend the Bench, first that of the United States Court of Appeals for the Third Circuit and later, that of this great Court, it was not so much a case of the office making the man as the office affording the opportunity for the exhibition by its holder of the qualities with which he was so richly endowed and equipped.

Throughout his judicial career, he upheld the traditions of his high office. He made no favorites and evinced no dislikes. All who came before him expected, with a confidence which was never betrayed, that he would hear their case with the single intention of administering justice according to law. Judging is a task which was well suited to his earnest nature, to his lucid mind and style, to his self-forgetful interest in men and things.

Both the Bench and the Bar were rightly proud to have as Chief Justice a man possessed of those aptitudes, more readily recognized than described, but which were reflected in the quality of his judicial work, in opinions which conveyed a sense of easy mastery, in judicial exposition and argument which gave an impression of remarkable competence.

But, beyond and transcending all this, while he knew well the fine lines of the law, he knew too the infinite reach of human sympathy; and, sensing something of his own worth, he recognized and respected at all times the dignity and worth of other men.

Six months after he retired from this Court he became of counsel to the firm of lawyers with whom I am associated. While of course, following the practice of retiring Lord Chancellors, he did not represent or

appear for clients, he brought to us his learning, his critical faculties, and his wonderfully retentive memory, as well as his cheerful personality. He entered with zest and with joy into the activities of the firm, social as well as professional. Particularly did he invite the younger men to bring to him problems upon which they were working, and always did he make himself available to them as well as to us older ones for consultation. When he addressed us at the first annual firm dinner which he attended, he spoke in words, taken from Oliver Goldsmith, of the opportunity which he was thus afforded "to husband out life's taper at the close, and keep the flame from wasting by repose".

Earlier I have spoken of serenity as one of Charles Alvin Jones' outstanding characteristics, but closely akin to this was his unfailing happiness of spirit—a remarkable attribute in one who was called upon to bear more grief during the years of the Second World War than most of us have to endure in a lifetime.

We are told that "the merry heart doeth good like medicine". And as one was brought more and more within the ambit of Charley Jones' cheerful personality, one became convinced, not only that this is so, but that there is validity to the thought of happiness as a moral concept.

There always seemed to be a shining circle about this happy man which energized and brightened all who came within it. And the more one saw him and could be with him, the easier it became to believe that the cultivation of a happy spirit and the full exercise of joy whenever possible constitutes a conformity to the laws of God.

Back in the second century, the young man whom we know only as the Shepherd of Hermas said "Put all sadness from thee, for it is the sister of doubt and anger. It is the most mischievous of all spirits and the worst to the servants of God."

But perhaps the most concise observation ever made upon the subject of happiness and the one which comes to mind as, this morning, we remember Charles Alvin Jones, was written by an older man, the author of Ecclesiastes: "For a man should remember that life is short, and that God approves of joy."

CHIEF JUSTICE BELL: Thank you, Mr. Littleton. The Court recognizes Chief Justice Stern.

FORMER CHIEF JUSTICE HORACE STERN: May it please the Court: It seems quite incredible,—certainly it is difficult to realize,—that Chief Justice Jones is no longer with us. He was so strong, so stalwart and vigorous, with such boundless energy, such a buoyant and cheerful disposition, such warmth of companionship, that his parting has left an aching void in our hearts.

The story of his life, distinguished as it was, may be briefly told. He was born on August 27, 1887, at Newport on the banks of the Juniata River in Perry County. He attended Mercersburg Academy, Williams College, and Dickinson Law School. Subsequently he received several honorary degrees from institutions of learning. Moving to Pittsburgh he practiced law there in the office of Patterson, Sterrett, and Acheson, which later became Sterrett, Acheson, and Jones. His mental acumen, his forensic ability, quickly made him a recognized leader of the Allegheny County Bar. For a num-

ber of years he served as County Solicitor. In 1939 he was appointed by President Roosevelt a Judge of the United States Court of Appeals for the Third Circuit. He resigned therefrom in 1944 after his election as a Judge of the Supreme Court of Pennsylvania. He became Chief Justice on December 29, 1956. He resigned from the Supreme Court in July, 1961, and from then until his death on May 21, 1966, he served as consultant to the law firm of Morgan, Lewis, and Bockius. It is worthy of mention that in 1917, before the United States entered the first world war, he volunteered for ambulance service with the French Army and was cited for heroism, and in 1918, after the United States became engaged in the war, he transferred to the aviation branch of the Navy, from which he was discharged in 1919 as an ensign. Subject to the tragic death of his son in the second world war his was an exceptionally happy family life with his charming and devoted wife, his children and his grandchildren.

The fame of Chief Justice Jones as a member of your Honorable Court will surely remain throughout the years because his juristic ability was of the highest order. He had no superior in his quick penetration to the heart of a case, in his erudite application to it of profound academic and legal learning, and in his wise judgment and practical sagacity in the determination of its merits, with the result that he exercised a commanding influence in the Court, and the opinions which he wrote, marked as they were by clarity of thought and felicity of expression and mirroring a veritable passion for justice, established many outstanding and permanent monuments in the law. Nor was he only a great jurist. His scholarly pursuits extended to literature, history, and many other branches of study; his ripe scholarship never descended to pedantry nor his



mastery of English composition to artifices of style. His memory was simply extraordinary, and his fund of information about interesting events of the past, together with his understanding of *current* human affairs and problems, made him the charming conversationalist that he was and in all respects a truly delightful companion. He had a keen interest in all phases of life and thought, an interest which, combining practicality and imagination, stamped him as both realist and idealist in one. Certainly we would not be having this sorrowful and lonely feeling if we were lamenting the loss merely of one who had great legal learning and other mental attainments. Rather we are thinking of our dear departed in respect to those qualities of his which endeared him to all of us, for he was not only respected, honored and admired, he was loved, —loved for his sterling character, his kindness, his engaging personality. That such a man should, at the very height and fulness of his powers, be called from **on** high is, as I have said, incomprehensible to our finite understanding, but we can at least find some consolation in the knowledge that to the lawyers and judges of future generations there will descend the tradition of his just exposition of the law and standard of duty, and they will find in his career an abiding inspiration to pursue his own ideals of private conduct and public service. And now, as we all hope and pray, he lives the life eternal and will be enfolded forever in the ineffable love divine.

CHIEF JUSTICE BELL: Thank you, Chief Justice Stern. The Court will now recess until eleven a.m.