

**THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES**

MEMORIALS

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MEMORIAL OF JAMES M. MORTON, JR.

BY ALBERT T. GOULD

The death of James Madison Morton, Jr. on June 26, 1940 in his native city of Fall River, Massachusetts, and in his seventy-first year, brought to a close the career of one of the most respected and distinguished members of the federal bench.

Heritage and training combined to fit him for the judicial offices which he administered for twenty-seven years with ability of the highest order. His father, James Madison Morton, was a justice of the Supreme Judicial Court of Massachusetts for twenty-three years and left a record worthy of the best traditions of the bench.

On graduation from Harvard College with the Class of 1891, Judge Morton entered Harvard Law School. He delivered the Law Oration at the graduation of his class in 1894 and at the same time received the degrees of LL.B. and A.M. from Harvard. In the same year he was admitted to the bar and entered the office of his father's law firm in Fall River, where he engaged in active practice, first as an associate and then as a member of the firm, until 1912, when he was appointed Judge of the United States District Court for the District of Massachusetts.

Even before his elevation to the bench, Judge Morton had demonstrated an aptitude for administrative law while serving as Chairman of the Fall River Board of Police. His skill and active interest in dealing with the many problems of an executive nature which arose in connection with the work of the District Court were in themselves outstanding contributions to the administration of justice. His success in handling these matters was attested by the loyalty and devotion of every member of the Court's staff.

Unusually heavy responsibilities rested on Judge Morton's shoulders for the first few years of his service on the bench. During that period he was the sole District Judge for the District of Massachusetts. While he had the willing cooperation of other federal judges, his was the guiding hand and upon him fell the principal task of making the court function. How well he met the challenge and discharged the duties of his office both then and in all later years is best evidenced by the universal respect and esteem in which he was held by all who appeared before him.

Efficiently and courageously, but with a modesty inherent in nobility of character, he followed the quest for truth and justice, and spared neither time nor effort in searching out the right solution of every problem that came up for his decision.

Although Judge Morton's judicial duties covered a wide field, he was particularly interested in admiralty cases. He had an intimate acquaintance with maritime affairs, gained from many years of practical experience in sailing along the New England Coast and from a keen interest in everything that had to do with the sea. His well reasoned and lucidly expressed opinions take high rank among admiralty decisions. His description in *The City of Rome* of a dark and starless night at sea is not easily forgotten. It is, he said, "as though a curtain of black velvet had been hung in front of the navigators' eyes."

Civil cases usually lack the element of drama, but this element was very much in evidence in the phases of the *Kronprinzessin Cecilie* case which came before Judge Morton in February 1917 when the officers of the *Cecilie*, which was then in the custody of the court, attempted to do irreparable damage to the ship, and had very nearly succeeded in their plans when Judge Morton intervened, ousted the officers and crew and summoned the master to appear before him on contempt proceedings. Judge Morton's righteous indignation at this flagrant contempt of court brought speedy action.

His quick grasp of a situation is rather amusingly illustrated by a case which came before him during Prohibition days. It involved a libel against a motor vessel for wages of a seaman. It happened that Judge Morton was, at the time, thinking of installing a new engine in his own boat. Quite casually he asked the libelant what type of engine was used on the boat on which he had been employed. The witness replied: "Three Liberty motors." As soon as this was said, Judge Morton slammed his notebook shut and said, with a withering glance at the libelant: "I don't propose to sit here and pass on the wages of a rum runner."

Judge Morton had a very high and proper conception of the privileges and duties of citizenship. No doubt many have been better citizens and better men as the result of listening to the direct and simple, but impressive, words which he customarily addressed to new citizens on "Naturalization Day". Those "little talks" were classics which could not have failed to inspire those who heard them.

Equally emphatic were his views regarding "slackers". Once, when a group of men who had dodged military service in the World War petitioned the court for admission to citizenship, Judge Morton promptly denied their petition and said: "You didn't help the United States when the United States needed you. Now the United States doesn't see fit to help you." Although he did not raise his voice, the rebuke lost none of its sting.

