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## Garret W. McEnerney, 1865-1942

*John Francis Neylan\**

GARRET W. MCENERNEY was a quasi-public institution throughout the last thirty-five years of a long and notable career.

During the years to come, whenever and wherever judges and lawyers gather in California, he will be the subject of discussion, and it is to be hoped that before memories become too dim an authoritative biography will have been written.

Naturally, a formal biography will deal, in large measure, with the astonishing success of the fledgling Napa County lawyer who arrived in San Francisco in 1886 and even before the turn of the century was looked upon as a "noted chancellor in embryo."

The mere factual recitation of the matters of great import in which, down through the years, Mr. McEnerney was either the directing genius behind the scenes or chief counsel in the courtroom, will furnish the background from which will emerge the picture of another giant in the hall of fame of the American bar.

Such a recital will show why, during the last twenty years of his life, there was accorded to Mr. McEnerney, by common consent of the bench and bar of California, a place of eminence which will not be accorded to any other lawyer in our generation.

A giant intellectually, as well as physically, he did not have to take the head of the table; it was just left vacant for his occupancy because wherever he sat was the head of the table.

Without doubt, his biographer will dwell at length upon the great mental capacity with which Mr. McEnerney was endowed, his extraordinary memory and his limitless industry.

In this era of thirty-five and forty hour work-weeks a very interesting chapter could be written on the fact that Garret McEnerney spent more hours, day and night, in study and research than any other man who practiced law in California.

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\*Member San Francisco Bar; Regent of the University of California.

If the biographer should happen to be a member of a law school faculty, he might risk his reputation by suggesting that even in this instance success at the bar, and all that went with it, were the products of hard work.

However, I am not concerned with the formal biography of Mr. McEnerney, as I haven't the slightest doubt that there will be appropriate recognition of him as a great lawyer.

I do fear that when the whole picture is projected there may be an impression of a massive, stern human being of high-powered mentality, who devoted his life to the successful solution of intricate legal problems for the benefit of wealthy clients.

Such a picture of Garret W. McEnerney would be a gross distortion.

Whether it was due to innate shyness or a conviction that kindly and generous acts should be closely kept secrets, Mr. McEnerney, during his lifetime, effectively and with some sternness, warded off any general knowledge of his personal activities.

He resented as an intrusion on his privacy any reference to kindly undertakings.

Buried beneath the lines, however, of his last will and testament are at least fifty human interest stories which could be fashioned into literature by a Sydney Porter. However, there is no Sydney Porter, and even if there were, there would be no one authorized to release the material.

Because of the fact that the character of the will drew aside the curtain to some degree, I feel free to discuss McEnerney, the man and citizen.

In what might be termed his private life he was not the powerful and stern counsellor and advocate; he was a warm-hearted, generous gentleman of the old school, whose ideas and practices conformed to the highest standards.

In his latter years, particularly, his moments of relaxation were given over frequently to reminiscences of his boyhood on a modest farm in Napa County, which was managed and conducted profitably by his mother, who must have been an outstanding example of the Irish matriarch who, according to tradition, accomplished a great deal with very little.

He recalled, with longing, the fine butter and other dairy products which arrived simultaneously with her on her semi-annual visits to her sons in San Francisco.

There was a genuine pride in the recital of incidents of this kind, and in this exhibition of pride could be found the key to the McEnerney admiration for strong and sturdy men and women who have the moral, mental and physical ability to rely upon themselves, with the help of Providence.

He was a devout man.

He believed firmly in the dignity of the human being and dismissed impatiently the vagaries of those who wasted energy in speculations on the evolving of the orderly universe by chance or accident.

He was amused continuously by artificial social barriers and evidences of snobbery.

On the other hand, unconsciously, he was an intellectual aristocrat and was utterly lacking in patience with those incapable of reasoning in an orderly, sound and fairly expeditious manner.

One could not help but feel that he was inclined to ignore the views of those less favored mentally, and to assume that they were simply an added burden to be carried along.

He hated show and pretense.

His offices, containing one of the finest private law libraries in existence, were characterized by a monastic simplicity in their furnishings. His home was a model of dignified and old-fashioned elegance, which reflected the excellent taste of Mrs. McEnerney, who was such a great factor in his life.

It is a well-known fact that when thirty-seven years of marital devotion and companionship were terminated by the death of Mrs. McEnerney, in 1941, the grand old man of the bar, with customary orderliness, prepared to wind up those matters in which he was currently engaged and looked forward to joining her.

This was readily understood by those who had known him in his home.

And in this preparation there was nothing gloomy, because he was not a gloomy man and couldn't have been one, with the glorious sense of humor that was his.

Those who heard him in the courtroom will recall his pungent wit and his ability to recall some anecdote which illustrated a point he had in mind or laid bare the fallacy of some opposing argument.

Undoubtedly, however, it will be news to most people that he was one of the happiest of conversationalists and always a delightful member of the dinner parties he attended.

Mr. McEnerney had a deep sense of the obligations of citizenship.

Without disparagement of other gentlemen who have been extremely helpful in the life of the institution, I think it will be conceded that he was the most effective member who ever served on the Board of Regents of the University of California.

During a period of forty-one years as a member of the governing body, he gave to the University, without stint, of his time, his thought and his energy.

Of his munificence in relation to the institution, nothing need be added to the terms of his will.

He was a generous man, far beyond anything that will ever be known.

I am conscious of the fact that I know only a small portion of the story, but I do know at first hand of matters over a period of twenty-five years in which, in every instance, he matched the highest donation or assumed all the burden, and turned off expressions of thanks with the statement he would like to do more.

Not the least of his generousities were those instances in which he made possible effective action in relation to matters affecting the welfare of the United States. Because of a common interest in relation to the history of the United States I had an unusual opportunity to know Mr. McEnerney's thoughts regarding the experiment in government initiated on this continent in 1776.

He was saddened and baffled by the ignorance of the American people of their own history.

In defending, as he had done in a number of notable instances, the great human rights of freedom of speech, freedom of religion, and freedom of the press, he had, with his usual inexhaustible energy, delved back into history and traced the achievement of these freedoms. He knew what they had cost in human life and sacrifice, and felt that the guaranty of their perpetuation in the Constitution of the United States was one of the greatest steps in human progress.

Within a few days of his death he made the statement that horrible as were the slaughters and miseries resulting from the current war, their accumulated effect would not be as serious to mankind as would be the destruction of the Constitution of the United States.

"The Constitution is the last barrier between human beings and a plunge back into anarchy and barbarism all over the world," was his considered thought.

“If our people will acquire a knowledge of and an appreciation of the Constitution, they will sustain it and it will be a rallying-post for all humanity after the guns stop firing.”

In these pages it has been my purpose simply to record an advance protest against the inevitable inclination to expend all the paper and ink on Mr. McEnerney's superlative qualities as a great lawyer.

It can well be said, “There was a legal giant,” but let us not forget there was A Man.