

## FIFTH SESSION

Saturday, April 24, 1965, at 9:40 a.m.

### BUSINESS SESSION

Pursuant to the notice of the meeting published in the January, 1965, issue of the *American Journal of International Law*, the business meeting of the American Society of International Law convened at 9:40 o'clock a.m. in the Colonial Room of the Mayflower Hotel, Washington, D. C. Professor BRUNSON MACCHESNEY, President of the Society, presided.

Judge EDWARD DUMBAULD, Secretary of the Society, read the list of members who had passed away during the year.

### In Memoriam

MANDEL L. ANIXTER, Chicago, Ill., member since 1959, died May 10, 1964.  
SAM G. BAGGETT, Boston, Mass., member 1929–1932, 1961, died December 28, 1964.

T. J. BLACKWELL, Miami, Fla., member since 1954, died February 18, 1964.  
JAMES T. BRAND, Salem, Oregon, member since 1955, died February 28, 1964.

FLORENCE BRUSH, New York, N. Y., member since 1927, died February 10, 1964.

JONAS BUDRYS, New York, N. Y., member since 1943, died Sept. 1, 1964.  
HAROLD H. BURTON, Washington, D. C., member from 1949 to 1963, died October 28, 1964.

LOUIS CAVARÉ, Rennes, France, member since 1959, died April, 1964.  
HARRY J. GREEN, Baltimore, Md., member since 1927, died October 18, 1964.  
J. EUGENE HARLEY, Los Angeles, Calif., member since 1925, life member 1959, died November 1, 1964.

MARK S. KOROWICZ, Medford, Mass., member since 1954, died October 7, 1964.

JAMES B. LOWE, Manchester, England, member since 1962, died July 31, 1964.

SAMUEL A. McCAIN, Bronx, N. Y., member since 1961, died April 17, 1964.  
BERT MISCHKE, Fort Collins, Colo., member since 1951, died 1964.

GEORGE NEBOLSINE, New York, N. Y., member since 1932, died March 23, 1964.

JOHN NOBLE, New York, N. Y., member since 1950, died May 1, 1964.

ROSCOE POUND, Cambridge, Mass., member since 1906, member emeritus 1955, died July 1, 1964.

N. PIGOT PRISCHEPENKO, Bayside, N. Y., student member 1947, annual member since 1948, died November 17, 1964.

NEHEMIAH ROBINSON, New York, N. Y., member since 1958, died 1964.

ISAAC J. SILIN, Erie, Pa., member since 1929, died June 28, 1964.

EDWIN S. S. SUNDERLAND, New York, N. Y., member since 1930, died November 6, 1964.

EN SAI TAI, Macao, China, member since 1916, life member 1929, died Jan. 16, 1955. Notice received May 25, 1964.

ROBERT H. WETTACH, Chapel Hill, N. C., member since 1950, died August 29, 1964.

Professor JOHN N. HAZARD read the following memorial to Florence Brush:

**FLORENCE LOUISE BRUSH**

Florence Louise Brush was twice member of the Executive Council of this Society. Her first term beginning in 1947 was one of the first given a woman, and it typified her career. She was in a measure a Florence Nightingale of the Bar. She was one of the first to be admitted to associateship in a large New York law office, and in this capacity did much to make women acceptable to such firms. While she never broke through all barriers, men learned that they could work with women and that clients were not frightened away from firms that included them on their law staff.

Her interest in international law ran deep. She served on the committee on diversion of water in international rivers for the American Branch of the International Law Association. She never missed an annual meeting of this society. Her colleagues at Milbank, Tweed, Hadley & McCloy praise her skill as counselor at law, and think of her as a skilled practitioner in international law. Prior to this interest she had been for four years associated with the New York Law Revision Commission, showing her interest in what law could do in the improvement of society.

Many of us who came to know her over the past quarter-century found one of her outstanding characteristics a deeply centered modesty. She knew that men would accept her reluctantly, and she sought never to intrude. She would be the most surprised of any in the Society to be memorialized as we are doing today. Her untimely death at the age of 56 has silenced a voice that was not ready for silence, for she was planning new visits to foreign lands at the moment of her collapse. Had she not been denied the fullness of years, she would have had more of the recognition she deserves.

Mr. CHARLES E. MARTIN read the following memorial to Professor J. Eugene Harley:

**J. EUGENE HARLEY**

John Eugene Harley was born in Mount Vernon, Missouri, on November 17, 1892.

He was graduated from the University of Southern California in June, 1917, received the Master of Arts degree from Harvard University in

June, 1919, and while a member of the faculty of Political Science at the University of Southern California received the degree of Doctor of Jurisprudence from its School of Law. He taught at Lafayette College for one year, and in 1920 became co-founder of the Department of Political Science at the University of Southern California. He served as chairman of the department for many years.

