

May, 1937

**MARITIME LAW ASSOCIATION
OF THE UNITED STATES**

MEMORIAL TO HON. HARRINGTON PUTNAM.

On April 7, 1937, Harrington Putnam, the Senior Member of the Maritime Law Association and the only survivor of the men who founded it, passed over the threshold into the life beyond.

Even the early dates of his record are significant. He was born June 29, 1851; graduated from Colby in 1870, when scarcely nineteen years old; studied at Heidelberg in 1873; and graduated from the Columbia Law School in 1876.

The minutes of our Organization Meeting are brief and I shall read them in full:

“A meeting was held at the Association of the Bar of the City of New York on June 21, 1899, for the purpose of organizing a Maritime Law Association.

Mr. Robert Dewey Benedict was elected President.

Messrs. Harrington Putnam, Frederic Dodge and Henry Galbraith Ward were appointed Executive Committee, together with the President *virtute officii*. Mr. Ward was chosen Secretary.

The meeting adopted as the name of the Association The Maritime Law Association of the United States.

The Executive Committee were directed to report at the next meeting a statement of the objects of the Association and such rules for its government as they might think convenient.

Hon. Joseph H. Choate and Mr. Wilhelmus Mynderse were appointed delegates, to represent the Association at the meeting of the International Maritime Committee held at Fishmongers' Hall, London, July 13, 14 and 15, 1899.”

All of the men whose names I have just read, except Mr. Choate, were conspicuous members of the Admiralty Bar of their day, and I am now to speak of the last of them.

Judge Putnam's services to our Association were conspicuous. As already stated, he was a member of the Executive Committee which drew up the Articles of the Association, and he served continuously on that Committee until 1911. In 1902, with Judge Brown and Frederic Dodge, he drew the statement as to Civil Jurisdiction of Collisions, which still represents the American position. From 1904 on, he represented the Association as one of the permanent members of the International Maritime Committee. In 1909 he was a member of the Committee on the proposed Convention on Affreightment, serving with Judge Brown, Lawrence Kneeland, William R. Coe and George B. Ogden. In 1914, with Judge Hough and Mr. Kneeland, he wrote the Report on Masters' Lien for Wages. In 1916 he was a member of the Committee which considered the La Follette Seamen's Act, and presented a minority report opposing the continuance of the law punishing seamen for desertion. In 1922 he served on the Committee which considered the Convention on Mortgages and Liens, and the Limitation of Liability Convention. And in 1925 he prepared for the Association, with Mr. William J. Dean, a statement on Liens, analyzing the respective systems of ranking.

It is appropriate that these services should be recorded, but they are not the most significant facts to be remembered by those of us who knew Judge Putnam, and still less are they the facts which I would emphasize in speaking of him to those of you who did not have the privilege of knowing him in the days of his prime.

Some eight or ten years ago, an old lady over eighty years of age sent to the Rector of St. James' Church a short poem of eight lines. It was written in her own painstaking handwriting and I never knew who the author was, but this is the way it read:

“Isn't it strange that princes and kings
And clowns who caper in sawdust rings
And common people like you and me
Are working for eternity.

To each is given a bag of tools,
A shapeless mass and a book of rules;
And each must fashion, 'ere life has flown,
A stumbling-block or a stepping-stone.”

Those lines are, I think, the most appropriate text that I could choose, in speaking of Harrington Putnam.

The "bag of tools" which was given to him contained implements which were more precise and of a finer quality than most of us can ever hope to acquire.

When I entered the office of Wheeler & Cortis, in September, 1895, Wing, Putnam & Burlingham had offices on the same floor, at 45 William Street. I met Judge Putnam very shortly thereafter. He often came into our office, to see Mr. Wheeler, and, in the end, I came to know him well, for I had the privilege of trying many a case against him.

He was different from any other member of the Admiralty Bar whom I have known. He was clear and precise in thought, indefatigable in his study of the law, and expert in his application of the great knowledge which he possessed. But others, also, have been endowed with all of those qualities. Where he differed was in the even tranquillity which he invariably maintained. No matter what the provocation might be, I never knew him to lose his temper, and I never knew him even to raise his voice. The quiet way in which he scored his points in argument and in cross-examination made him, I think, the man most to be feared of all of the members of the Admiralty Bar of his day. When you had a case which you thought you couldn't lose, he was the man who was most likely to force you to reverse your opinion. His ability to find the unsuspected weak point in your armor and to develop the strength of his own case was almost uncanny. And with all of his quietness, he moved with surprising speed. I remember a collision case in which we were both interested. I received news of the accident a few hours after it happened and learned that both ships were heading for Boston. I promptly telephoned to have my bag packed and caught the 5 o'clock train, feeling quite sure that I was ahead of Judge Putnam, who I knew would represent the other vessel. When the time came to go to the dining car for dinner, I found him quietly asleep in his chair, in the car ahead of mine.

And his "book of rules," mentioned in my text, was one which has never been excelled, even at the Admiralty Bar. I doubt if it could be said of many of us that we have never been criticized adversely by an opponent, but that, I am sure, could be said of him. Even in the heat of battle, he never descended from the high plane upon which he chose to practice his profession. No

witness was ever bullied by him or unfairly tricked into a false answer; no sharp word was ever spoken by him to an opponent; and he was the ideal example of the highest boast of the Admiralty Bar—that you can make an agreement over the telephone, with its members, and know that it will never be departed from.

And so he fashioned no stumbling block for anyone, and he has left us the memory and the example of his learning, his ability, his unsurpassed fairness and his kindness. Surely that example is a stepping stone of which the Admiralty Bar will always be proud, and no one of us can do better than follow in his footsteps.

CHARLES S. HAIGHT.

New York, April 30th, 1937.