After serving nineteen years on the District Court bench, Judge Morton was appointed a Judge of the United States Circuit Court of Appeals for the First Circuit in 1931. He actively participated in the work of the appellate court until shortly after his seventieth birthday, when, in September 1939, he tendered his resignation because of the strain of overwork and the wish to retire while he could "still enjoy a rest".

During the entire period he was on the bench, he did his full share of the court's work. His industry, zeal, scholarly tastes, thorough knowledge of the law and understanding of human nature provided the ideal background for the great services to the cause of justice which he rendered so successfully for so many years. The Council of the Boston Bar Association, in a resolution expressing sincere regret at Judge Morton's retirement, truly said that "as a lawyer, a judge and as a man he has always lived and acted in accordance with the finest and best traditions of his native Commonwealth."

All wished him many happy years of rest which he so well knew how to enjoy—"the last for which the first was made." Almost until the end he was actively engaged in Red Cross work in Fall River. Death came to him peacefully at his home. He is survived by his widow, two sons and a daughter. The simplicity and dignity of the funeral services at Fall River were in keeping with the high purpose of his character and life.

MEMORIAL OF ROBERT M. HUGHES, SR.

BY BRADEN VANDEVENTER

Robert M. Hughes, Sr., a charter member of this Association, died on the 15th of January, 1940.

Born September 10, 1855, he was in his eighty-fifth year at the time of his death.

Of distinguished forebears, Mr. Hughes was the son of Robert W. Hughes, author and jurist, and for long the presiding judge of the United States District Court for the Eastern District of Virginia. His mother, Eliza M. Johnston, was a relative of Patrick Henry, a niece of General Joseph E. Johnston and of the Honorable John W. Johnston, the latter being the first Junior Senator from Virginia on the readmission of Virginia to the Union. She was also the cousin and adopted daughter of General John B. Floyd, Secretary of War under President Buchanan. It was while General Floyd was Governor of Virginia that young Robert W. Hughes married Eliza M. Johnston at the Governor's Mansion in Richmond on the 4th of June, 1850. Robert M. Hughes and the late Floyd Hughes were the sons of this union.

Mr. Robert M. Hughes throughout his career touched life at so many different points it is difficult to adequately discuss it within brief compass.

As a youth he received his Bachelor of Arts degree at William & Mary College before his eighteenth birthday. He procured his Master of Arts degree at the University of Virginia in 1877, at which institution he also took his law.

On being called to the Bar he opened an office at Norfolk. There he soon made rapid strides in his profession and eventually became one of Virginia's foremost practitioners. In the admiralty field he attained a large practice and a reputation that was nationwide.

In the early days he formed a partnership with Charles Sharp under the firm name of Sharp & Hughes. On the death of Mr. Sharp, Henry H. Little was taken into the firm, which became that of Hughes & Little. Later, Robert M. Hughes, Jr., and Leon T. Seawell were admitted to the firm under its present name of Hughes, Little & Seawell. He retired from active practice several years ago. He had been counsel in many important cases.

which made history in the admiralty field. Among these was the "Victory"-*"Plymothian"*, 168 U. S. 410; the *"Attualita"*, 238 Fed. 909 (CCA4); the *"Kia Ora"*, 252 Fed. 507 (CCA4), and the *"Appam"*, 234 Fed. 289, 243 U. S. 124. There were others too numerous to mention. The *"Appam"* will still be remembered by many of the older members of the Bar. The *"Appam"*, a British merchant vessel trading on the west coast of Africa during the World War, was there captured by the German raider *"Moewe"*. The *"Appam"* carried at the time a stern deck 3" gun manned by two gunners, and a crew of 160 men all told. The *"Moewe"*, on the other hand, had aboard about 500 passengers representing the crews of six ships previously captured by it. Hans Berg, an officer of the *"Moewe"*, with a prize crew of 22 men, added to 19 freed German prisoners found on the *"Appam"*, took charge of the *"Appam"*, her passengers, cargo and crew. She was thus brought 3,000 miles across the seas to Hampton Roads within less than a month of the capture.

The commission of Lieutenant Berg directed him to bring the ship to the nearest American Harbor and "to there lay her up". It was these last fatal words that determined her destiny.

