

Horace Eugene Whiteside

John W. MacDonald

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HORACE EUGENE WHITESIDE

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To Horace E. Whiteside, late Professor and beloved Teacher, this volume of the QUARTERLY is affectionately dedicated.

Four days after Horace Whiteside reached the age of optional retirement from this faculty, he died. He had no thought of giving up his teaching or his writing. Instead, he looked forward to other years of Trusts and Future Interests, and he was at work on a revision of his part of the American Law of Property. Over the past several months, others could see the end of his trail—not Horace. In this period, his physical condition deteriorated. His son and namesake had died tragically in an automobile accident in the fall of 1954. He bore the burdens of illness and grief, bravely and patiently; he met his classes; he taught them well; he was on the job until within a month of the end.

Memories of him are kaleidoscopic. He was a man of many parts. Athlete, classical scholar and teacher, artillery officer, law student with the best scholastic record in our history, law teacher from graduation to his death, pioneering scholar and prolific writer, sound and brilliant lawyer and counsel, trusted consultant in the reform of the law—he was all these and more. In some of these roles, I did not know him, for they occurred before I had met him. I did not know him as a great football player, nor as a teacher of Greek. It was equally possible to imagine him in either part. I met him first in the spring of 1922, he on the law faculty in charge of admissions, I a college undergraduate ultimately to seek admission to the school. From that day, through years of law study, later through years of practice, later as his colleague in teaching, in association with him in law revision, and as formal and informal associate in many a case and many an enterprise, my regard and affection grew and never faltered. I shall sorely miss him. So will many of the readers of this LAW QUARTERLY. He knew you well, and he was generous in his friendship.

Whiteside came to Cornell in 1919 after his military service as a cap-

tain in France in World War I. He was twenty-eight years old, married, serious and mature. He had been educated in a private school in Bell Buckle, Tenn., his birth place. His six older brothers and sisters had all attended this school, which had, as he told me, a very great influence in his formative years. Years later, in a tribute to his great coach, Amos Alonzo Stagg of Chicago, he ranked one of his teachers there, a co-founder of the school, John M. Webb, as one of the four greatest teachers with whom he had studied, the others being Roscoe Pound, Edwin H. Woodruff and Coach Stagg himself. At sixteen he went to Chicago on a scholarship in Latin. One year later he was an outstanding football player and he continued until his graduation with high rank in 1912. He taught and coached in East Waterloo, Iowa, High School, going in 1914 to Earlham College, as teacher of Greek and athletic director, where he stayed until entering military service in 1917. From 1919 his life was centered at Cornell Law School. Immediately upon his graduation, he was appointed lecturer in law and secretary of the school. Faculty status came in 1924. There was a year in Harvard Law School, as Ezra Ripley Thayer teaching fellow, where he took his doctorate in 1927. Upon his return to Ithaca he attained full professorial status and he became in 1951 the first occupant of the J. DuPratt White chair.

He married Miss Esther Vesey of Chicago in 1913, and they had two children, Anne Esther, now Mrs. Leo F. Wynd of Kenmore, N. Y., and Horace E., Jr., whose death in 1954 followed his mother's by four years. In 1951 Professor Whiteside married Miss Ruth Kinyon, who had come to New York from Columbia, Mo., and who, with Anne, survives him. No tribute to Whiteside would be complete without words of praise and respect for these three women so influential in his life, for the son who went before him, and especially for his widow who nursed and comforted him during these last years of illness and grief.

Such are his vital statistics. Within these years a great lawyer and teacher matured. It is not difficult to identify the attributes of Whiteside's genius and greatness. He had an extraordinary mind and a vivid imagination, coupled with an inordinate capacity for hard work. Not only did he have ability to take himself through the history of intricate rules and principles, he had an ability—beyond comparison—to bring his students into the clarity and light of his own understanding and thinking. He was supreme in the classroom. Of course his imposing physical presence helped him, but there was so much more. No one who ever sat under him will ever forget the experience of being in his class. His writings disclose something of the industry and intellectual qualities of the man. His vast experience as counsel and expert advisor to many

lawyers, and since 1939 primarily to the New York firm, Whitman, Ransom, Coulson and Goetz, enriched his writings and his teaching. His great and good judgment and common sense rounded out a man who had magnificent qualities of mind on which to build, and who did not waste his gifts either by detachment or sloth.

With it all, he was open, fair, honorable, a good host, and a friend to hundreds and hundreds of his students. His home was open to them. There they often met great judges, teachers, and lawyers. To it they made pilgrimage on their return as alumni. It was in class that one remembers him best, however, for he was a superb teacher.

*John W. MacDonald**

* Professor of Law, Cornell Law School.