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In Memoriam: Gustavus Hill Robinson

FRANK L. WISWALL, JR.*

Robie¹ was born in Whitestone, New York, on 11 January² 1881, the son of Margaret Hill and Gustavus Hawes Robinson. He seldom spoke of his childhood home, and his father, a naval warrant officer, was evidently separated from the family for a major period of Robie's upbringing. Nevertheless, it was from his father that he inherited an inquisitiveness about things maritime which ultimately became the foundationstone of his professional life.

Boyhood was, in addition to the usual pursuits, a time of hard work. Robie went away to the Mount Hermon School in Maine on a working scholarship; his recollections of waiting on tables and of breaking the ice in the morning washbasin were vivid. At the comparatively senior age of 20, he "went up" to Cambridge and, on scholarship, entered Harvard College. Anyone later acquainted with Robie's voracious mind and virtually total recall would not be surprised that he graduated in 1905 *summa cum laude* with membership in Phi Beta Kappa. Then from the College into the Law School, whence he emerged *cum laude*³ with his LL.B. in 1909.

Although he passed the Massachusetts bar examination, and was admitted to practice in the Commonwealth, Robie decided to practice in New York. In 1910 New York City was the hub of Admiralty Law practice in the western hemisphere, and the firm of Burlingham Montgomery & Beecher, into whose employ Robie entered at the rate of \$10.00 per

*Member of the Maine and New York Bars. B.A. 1962, Colby College; J.D. 1965, Cornell University; Ph.D. 1967, Faculty of Law, University of Cambridge (Clare College).

1. The name by which he was universally known, which he preferred, and by which his faculty colleagues addressed him—except one, who insisted on calling him "Gus," much to Robie's displeasure.

2. Also the birthday of Ezra Cornell, as Robie was fond of pointing out.

3. The highest distinction awarded to law graduates.

week, was⁴ one of the foremost Admiralty firms in the world. The firm had been historically dominated by the great Charles C. Burlingham,⁵ "Dean" of the New York Bar until his death at 104 years of age (and the person to whom Robie later dedicated his Admiralty text). Robie, however, worked principally under William S. Montgomery and Norman B. Beecher, and counted among his fellow associates Chauncey I. Clark, Roscoe H. Hupper, and Charles Burlingham.⁶

One winter evening Montgomery called Robie by telephone and told him to get down right away to a certain hotel in Atlantic City, New Jersey, and there to await instructions. Robie took the first available train, arrived very late, and then sat up the remainder of the night. In mid-morning the telephone rang: "Come back," said Montgomery. Robie never did learn what it had all been about. As a result of various perambulations in the course of duty Robie came to know the more colorful side of the New York waterfront, then teeming with the world's commerce. This gave to his academic writing a salt-cured flavor so delectable to palates atrophied by jurisprudential dust.

Quite soon after his admission to the Bar in New York, Robie's value to the firm was recognized by a raise in salary to \$100.00 a month—not too bad in those days. But what he really wanted did not come along for two and a half years: "the big one"—a great case. The White Star Line was a client of the firm, and one fateful morning in April, 1912, Robie met Beecher in the hall. Rubbing his hands, Beecher exclaimed: "Great news—the *Titanic's* hit an iceberg, and she's putting into Halifax." Even before the full scope of the disaster became known, the entire firm was mobilized with Beecher as commander-in-chief and with Robie and Chauncey Clark as his principal aides. Robie participated in all of the crucial decisions in the first days of the *Titanic* case, including the decision, arising from his suggestion, that the few lifeboats brought back to New York by rescue vessels be surrendered as the *res* for fund purposes under the Limitation of Liability Act.

4. And remains today, under the name of Burlingham Underwood & Lord.

5. The firm was founded in the late 1850's, but did not have Burlingham's name in the title until the formation of Wing, Putnam & Burlingham in 1898. Harrington Putnam, a great figure of the Admiralty Bar, was for some years Visiting Professor of Admiralty at the Cornell Law School. In 1909, Putnam resigned from the firm to become a Justice of the New York Supreme Court, and the following year opened a trial term at Riverhead, L.I., after walking 70 miles through the snow, from his home in Brooklyn.

