

MEMORIAL OF ALFRED HUGER**for****THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES****by****T. CATESBY JONES**

ALFRED HUGER was born at Charleston, South Carolina, October 10, 1876, the son of Thomas Bee Huger and his wife, Caroline Banks Smith. The Hugers were Huguenots, who came to South Carolina shortly after the Revocation of the Edict of Nantes. From the time of their arrival in the Colony they took a prominent part in its affairs and contributed by their industry to its prosperity. During the Revolution, after his wearying voyage from France to America, the young LaFayette landed at a Huger plantation, near Georgetown, South Carolina, and he rested there until he went north to report to the Continental Congress at Philadelphia; and it was a Huger, who as a small boy had met LaFayette at the Huger plantation, who later attempted the rescue of the great Frenchman from the Austrian prison where he was incarcerated for his former revolutionary activities, when he sought refuge from the Jacobins whose excesses he had opposed. Among the proudest possessions of Alfred Huger were letters which LaFayette had written to his ancestor concerning this episode. Alfred Huger's grandfather was an officer in the United States Navy, who resigned his commission and accepted service with the Confederacy at the outbreak of the Civil War. He was killed on the deck of his vessel during the defense of New Orleans. His wife was a sister of General George Gordon Meade, who commanded the Federal Army at Gettysburg. Alfred Huger's father, Thomas Bee Huger, like most Southern boys, after the Civil War turned his hand to what he could in order to make a living, and

also like many of them he impaired his health by hardship. He died at the early age of thirty-five years. I mention these facts concerning Alfred Huger's forebears because his inheritance from them of a tradition of gallantry and service was the motivating influence of his life.

Mr. Huger spent his boyhood in Charleston and nearby Summerville. He attended Porter Military Academy at Charleston, from which he was graduated in 1895. Upon graduation, owing to reduced circumstances in which his family had been left by the early death of his father, Mr. Huger went to work to support his mother. His first position was appropriately with the South Carolina Railroad, one of the first railroads to be laid down in the United States. This railroad survived the Civil War, and contributed no little to the post war prosperity of Charleston.

During the autumn of 1900, Alfred Huger, through the kindness of his grandmother's family, was able to enter Cornell University as a special student of law. He was a diligent student. He worked his way through college by becoming Secretary to the Dean of the University. Although this work, added to his law studies, was onerous, Mr. Huger entered enthusiastically into student activities. In 1903 he won the Stewart L. Woodford medal for oratory over five other contestants. Later he represented Cornell in an intercollegiate oratorical contest held at Wheeling, West Virginia. He was graduated from Cornell with the degree of LL.B. in 1903.

After graduation, Mr. Andrew D. White, the former President of Cornell, invited Mr. Huger to travel with him in Italy as his private secretary. Mr. White had at that time just completed a brilliant career as an educator and diplomat, and was engaged in preparing his autobiography for publication. Mr. Huger assisted him in this and other literary work. Mr. Huger had a warm admiration for Mr. White, and he spoke of his association with Mr. White as one of the most agreeable times of his life.

During the autumn of 1904, Mr. Huger returned to the United States and settled in New York, where he entered the law office of Messrs. Sackett, McQuaid & Chapman, of which firm the Honorable Henry W. Sackett, a close friend of Mr. White's, was the head. Shortly afterward, Mr. Huger was admitted to the bar of the Supreme Court of the State of New York and to the United States District Court for the Southern District of New York.

The following year he entered the office of Messrs. Butler, Notman & Mynderse, 54 Wall Street, New York, and from that time forth the Admiralty became his love. This was as it should be, because Judge Thomas Bee, of Bee's Reports, the first Federal Judge to sit in Charleston, was one of his ancestors, and he loved to recall that Judge Bee had done much to implant the principles of the Maritime Law in our jurisprudence. On the 17th of April, 1906, Mr. Huger married Miss Margaret Mynderse, the daughter of Wilhelmus Mynderse, one of the leaders of the Admiralty Bar of his day. At the end of the summer of 1907, the call of Charleston became irresistible for Alfred Huger, and he returned to his native city, where he formed a partnership with Mr. Walter B. Wilbur. The firm of Huger & Wilbur, with various changes, remained in existence from that time until Mr. Huger's death.