Suit was brought in the United States District Court for the Eastern District of Virginia for her recovery on the theory that to use our ports to lay up prizes of belligerents, constituted a violation of our then (1916) neutrality, and that the German Nation had so agreed by the Prussian Treaties with this Country of 1799 and 1828.

Judge Waddill, sitting in the District Court so held and his decision was upheld by the Supreme Court in an opinion rendered on March 6, 1917, just one month before the entry of America into the War.

But the demands of a heavy law practice formed only a portion of Mr. Hughes' activities. He was an author of note; for many years the Rector of William & Mary College; one of the founders of the Virginia State Bar Association in 1888; from 1910 to 1923 he was President of the Virginia Board of Law Examiners; from 1930 to 1935 a prominent member of the Virginia State Board of Education; during the years 1926 and 1927 a leading member of the Virginia Commission to revise the State Constitution, and in the meantime, intermittently, a lecturer at Washington & Lee University at Lexington, Virginia, and also at Georgetown University in the District of Columbia, and for a

long time was the President of Alpha Chapter of Phi Beta Kappa of the College of William & Mary. Mr. Hughes was a fine Latin and Greek scholar, and it is said, was especially fond of reading Greek poetry in the original during his recreational hours. He was a prominent Mason and also a devoted and active member of the Protestant Episcopal Church.

He wrote two editions of "Hughes on Admiralty", published in 1901 and 1921, respectively; "Hughes on Federal Procedure", the first of which was published in 1904 and the second in 1913 upon the reorganization of the Federal Court System; in 1907 he published his work on maritime liens in the "Cyclopedia of Law & Procedure"; later he published a life of General Joseph E. Johnston which came out in the "Great Commander Series". In addition to these, his articles on various historical subjects may be found in many publications.

During his long connection with William & Mary College he established several scholarships there for the aid of worthy students, many of whom were enabled thereby to get an education and are now successful business and professional men and women. In 1939, he and Mrs. Hughes, the former Mattie L. Smith of Williamsburg, whom he married on February 18, 1879, celebrated their sixtieth wedding anniversary.

It will need but a glance at this narrative to see that Mr. Hughes was preeminent as a lawyer, author, educator and citizen. Yet, notwithstanding all this, he was surprisingly unassuming and modest in his relations with others. Indeed, he possessed to a maximum extent that freedom from ostentation so characteristic of the truly great soul. And in his case, the Scriptural prophecy was again fulfilled, for there came to him "length of days and long life and peace".

MEMORIAL OF HONORABLE HARRY PILLANS

BY ALEXIS T. GRESHAM

On March 12, 1940, Hon. Harry Pillans, of Mobile, Alabama, died in the ninety-third year of his age. A veteran of the war between the States, he was admitted to the bar in 1870, when he commenced a long and distinguished career as a lawyer and public servant. He became the acknowledged leader of the admiralty bar of Mobile. He served in the State Convention which framed the present Constitution of Alabama, and as City Commissioner of Mobile for ten years, ending in 1921. He then resumed actively the practice of law, during which period he became counsel to Pillans, Cowley & Gresham, successors to his old firm, in which capacity he remained until his death. His outstanding characteristics may appear varied in relation to the many different activities of his vigorous career; but to those who knew him best, he was most distinguished for his passionate fondness for Mobile, and for the unusual depth and strength of his legal learning and ability.

MEMORIAL OF ROBERT ELIOT BRONSON

BY LAWRENCE BOGLE

Robert Eliot Bronson was born in Seattle, Washington, on April 26, 1898, and died in Seattle on November 19, 1939.

He attended Phillips Exeter Academy and Harvard University, securing his Bachelor of Arts Degree at Harvard in 1920. He received his legal education at Harvard Law School and the University of Washington Law School.

Upon the entry of the United States into the World War in 1917 Robert Bronson enlisted in the United States Navy and served during the war as boatswain's mate, second class, on the U. S. S. MOUNT VERNON.

Though only 41 years of age at the time of his death, Robert Bronson had become a recognized leader of the Bar of the State of Washington. He had demonstrated unusual ability in all branches of the legal profession, and his practice was an active and comprehensive one. His favorite field, however, and one in which he long specialized and achieved outstanding success, was the field of maritime law. He will always be remembered by admiralty lawyers because of his able participation in many of the leading maritime cases.

