

## Frank H. Hiscock An Application

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### Recommended Citation

Horace E. Whiteside, *Frank H. Hiscock An Application*, 32 Cornell L. Rev. 1 (1946)  
Available at: <http://scholarship.law.cornell.edu/clr/vol32/iss1/1>

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# CORNELL LAW QUARTERLY

FRANK H. HISCOCK VOLUME

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VOLUME XXXII

SEPTEMBER, 1946

NUMBER 1

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## FRANK H. HISCOCK: AN APPRECIATION

HORACE E. WHITESIDE\*

Frank Harris Hiscock's life began in 1856, the year in which the Dred Scott case was argued before the Supreme Court of the United States, and ended in the year in which a member of that Court was engaged in the prosecution of Nazi leaders at Nuremburg. He was admitted to the New York Bar in 1877, two years after his graduation from Cornell University, and his distinguished career as lawyer and judge spanned sixty years. First elected Justice of the Supreme Court of New York in 1896, after five years he was designated Associate Justice of the Appellate Division, Fourth Department, and in 1906, Associate Judge of the Court of Appeals. He was elected Associate Judge of the Court of Appeals in 1913 and Chief Judge in 1916. During his twenty years on the Court of Appeals he made many notable contributions to the growth and development of the law of New York; his opinions, 468 in number, are reported in vols. 184 to 243 inclusive of the New York Reports.<sup>1</sup>

In addition, during his ten years as Chief Judge and in large measure as a result of his leadership, the business of the Court of Appeals was expedited and calendar delays eliminated. The 1927 report of the Committee of the New York Bar Association appointed to confer with the Court of Appeals recognized this outstanding achievement:

"Nine years have passed since the original appointment of this Committee.

Then there were eight hundred and sixty causes on the calendar of the Court of Appeals ready for argument.

At the date of this report, there were none.

. . . We should be remiss, indeed, did not we express the profound regret of the Committee at the retirement of Judge McLaughlin, and of the Court's great Chief Judge, Frank H. Hiscock.

In doing so, we feel justified in saying that never in the illustrious history of the Court has the Administrative Department of its work been conducted with greater wisdom, skill, celerity, efficiency and indul-

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<sup>1</sup>See *Judicial Tendencies of the Court of Appeals During the Incumbency of Chief Judge Hiscock*, by his close friend and associate Judge Leonard C. Crouch (1927) 12 CORNELL L. Q. 137, 149 n. 69.

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gent urbanity, than during the period Judge Hiscock presided over its deliberations.

To him justly may we pay that lofty tribute centuries ago inscribed upon the walls of the Julian Pantheon:

*'Rebus gestis insigni ob virtutes dilecto.'*"

Retired from the Bench on December 31, 1926, under the mandatory provisions of the State Constitution, Judge Hiscock soon found that his retirement did not mean "a period of peaceful relaxation and freedom from care."

The remaining twenty years of his life were devoted to the active practice of law, three years as President of the New York State Bar Association, and many other public and civic responsibilities, including the continuation of his long service to Cornell University.

Lawyers who appeared before the Court of Appeals of twenty to thirty years ago warm to the recollection of the Chief Judge. His gracious urbanity, the modest dignity of his manner, and the distinction of his appearance as he presided over the Court made the advocate realize that the great tradition of New York judges was still alive. After Judge Hiscock's return to the Bar, younger and less famous lawyers briefed to oppose him, never felt themselves overborne by his prestige. In argument he had a grave deference for the Court, and a simple courtesy toward his opponent, that was as charming as it was rare in so great a lawyer.

First elected to the Board of Trustees of Cornell University by the alumni in 1889, Judge Hiscock served a five year term, was again elected by the Board in 1901, and served continuously from that date until his death. He was designated as Chairman of the Board in 1917 and continued in that office until November 2, 1938. His sound judgment, effectiveness and un-failing tact as Presiding Officer was appreciated and admired by those who served with him. Thus, for more than fifty years of his active life, Judge Hiscock devoted a very substantial portion of his time, energy, and talents to Cornell University. His interest extended to every Department of the University and his constant aim was the welfare and progress of the University as a whole. During this period he contributed more, perhaps, than any other person to the University.

Judge Hiscock's first election to the Board of Trustees of Cornell University was two years after the founding of the Cornell Law School. For fifty years thereafter, important questions of policy affecting the future of the Law School were determined by the Board in accordance with the ultimate conclusions reached by the distinguished group of law trustees of which he was the leading spirit.

He was an intimate friend of Ernest W. Huffcut and Edwin H. Woodruff, and a source of inspiration to every member of the Law Faculty. He took an active part in the organization and work of the Cornell Law Association, served as its President for three years, and was a member of the Executive Committee until the end of his life.

For many years, members of the Editorial Board of the CORNELL LAW QUARTERLY were privileged to enjoy the rare treat of his distinguished presence at their annual banquets, as well as the stimulating informal talks and exchanges between him and the late J. Dupratt White, Judge Cuthbert W. Pound, his associate on the Court of Appeals, and others.

By action of the Faculty of the Cornell Law School and the Board of Editors this volume of the CORNELL LAW QUARTERLY is affectionately dedicated to the memory of Honorable Frank H. Hiscock, lawyer, judge, leader in public affairs, and devoted friend and servant of Cornell and the Law School.