My first acquaintance with Mr. Huger dates from shortly before the Great War, when I went to Charleston to deal with the salvage case of the "Colorado." The "Colorado" was an old Clyde liner which caught fire, while laden with cotton, shortly after she had sailed from Charleston. She was abandoned by her crew, and the Lockwoods, father and son, who became lifelong clients of Mr. Huger, salvaged her. That charming gentleman and brilliant lawyer, Mr. J. P. Kennedy Bryan, was acting for ship and cargo. Mr. Bryan was a lawyer of the old school. On this occasion, he entertained me with a discussion of the various forms of procedure by which he could compel Huger to permit a reconditioning of the salvaged cotton and to accept a bond at a figure which Mr. Bryan thought proper. At this point, Alfred Huger came into the room. It was then that I saw elegance pitted against elegance and I realized that, although the code duello had been abolished by law, its spirit was by no means dead. At the conclusion of this sword play, Mr. Huger took me to the corner of Broad and Meeting Streets and directed my attention to the fact that at one corner was the State Court House, at the corner diagonally opposite was St. Michael's Church, at another corner was the Federal Building, and diagonally opposite from it was City Hall. Thus, said Mr. Huger, Charleston saw to the division of local, State and Federal governments and recognized its full responsibilities to State and Church.

Mr. Huger was eminently successful in the practice of the law at Charleston, but after the United States had declared war against Germany, he felt that his first duty was to his Government.

Accordingly, on June 8, 1917, he accepted the position of Admiralty Counsel for the United States Shipping Board. Because at that time many vessels, both American and foreign, were being requisitioned by the Government, the position made heavy demands on his time and tested his skill as a lawyer, particularly his ability to draft documents which were to come into common use. The charters under which the Government took over many vessels, and the procedure under which the German ships in our ports were taken into our service, were his work. The procedure outlined by him for the seizure of the German vessels was subsequently approved by the Supreme Court of the United States in the case of *Littlejohn v. United States*, 270 U. S. 215. At the conclusion of his service with the Shipping Board, the following resolution was entered on its minutes:

“WHEREAS, Mr. Alfred Huger has tendered his resignation as Admiralty Counsel of the United States Shipping Board to enter the service of the United States Army in France as a commissioned officer,

RESOLVED, That the resignation be accepted with regret and that the Board herewith record their sense of appreciation for the services which Mr. Huger has rendered, and that the Secretary be, and he is hereby directed, to express to Mr. Huger, on behalf of the Board, their unanimous well wishes.”

The Secretary of the Shipping Board in transmitting this resolution to Mr. Huger added the following:

“Needless to say, I join the expression underlying the above sentiment and we will all follow with a great deal of pride and interest your career in the military establishment.”

Mr. Huger returned to Charleston to bid his family good-bye, and one of his dearest memories was the trip which Mr. J. P. Kennedy Bryan, then an old man, his adversary in many a battle, made to the railroad station to wish him God speed.

Mr. Huger was appointed Major, Quartermaster Corps, National Army, on April 9, 1918, and was assigned to active duty with the Shipping Control Committee in New York City. On April 12, 1918, he left the United States for service overseas, and

served in the office of the Director of Motor Transportation, Headquarters, Services of Supply, American Expeditionary Forces, as a representative of the Shipping Control Committee. Major Huger served until the end of the war at general headquarters with the first section of the general staff. For this service, General Pershing awarded him a citation for exceptionally meritorious and conspicuous service. The French Government awarded him the cross of the Legion of Honor (Chevalier).

Major Huger returned to the United States on December 16, 1918, and was honorably discharged from the service at New York City on January 3, 1919. He accepted appointment as Major, Staff Specialist-Reserve, May 22, 1924, and reappointment in the same grade May 8, 1929. His commission in Officers Reserve Corps expired May 7, 1934. On March 24, 1934, a Purple Heart was issued to him because General Pershing had personally awarded him a Meritorious Services Citation Certificate. The Purple Heart was established by General George Washington at Newburgh, August 7, 1782, during the War of the Revolution, and on February 22, 1932, was revived out of respect to his memory and military achievements. The award is confined to those persons who received a citation granted only by General Pershing.

