

Life of Fulfillment

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A LIFE OF FULFILLMENT

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Over the grave of the English novelist Winifred Holtby is a stone which bears the inscription:

*"God give me work
Till my life shall end
And life
Till my work be done."*

To Frank Harris Hiscock life gave important work to do; to him was also given life till his work was done. Throughout the great span of his adult years he demonstrated the truth of the philosopher's maxim—"To be is to stand in relation"—to men and to things. He knew that to keep alive one must increase the number and strength of those relationships. His life proves that a man's true worth may be measured by his ideals, the variety and importance of his interests, his activities and achievements, and the quality of his friends.

In our mental picture of Judge Hiscock which we will call back often in the years to come there are no blurred, indistinct areas. The life he lived, the things he did and the way he did them left a definite clear-cut impression. The indefatigable energy of mind and body with which he was endowed was not so diffused among scattered activities as to lose its effectiveness.

Aside from those family relationships which were of first importance in his life, his three great loyalties were to his profession, to his church, and to Cornell University from which he was graduated in 1875. Of his ninety years he devoted more than seventy years to law,—twenty-one years as a law student and practicing attorney, five years as a Supreme Court Trial Justice, five years as an Associate Justice of the Appellate Division of the Supreme Court, Fourth Department, twenty years as a member of the Court of Appeals, ten of which he served as Chief Judge of that Court, and twenty years as an Official Referee.

It is not my purpose in this brief statement to present an extended critique of Judge Hiscock's judicial work. The influence he exerted during his chief-

judgeship upon the judicial tendencies of the Court of Appeals has been ably dealt with by Judge Leonard C. Crouch in an article published by the CORNELL LAW QUARTERLY in 1927 soon after Judge Hiscock had left that bench by reason of the constitutional age limit.¹ This statement, however, would fall short of its purpose if it failed of reference to the uniform high quality of judicial workmanship which Judge Hiscock applied to the vast amount of litigation which passed before him during the fifty years of his service to the State.

We are told by those who practiced in his court that when in 1896 his day's work changed from that of a trial lawyer to that of a trial justice in the Supreme Court no problem of accommodation was involved. He seemed even then to be a judge with an experience of years. Then followed fifty years during which an almost continuous succession of controversial matters—civil and criminal—came before him bringing into clear focus the problems with which the State, the individual, big business and small business, employers and employees, were beset. To the judicial solution of that wide variety of litigation he applied an infinite capacity for taking pains, drawing also upon his native common sense and fairness reinforced by scholarship and the wisdom which the experience of judicial work through the years had brought to him. He believed that the more comprehensive and accurate was his knowledge of conditions affecting a given problem the narrower would be the field of controversy and the sharper the issue to be decided. His opinions—more than five hundred in number²—are examples of juristic writing at its best. They take an enduring place in the jurisprudence of the State. During a period when controversial social legislation was often before the court his opinions give evidence of an admirable balancing of tradition and innovation. In that connection it is interesting to note his statement made after his career on the bench had ended and enough time had elapsed to permit reflection upon his judicial experience. The occasion was at Ithaca, six years after he left the Court of Appeals, when he presided at the dedication of Myron Taylor Hall—the present home of Cornell Law School. After stressing the imperative need of sound standards of legal education, he said: "We all ought to recognize that our jurisprudence and procedure must be subjected to constant but carefully considered modifications if they are to be adjusted to the needs of a constantly changing civilization. Statutes become archaic and obstructive to the promotion of justice and even princi-

¹(1927) 12 CORNELL L. Q. 137.

²Appellate Division Reports, Vols. 64 to 111 inclusive; New York Reports, Vols. 184 to 243 inclusive.

ples of the common law once regarded as quite fundamental require revision or perhaps even elimination."³

During the early years of his incumbency as Chief Judge of the Court of Appeals an unprecedented volume of litigation reached that court which had its origin in business conditions prevalent within the state after World War I and in problems incident to new forms of social legislation. Faced in 1918 with a calendar so far in arrears that eight hundred and sixty cases awaited disposition, Judge Hiscock dedicated himself with a monastic fervor to what he conceived to be his duty as Chief Judge—to bring the court abreast of its calendar. Although considerate in the demands he made upon his associates to accomplish that task he was ruthless in the demands he made upon his own strength. During that period there were years when the number of associate judges was temporarily increased from six to nine to expedite the hearing of appeals.⁴ As the court in session comprised only seven members, the temporary increase in its personnel required three of the associate judges to absent themselves from each hearing, thus affording them additional time out of court for the study of submitted cases. Meantime, however, Judge Hiscock presided at all sessions of the Court—in one of which he was present and presided for seventeen successive weeks.

During the ten years of his service as Chief Judge his prodigious capacity for long sustained effort proved equal to the demands made upon it. His equable temperament, which gave him a confidence-inspiring poise and serenity in court and in the conferences of the judges, never yielded to the demands of administrative details which he dispatched with apparent ease. The noteworthy fact is that the task to which he had committed his efforts in 1918—to clear the court's calendar—was accomplished when he left the court in 1926. That achievement was gratefully recognized by the New York State Bar Association⁵ and is an outstanding item in the distinguished judicial service he rendered to the State.

Despite the exacting demands upon his strength and time made by his judicial duties Judge Hiscock's loyalty to his church and to Cornell University found expression in the positions to which each elected him and which he accepted as active responsibilities. The quality of his loyalty to his local church and the manner of his performance of duties impressed upon him there led to his being chosen vice-president of The Laymen's

³*Dedication of Myron Taylor Hall* (1932) 18 CORNELL L. Q. 2.

⁴New York State Constitution as it then provided—Art. VI, § 7, as amended in 1899.

⁵N. Y. S. BAR ASS'N REP. (1927) 214-217.

League of the Unitarian Church, a national organization. The quality of his loyalty to Cornell University led to his being chosen in 1889 as a member of its Board of Trustees and to his being retained as a trustee for fifty years. In 1917 he was elected chairman of that Board and served in that capacity twenty-two years until 1939 when he was elected chairman *emeritus*. While these interests were engaging his time and efforts and while he continued with unabated vigor other local activities in Syracuse, he was chosen for three successive years (1930-1932) as president of the New York State Bar Association. That office, held for so long a tenure, afforded him an unique honor which he deeply appreciated and gave him the opportunity—of which he took full advantage—to extend the influence of that Association.

The career of Judge Hiscock runs in the best traditions of American individualism. His formula for success called for mental alertness, rectitude, self-discipline, singleness of purpose, orderly habits of work and an aptitude for long sustained, well directed effort.

Those of us who had the high privilege of his friendship are grateful for the example of his life.