Robert Bronson had a great love for anything that smacked of salt water; he was a skilled and enthusiastic yachtsman. He personally raced a vessel under sail in one of the difficult trans-Pacific races from San Francisco to Honolulu. He took the oath as Lieutenant in the United States Naval Reserve just two days before his death.

Robert Bronson left surviving him his widow, Marie Bronson, and two children, Robert Eliot Bronson, age 18, and Laird Bronson, age 9.

It is with the deepest regret that the members of the Maritime Law Association of the United States record the loss sustained in the passing of this fine lawyer and citizen, and we gratefully acknowledge our indebtedness to one whose memory so honors the profession of the law.

MEMORIAL OF DOUGLAS FARLEY COX

By D. ROGER ENGLAR

On April 9th, 1940, the American Marine Insurance market lost one of its outstanding figures by the death of Douglas Farley Cox.

Mr. Cox was born in New York City on January 28, 1867. His father, James Farley Cox, was a member and one of the founders of the old insurance firm of Higgins & Cox, later Appleton & Cox, Inc. This firm organized and acted as attorneys in fact for the United States Lloyds, which operated for many years as an unincorporated insurance association. Mr. Cox received his education in a private school in Morristown, New Jersey, and in Columbia University. He received his early training in the insurance business in the brokerage firm of Johnson & Higgins. Later, in his early twenties, he became associated with his father's firm of Higgins & Cox, and he continued with that firm and its successor, Appleton & Cox, Inc., for fifty years. For the last twenty years he had been the head of this organization.

Mr. Cox came of old American stock. He was a member of The Society of the Cincinnati (Georgia Chapter) through his maternal grandfather, James McKay McIntosh. Mr. Cox was, in the truest and best sense, a gentleman of the old school. He was a handsome and distinguished looking man with a kindly manner and dignified bearing. Having entered the field of marine insurance before the advent of business machines and high-pressure salesmanship, he still seemed to carry about with him the atmosphere of a more dignified and leisurely age.

It can truthfully be said of Mr. Cox that he put into the business of marine insurance more than he took out of it. His character and ability, coupled with his long service, did much to preserve and advance the traditions of personal integrity and fair dealing which are such an integral part of the practice of marine insurance, and which are well summed up in the legal maxim that a contract of marine insurance is *uberrimae fidei*.

The death of Mr. Cox occurred on the same day as the invasion of Denmark and Norway, so that he escaped the sorrowful experience of watching brute force triumph, at least temporarily, over those principles of right and justice to which his life had been dedicated.

Mr. Cox was liked and respected by all who had occasion to deal with him; and those who had the privilege of knowing him intimately will remember him with genuine affection. His influence in his chosen field will long survive him.

During his long career Mr. Cox headed numerous organizations and committees of marine underwriters, and performed notable services in these positions. In addition to his service to marine underwriters, Mr. Cox was for many years a trustee of the Seamen's Bank for Savings.

Apart from his business activities, Mr. Cox gave unsparingly of his time and energy in religious and charitable work. He was on the board of the Seamen's Church Institute of New York. He was a member of the congregation and for many years the treasurer of the Episcopal Church of the Holy Innocents at West Orange. He now lies at rest in the churchyard of this little church surrounded by the beautiful hills among which he spent so much of his life.

MEMORIAL OF RUFUS CLARENCE FULBRIGHT

BY CARL G. STEARNS

Rufus Clarence Fulbright, nationally known as an attorney in rate and tax matters and in litigation concerning interstate commerce, died at his home in Bethesda, Maryland, March 29th of a streptococcus infection in the blood stream after an illness of eight months.

Born at New Boston, Bowie County, Texas, on October 6, 1881, Mr. Fulbright, known affectionately as "Bob" to his many friends all over the United States, was the son of R. T. and Bertie Welborn Fulbright, natives of Jackson, Tennessee, who came to New Boston in 1875. After going through the public schools at New Boston, he went to Baylor University where he received the degree of bachelor of philosophy in 1902. He then taught school for 3 years, after which he returned to Baylor University and received the degree of doctor of philosophy in 1905. He next enrolled in the University of Chicago Law School, where he was awarded a doctorate of jurisprudence in 1909.