At the conclusion of his army service, Major Huger returned to Charleston, and with his old partner, Mr. Wilbur, organized the firm of Miller, Huger, Wilbur & Miller. After the death of Mr. W. C. Miller in 1922, the firm name was changed to Huger, Wilbur, Miller & Mouzon. Mr. Huger remained a member of this firm until the time of his death. The period which followed his return to Charleston was the most active of his professional career.

Among the notable cases in which he took a leading part are: *Clinchfield Fuel Co. v. Aetna Insurance Co.*, 1923 A. M. C. 1. This case contains an authoritative discussion of the meaning of the phrase "seaworthiness admitted" as contained in a certificate of insurance.

Galef v. United States (The Magmeric), 25 Fed. (2d) 134, a case which involved exceedingly difficult questions relating to conflict of laws and admiralty jurisdiction. Mr. Huger won a complete victory before Judge Hale of Maine, who was sitting in Charleston at the time.

Middleton v. United States (The Niawa), 3 Fed. (2d) 384, and *Charbonnier v. United States (The Pinallas)*, 45 Fed. (2d) 174, involved difficult questions of maritime law which Mr. Huger presented with conspicuous ability.

I was associated with Mr. Huger in two of these cases, and I know that his industry and care in the preparation of the cases and the force of his presentation in open court contributed largely to the successful result.

Alfred Huger had a real gift of advocacy and he was a hard fighter, but he never did a mean or shady thing. In a long case, where one works night and day and nerves become frayed, men begin to know one another. I had several such cases with Alfred Huger and he never lost his temper; he was always a generous opponent and a helpful collaborator.

I was privileged to see Alfred Huger in his relation to the negroes of Charleston, and to observe the affection the colored people had for him. On one occasion some Northern friends wished to visit a primitive negro church. Mr. Huger was ready to accommodate them, but before making the visit he insisted upon asking the negro Deacons whether it was agreeable to have his friends attend. Alfred Huger's affection for his negro friends was genuine.

I recall his greeting at Middleton Place an old negro woman whom he knew. Mr. Huger told her how well she looked, and her eyes brightened, but she said: "Marse Huger, still I'se been saying good morning for a mighty long time."

Mr. Huger spent much of his time in searching for negro spirituals. He knew that with education of the negroes the spirituals were being neglected and would soon be lost forever unless a determined effort was made to save them. Accordingly, with other enthusiasts in Charleston, he organized the Society for the Preservation of Spirituals. This Society collected, and has put in permanent form, most of the spirituals which the negroes of the Low Country have sung from the time of their arrival from Africa. The Society published "The Carolina Low Country," to which Mr. Huger contributed an interesting chapter entitled "The Story of the Low Country."

Mr. Huger felt deeply the decline of the influence of South Carolina in the National life. After the election of November, 1932, he wrote me a letter in which he said:

“The election is over. Here we hardly knew it was election day. To tell the truth, I was somewhat saddened by it. It hurts to realize one doesn't count much in life, and so it does, too, when your State doesn't. South Carolina is nothing in the political thoughts and action of the country. The Race problem and destruction of the old civilization has indeed wrought havoc.”

Since his death, there have been events in both South Carolina and in Georgia which indicate that Mr. Huger's State does count and that the civilization which he represented so devotedly has not entirely lost its influence. During the recent effort to introduce the “purge,” now so frequently used in Europe, into our political life, South Carolina asserted her rights as a State, and men such as Mr. Huger let it be known that they would not endorse that doctrine. The entire country was heartened by this healthy exhibition of true Americanism. I am indeed sorry that our friend did not live to witness the fact that South Carolina still counts in the political life of our country.

Mr. Huger died at Tryon, North Carolina, on the 18th of May, 1938. Five years before, while hunting, he was stricken with tuberculosis, which laid him low, and from that day until the day of his death he was bedridden. Throughout his long illness he bore himself with a courage which was admirable. Even when he knew that both lungs were gone, he could still write to his friends and take an active interest in their affairs. He knew that his days were numbered and he awaited his end with a calmness which comes only to those men who have lived honestly and who have not buried their talents in a napkin. We are all happy that this Association had the opportunity to make him an honorary member shortly before his death. In his death the Association has lost a member who represented the best in our profession, and many of us have lost a dear friend.