

Horace Eugene Whiteside

June 5, 1891 — June 9, 1956

In the closing days of the academic year, the long teaching career of Horace Eugene Whiteside, J. DuPratt White Professor of Law in the Cornell Law School, came to an end with his death June 9, 1956, four days after his 65th birthday. His association with the Law School began in the fall of 1919 when he enrolled as a student. He became a member of the Law Faculty in 1922 and had thus completed 34 years of eminent teaching in the Law School.

The fall term of 1955-'56 he spent on sabbatic leave in Jamaica, British West Indies. Although seriously ill when he returned for the spring term, he insisted on giving his courses in Trusts and Future Interests. By gallant and super-human effort he continued to meet his classes to within a month of his death. In his passing the Law School lost one of the great teachers of law.

Direct descendant of John Morton a signer of the Declaration of Independence, Horace Whiteside was born June 5, 1891 on a farm near the village of Bell Buckle in Eastern Tennessee, the youngest of seven children. All of the family had a veritable passion for higher education. Fortunately, there was then developing in the village the Webb School, founded and taught in part by two Webb brothers, whose graduates were thoroughly trained in the classics. In contrast to our modern educational institutions, the buildings and equipment were simple, almost primitive, but no expense was spared in assembling good teachers and a strong library. "The books cost more than all the buildings combined", say members of the family. Here were taught with inspiration the great truths of the scriptures and the best in ancient and modern literature. The atmosphere of the school inculcated the American ideal that hard work and character were the keys to success, which became his fundamental philosophy.

He entered the University of Chicago without examinations, having received a scholarship in Latin, and because of his excellent preparation was able to maintain a very good record and at the same time play varsity football. There he became an outstanding guard on famous football teams coached by Amos Alonzo Stagg, whom he always considered one of his great teachers.

Upon graduating from the University of Chicago in 1912, he successfully taught and coached at the East Waterloo, Iowa, High School for two years, advancing to athletic director and instructor of Greek at Earlham College. Then came World War I when he went overseas as Captain in the 67th Artillery, Coast Artillery Corps, later attaining the rank of Major.

Returning from the war, he entered the Cornell Law School. While pursuing his law course he coached intramural athletics and freshman basketball at Cornell. In spite of this, he graduated from the law school with a higher than straight A average, by reason of several double 'A's—an achievement still unequalled. He was elected Book Review Editor of the *Cornell Law Quarterly* and his editorial notes are models. During the year 1926-1927 he was Ezra Ripley Thayer Teaching Fellow at Harvard Law School where he received the degree of Doctor of Juridical Science.

Brilliant and effective teacher, he was nonetheless a strong advocate of the value of active professional practice in law teaching. Therefore, he became associated in 1939 on a part time basis with the Wall Street law firm of Whitman, Ransom, Coulson and Goetz. This led to his participation in the reorganization of the Western Pacific Railway Corporation and in the leading case of *Ecker v. Western Pacific Railroad Corporation*, 318 U.S. 448 (1943), which did much to settle the relative powers of the Interstate Commerce Commission and the courts with respect to railroad reorganizations. After 1951, however, he limited his outside practice to consultant in the law of Trusts, Wills and Estates.

His classical background made Professor Whiteside a perfectionist in his professional work and in his teaching, yet he possessed the rare trait of not being intolerant with those less ably blessed; he taught the whole class, not merely the top ten percent. Often would he remark on the value of the middle-of-the-class student who not infrequently developed into a fine lawyer, making a distinct contribution to his community and to the reputation of the law school. For the student who was really trying he possessed a patience and gentleness in class which might not have been suspected of one with his great physique and mental power. This deep sense of compassion endeared him to his students.

Indeed, his abiding interest in his students was evidenced not only in the attention which he gave to them in Myron Taylor Hall, but by the fact that groups of law students often came to his home for round-table discussions. The loyalty, affection and respect of his students was made manifest by returning alumni of the Law School. Through the years, eminent lawyers and members of the Judiciary, as well as many of lesser distinction, visited his home to enjoy the hospitality that was extended and to profit from words of wisdom of their former teacher or the friend learned in the law.

Among his colleagues he won both admiration and affection. He was generous in shifting courses or in taking on extra work to help a fellow teacher in time of illness or for a sabbatic leave. On one occasion he gave up a field of law in the curriculum to which he had a legitimate claim so that a colleague who had a unique opportunity in that field might take advantage of it to the benefit of the law school.

His writings brought recognition to the Cornell Law School as well as to himself. He edited *Huffcut's Cases on Agency* (3rd Ed. 1926) and *Kales' Cases on Future Interests* (2nd Ed. 1936). Several of his monograph studies for the New York State Law Revision Commission won wide acclaim. He also prepared the New York Annotations to the American Law Institute's Restate-prepared the New York Annotations to the American Law Institute's Reinstatement of the Law of Contracts. In the fields of Trusts and Estates his writings were also outstanding, culminating in his becoming one of the contributing authors on those subjects to the recent American Law of Property Series.

Professor Whiteside is survived by his widow, Mrs. Ruth Kinyon Whiteside to whom he was married in 1951, and by a daughter of a former marriage, Mrs. Ann W. Wynd of Kenmore, N. Y. His first wife, Mrs. Esther Vesey Whiteside, and a son, Horace, Jr., died in 1950 and 1954 respectively.

Lewis Knudson, J. W. MacDonald, G. J. Thompson