After being associated for a number of years with Andrews, Ball & Streetman of Houston, Texas, and serving as commercial counsel for Gulf Coast Lines, he opened an office for general practice in Houston in 1918. In 1919 he formed a partnership with John H. Crooker and in 1924 the present partnership of Fulbright, Crooker & Freeman was formed, which has expanded under his energetic leadership to a firm with offices in both Houston, Texas, and Washington, D. C. Since 1928 Mr. Fulbright has spent most of his time in Washington in charge of the office of his firm there.

To his law firm Mr. Fulbright contributed "remarkable energy and rare understanding of the intricacies of rate-making procedure," the Houston Post declared editorially. "His unusual ability along these lines created a great demand for his services in Washington, where he handled many momentous cases before the Interstate Commerce Commission, the Supreme Court and other tribunals."

"In the death of Mr. Fulbright," Senator Tom Connally said, "Houston and Texas have suffered a great loss. He was an able lawyer and an outstanding citizen."

While Mr. Fulbright did not personally engage in the Admiralty practice, his firm has done so since 1925. However, he has had much to do with legislation affecting shipping matters and has worked closely with many leaders of the Admiralty bar in connection with such matters. For many years he was chairman of the legislative committee of the National Industrial Traffic League, an organization of shippers in all sections of the country.

While very busily engaged with his legal practice, Mr. Fulbright found much time to devote to philanthropic affairs. He financially assisted many a young person in obtaining a college education. He was the chief financial backer of the Fulbright Methodist Church in Houston, which he founded in memory of his mother. Last year he worked with a committee of Dallas businessmen to form the Southwestern Medical Foundation, whose purpose is to align private support behind Baylor Medical College in an attempt to advance medical research in the Southwest.

Mr. Fulbright was a member of the Houston, the State of Texas, District of Columbia and American Bar Associations and of the Association of the Bar of the City of New York.

Mr. Fulbright was one of those unusual personalities who combined rare legal ability with an irreproachable character, great personal charm and a delightful sense of humor which never left him—he always remained unruffled under the most trying of circumstances. It is doubtful if any attorney in the United States had a wider acquaintance and was more affectionately regarded by more people than Bob Fulbright. His work carried him to the four corners of the country and he never failed to make many friends wherever he went.

“Mr. Fulbright was a person not only known and honored by the large colony of Texans in Washington, but also he had a wide and enviable reputation and acquaintance over the nation,” Senator Morris Sheppard said. “He was a man of great personal charm and a host of friends mourn his passing.”

Mr. Fulbright is survived by his wife, Irene Hardin Fulbright, formerly of Waco, Texas.

MEMORIAL OF WILLIAM J. MAHAR

BY FRANK C. MASON

In the untimely passing on March 24, 1940, of William J. Mahar the Bar of this State, and more particularly the Admiralty Bar, sustained a distinct loss. The force and colorfulness of the man impressed itself on his associates and adversaries alike, as well as on the bench. These qualities but emphasized a keen intellect and untiring diligence tempered by a genuine regard for the rights and feelings of others.

William J. Mahar was born at Troy, N. Y., on July 11, 1896, and after attending local schools he finished his academic education at Catholic University at Washington, D. C. The war interrupted his schooling and after enlisting in the National Guard of New York State in the latter part of 1917 and undergoing the unexciting routine of guard duty which was the lot of the National Guard in the early days of the late war, in characteristic fashion he sought and obtained a release from this enlistment in order to join a Regular Army organization. Thereafter he joined and served in Battery E of the 20th Field Artillery which was part of the Fifth Division of the American Expeditionary Forces and saw active combat service in France. At the end of the war he attended at the Sorbonne while a member of the Army of Occupation. Upon his discharge from the United States Army he continued the study of the law and was graduated from Fordham Law School.

After being associated with several well known Admiralty firms he commenced the independent practice of the law in March, 1931, and continued to devote the major part of his time to the field of Admiralty, where a number of the reports show that he has left his mark where it will long be before his many friends and associates.

The memory of William J. Mahar will be cherished for many years to come. His many friends and associates are sensible that the high place he held in their esteem must long remain unfilled.