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Alexander Marsden Kidd (1879–1960)

William L. Prosser

THE ALUMNI and friends of Boalt Hall will be grieved to learn of the death, on April 24, 1960, of "the Captain."

Alexander Marsden Kidd was born in San Francisco on August 2, 1879, the son of Scotch and English parents. During his early childhood he spent nearly five years with his uncle, Joseph Marsden, then United States Commissioner in the Hawaiian Islands. At the age of nine he returned to San Francisco, and in due course graduated from Spring Valley grammar school and Lowell High School. In 1895 he entered the University of California, where he received his A.B. degree in 1899. He then moved on to the Harvard Law School, where he received his LL.B. degree in 1903.

In 1905 he returned to the University of California as an Instructor in Law. He became an Assistant Professor of Law in 1909, Associate Professor in 1913, and Professor of Law in 1914. In 1930 he was named for an endowed chair as Elizabeth Josselyn Boalt Professor of Law, a position which he retained until his retirement in 1949. All but two of his teaching years, when he spent the period from 1926 to 1928 at Columbia, were devoted to Boalt Hall. He served as Acting Dean of the Law School from 1942 to 1944, and during the year 1946–47. Concurrently with his Law School assignments, he served as Lecturer in Legal Medicine and Chairman of the Legal Medicine Division from 1932 to 1942, and again as Lecturer in Legal Medicine, 1946–47. He also served as Professor of Law in the Department of Political Science in the spring of 1948.

Except for the two-year period of World War I, when he served with the American Red Cross in England, the Captain maintained a full teaching load throughout his academic life of 44 years. Notwithstanding his dedication to the law school, he kept up a steady participation in outside activities. Among his many assignments in public service may be listed those of Chairman of the Appeals Board of the Selective Service System for Alameda County, during World War II; member of the Board of Directors of the San Francisco Legal Aid Society for many years, and of the Board of Directors of the Legal Aid Society of Alameda County from the time of its

organization; member of the Board of Directors of the University Students' Cooperative Association in Berkeley; member, and later Chairman, of the California Code Commission from 1930 to 1953; member of the Committee on Administration of Justice of the State Bar of California, for many years; arbiter, by appointment of the Secretary of Labor, in the International Longshoremen and Warehousemen's Union-Waterfront Employers' dispute in 1943. He was a member of the State Bar of California, the American Bar Association, the Alameda County Bar Association, and the American Association of University Professors, as well as Phi Beta Kappa and the Order of the Coif. On March 21, 1960, shortly before his death, the University of California conferred upon him, in absentia, the highest honor in its power, the honorary degree of Doctor of Laws.

His chief fields of interest in the law school were Bills and Notes, Criminal Law, Criminology, Evidence, Sales, Practice and Procedure, Labor Law, Agency, Security Transactions, and Legal Medicine; but it is no exaggeration to say that at one time or another he taught nearly every course offered in the school. His published writings include some fifty-seven articles, notes and comments on the subjects of his courses, as well as Cases and Materials on Criminal Law, and on Business Law.

It was perhaps inevitable that any law professor born with the name of Kidd should have bestowed upon him by the students the nickname of Captain; but many generations of those who attended Boalt Hall attest that in his case it was peculiarly appropriate. He was no ordinary law professor. In the class room he was autocratic, and exacting. He loved the subjects which he taught with an abiding affection and the knowledge which he sought to convey, and he openly resented anything which might be interpreted as a slight upon them, either by way of lack of preparation or of slovenly performance. He was fierce and violent in their defense, and at least once in the usual year, after a series of unprepared or inept student performances, he abruptly terminated the session by picking up his books and stalking from the room. In the classroom he invariably wore a green eyeshade, pulled down slightly on one side; and in his moments of outraged ferocity this tilted shade, combined with his flashing eyes and his heightened color, gave him a really terrifying appearance, which did much to justify the piratical nickname. There was method in all of this, and it was quite deliberate and calculated. If the preparation of some course had to be neglected by some hard-pressed student, it was never that of Captain Kidd. He was a man who made no compromise with mediocrity, with stupidity, with cut corners, or with laziness; and he demanded the same of his students.

Many and varied are the legends that have grown up about him in Boalt Hall. Rumor has exaggerated, and invented: his supposed suggestion to a student who had no pen for an examination, that he cut his finger and write

it in blood; the occasion on which, in utter fury, he is supposed to have thrown a pile of examination books out of the window and hit the dean (or sometimes the president of the university, or even the governor), passing below, upon the head; the student notebooks, casebooks and the like that he threw into the waste basket, or out of the window, or tore up; the glass doors that he smashed by slamming them as he left the room; the insults that he bellowed, the strokes of apoplexy that he nearly had; and everything else that the fertile minds of law students could invent. These stories are not true: but the fact that they were invented at all bears witness to the awed respect in which he was held. The students learned law from the Captain. They learned a great deal of law. They were afraid not to.

As a person, outside of the classroom, he was the utter antithesis of this manufactured and synthetic platform tyrant. A gentler, kindlier, milder man, in his personal relations, never lived. He had an intense interest in people, and particularly in young people; and he gave patient and sympathetic attention to their problems and difficulties. His acts of individual kindness and helpfulness were innumerable; and many are the alumni of Boalt Hall who can testify to his assistance, financial or otherwise, the only condition of which was that they be kept confidential and never revealed. It is an open secret that there were occasions on which he even provided bail for lawyers now eminent and reputable, who will doubtless prefer to remain anonymous. "If you are in trouble, go see the Captain," was the word which was passed on from year to year in the hallways, and it was his greatest joy. The result was that classes which began with shocked and horrified revolt and a petition for his removal, which the dean learned to expect each November, ended by loving him beyond all others in the law school; and for years after his retirement, until his illness made it impossible, they begged for his attendance at their annual meetings. Some of the rest of us here at the law school may perhaps claim a modicum of respect from our former students, and even some friends among them; but Captain Kidd was the man they really loved.

There never has been any one like the Captain. To quote from a letter which the school has received from a graduate of nearly thirty years ago, "After He cast him, God broke the mold."