

Herbert David Laube

October 15, 1880 — September 12, 1960

Herbert Laube came to the Cornell Law School in 1925 and retired in 1948, coming back one term in 1955 to teach the course in wills. The *Quarterly* dedicated its spring issue of 1949 to him and published one of his notable articles “The Jurisprudence of Interests.”

Born in Brodhead, Wisconsin, in 1880, he received his undergraduate degree from the University of Wisconsin in 1903 and a Master of Arts degree from the University of Michigan in 1911. He did other graduate work in the University of Chicago. He taught in various high schools in Wisconsin and Illinois and at the Normal School in Green County, Wisconsin. At the age of thirty-one he came east to teach at the William L. Dickinson High School in Jersey City, New Jersey, and he soon began the study of law at Columbia Law School, from which he graduated in 1916 at the age of thirty-six. He remained in New Jersey during World War I as a lecturer for the War Department in Bayonne and Jersey City, and after the war he returned to Milwaukee to practice law and to become journal clerk and parliamentarian to the Wisconsin Senate. He then enrolled as a graduate student at the Harvard Law School and received his S.J.D. in 1924. He indicated his affection and respect for several of his teachers, notably Professors Charles E. Merriam, Charles R. Henderson, and Albion Small of the University of Chicago, Charles Beard of Columbia, and particularly Roscoe Pound of Harvard, who directed his graduate work and who influenced his thinking and his life. He taught two years at St. Louis University and one summer at Drake University before he came to Cornell at the age of forty-five, where he was to spend the rest of his active life.

He is survived by his wife, Vivian F. Laube, and a brother, Frank Laube, of Seattle, Washington.

Laube was a good teacher, well-trained, well prepared, gentle, and precise. He was a prodigious worker and published three casebooks and many articles and reviews. In the controversies of the late twenties and early thirties with respect to curriculum and the aims and methods of legal education, he was a partisan, a traditionalist, and proud to be a pupil and disciple of Roscoe Pound, to whom he felt he owed so much. His students remember well his methods and techniques in his teaching of courses in wills, mortgages, and, particularly, quasi-contracts and jurisprudence.

His early studies of sociology were ripened by his contact with Pound and the school of sociological jurisprudence.

In his tribute to him at the memorial service in the chapel, Anabel Taylor, Rev. Edward L. Christie of Ithaca said he found in him dignity, serenity, humor, and kindness. Describing the reaction of Professor Laube's students to him, he said "As they looked at that calm face and listened to that quiet voice, I am certain the dignity, serenity, the almost shy laughter, the friendly warmth also became a part of them." So they did: he had great dignity, he was serene, he had found an inner peace.

Gentle as he was, however, he had an intense, even a fierce, hatred of injustice. He wanted his jurisprudence translated into action, judicial or legislative. Yet he was himself a man of books. When he retired in 1948, he kept his law school office. Daily he came and worked, read, and wrote. He did not stop until he was well into his last illness.

He had a long life in preparation for law teaching. Excellent undergraduate and graduate training were of course part of it. Secondary school teaching, over a period so long that it might have seemed to be his chosen vocation, contributed. Then came the Columbia and Harvard Law Schools with a brief span in practical politics as a legislative aide between these two periods of study. Finally he came to Cornell where he made his life in the law. Here at forty-five he began a teaching and writing career which ultimately brought him to the front ranks of those of his generation. One half of the faculty with whom he spent most of his active life are now gone with him: Charles Burdick, Lyman Wilson, George Thompson, and Horace Whiteside. It was a strong faculty on which he sat. Twenty-four classes will remember him respectfully and affectionately as a fine teacher, a great scholar, and a worthy member of the group, which brought them into the profession of the lawyer.

John W. MacDonald, William H. Farnham, Robert S. Stevens