6. Charles Burlingham "the Younger," who still appears regularly at his law office.

Very soon afterwards, however, Robie was struck with appendicitis and peritonitis, and was for a time in real danger. His health was so shattered by this illness that he was forced, upon doctors' recommendations, to seek employment in a warmer climate. Through Burlingham's connections, he landed a teaching job at Tulane Law School in New Orleans. So it was that in the autumn of 1912 Robie left active law practice⁷ and embarked upon his long teaching career.

Robie stayed at Tulane for three years until, in 1915, he returned to Harvard Law School as a graduate student. During the ensuing academic year he completed the requirements for the degree of Doctor of Juridical Science.⁸ In 1916 Robie accomplished what all agree to be his greatest single achievement—he wed Sarah Fuller Anderson; she was to be helpmate, typist, a tower of strength, intellectual stimulation, and much more. It was not possible to really know Robie without also knowing Sally and appreciating the extent of his dependence upon her.

In 1916 the Robinsons went to the University of Missouri, where Robie taught until joining the Army in the First World War. He was commissioned a Captain in the Sanitation Corps in 1918, a post which was not as inappropriate as might appear, since it involved military law enforcement. Even so, Robie did not fail to appreciate the humorous side of his assignment. In 1919 he returned to teaching, this time at the University of California, and in 1922 he came East again to join the law faculty at Boston University. In 1929 the Robinsons came to Ithaca, where they were to remain for over forty years.

In 1926, while at B.U., Robie published "Cases and Authorities in Public Utilities," which he later revised in 1935. But it was at Cornell that he realized his great ambition—to author the definitive 20th century work on the Law of Admiralty. "Robinson on Admiralty" was published in 1939 as part of the West Publishing Company's Hornbook Series. It was more than a routine hornbook, however; it was a critical encyclopedia of maritime law. The success of this book was unique, for with the outbreak of the Second World War and the tremendous increase in allied shipping, a genuine need for the work was apparent. In 1944 the Maritime Administration and the War Shipping Board purchased and placed

7. Although he did accept a number of Admiralty consultations in later years.

8. He despised the idea of the J.D. as the first degree in law, and refused on principle to convert his LL.B.

a copy of *Robinson* aboard every merchant ship under the U.S. Flag. In addition, Robie served as a consultant to the Lend-Lease Administration, though he continued to teach steadily at the Law School throughout the conflict.

Like most members of the law faculty at Cornell, Robie taught a variety of courses during his active tenure. International law, however, was his field, for, like Lord Stowell, he viewed the Court of Admiralty as a court of international rather than municipal law. His emphasis was upon the maritime law of nations, and he condemned chauvinism in our Admiralty Law wherever he uncovered it. He was an apt choice for the William Nelson Cromwell chair in International Law, a chair he held until his "retirement" in 1948.

In retirement Robie was as active as before. Having earlier served as a visiting professor at Harvard and the University of California, he and Sally now decided to journey to the University of Leyden in the Netherlands to proselytize for Admiralty amongst the Dutch. He continued teaching sections of the Admiralty course at Cornell, but his major daily occupation was his unceasing labor upon a second, greatly expanded edition of *Robinson*, which was nearing completion at his death.⁹ His interest in the law and in the students at Cornell never flagged, and the evolution of the law and its environment was the subject of Robie's constant observation and comment—usually fair and always devastatingly candid.

In 1969 Robie was diagnosed for cancer of the prostate complicated by Parkinson's disease, though from the latter he was in time partially relieved. Both diagnosis and prognosis were clear to Robie. He greeted this situation as yet another challenge, and took a scholarly interest in all of the medical details. Characteristically, as revealed in a 90th-birthday interview, he was not fearful of the end—he was curious about the adventure beyond. With complete equanimity, he continued to appear daily at the Law School for the next two years. Morning would see him working on "The Book" (with the usual submission of brain-racking questions to his faculty colleagues), and at noon he would gather with a regular band of cronies in the Statler's Rathskeller—a custom which continued to within three days of his passing.

9. These manuscripts are being edited, with painful slowness, in the hope of publishing a second edition.

The 1970 Law School reunion was dedicated to Robie. At the large luncheon he rose, and paraphrasing Twain, roared: "A rumor has been going around that Robinson is dead. I deny it!" But death did come to Robie, gently, in sleep, on September 22, 1972.