Dr. Harley was regarded as an outstanding teacher by many generations of undergraduates. Through his personal enthusiasm and dedication to the causes of law and world peace he left indelible impressions upon the minds of all who came into contact with him. A United States Senator, foreign service officers, scores of State legislators, practicing attorneys, judges and college professors constitute a living memorial to this great teacher. His University was the primary object of his interest, and he entirely dedicated his life to its achievement.

Dr. Harley was founder of the League of Nations Association of Los Angeles and served as its president, as well as president of the United Nations Association of Los Angeles. His many wise counsels benefited these organizations through often trying times. He served as national president of Pi Sigma Alpha, the national political science honorary scholastic fraternity. He also created and for many years served as faculty adviser to Blackstonian, the undergraduate pre-law honorary scholastic fraternity.

Dr. Harley gave unsparingly and unselfishly to the American Society of International Law. He served for many years as an active member of the Committee on Membership, and also held office as a member of its Executive Council.

He was also a careful and comprehensive scholar. He is probably best known for his *Documentary Textbook on the United Nations*, the second edition of which bore the significant subtitle, *Humanity's March Toward Peace*. He was, at the time of his death on November 1, 1964, at the age of 71, working on his eighth book. Spanning as his life did two great and devastating world wars, and considering his tremendous hope for and faith in the utility of international law and international organization, it is not surprising that in Woodrow Wilson he found the source of much of his inspiration. His contributions have made the world a better world and modern man a better man.

Secretary DUMBAULD read the following memorial prepared by Dr. Leo Gross:

**MAREK STANISLAW KOROWICZ**

Professor Marek Stanislaw Korowicz was born in 1903 in Cracow, Poland. He received the Master of Laws and Doctor of Laws degrees from the Jagiellonian University of Cracow and pursued his studies further in France, Switzerland, and The Netherlands. He served in the Polish military forces in both the first and second World Wars, represented his country on numerous diplomatic missions and as a legal adviser of Polish delegations at the League of Nations and the Permanent Court of Inter-

national Justice, taught international law at several Polish universities, and lectured on international law at various universities in Western Europe and India. He held a professorship in international law at the Jagiellonian University when he was appointed legal adviser to the Polish Delegation to the Eighth General Assembly of the United Nations. Upon arrival in New York he decided to carry out his plan to break with the Communist Government of Poland and seek asylum in the United States, which was promptly granted. He was appointed Research Professor of International Law and Organization at the Fletcher School of Law and Diplomacy, where he taught courses on the law of treaties, the peaceful settlement of international disputes, and consular law and practice. He went out of his way to be helpful to his students.

Professor Korowicz was the author of an impressive number of books and articles in Polish, French and English on international law and organization, three considerable studies and several articles being published while a member of the Fletcher School Faculty. Recently he was able to arrange freedom from academic duties in order to devote himself to a cherished project of writing what he had hoped would be a notable work in his field and the crowning achievement of his life. His untimely death came on the eve of the beginning of this project.

Secretary DUMBAULD also presented the following memorials:

#### HAROLD HITZ BURTON

A Justice of the United States Supreme Court from 1945 until his retirement in 1958, Harold Hitz Burton was born in Massachusetts on June 22, 1888, and died in Washington on October 28, 1964, at the age of 76. His father was the first dean of Massachusetts Institute of Technology. A graduate of Bowdoin College and Harvard Law School, he practiced law in Cleveland, of which city he served three terms as mayor. He also served in the Ohio House of Representatives and on the East Cleveland Board of Education. Elected to the United States Senate in 1940, he was appointed to the Court by President Truman, who attended the ceremony when Justice Burton took the oath on October 1, 1945. As Senator, Burton was one of the sponsors (with Senators Ball, Hatch, and Hill) of the B-2-H-2 Resolution calling for international co-operation after World War II.

Justice Burton was a member of the Society since 1949, and served as Honorary Vice President from 1955 to 1959.

Friendly in manner, he was a conscientious and unpretentious judge, whose opinions were marked by thorough and painstaking consideration of all relevant data and by moderation in doctrinal preachment. He decided according to the facts of the case, rather than producing "outcome-oriented" disquisitions.

#### ROSCOE POUND

Roscoe Pound, long eminent as Dean of Harvard Law School and as a philosopher of law, was born in Lincoln, Nebraska, on October 27, 1870.

He died at Cambridge, Massachusetts, on July 1, 1964. He was a member of the Society since 1906.

In Nebraska he witnessed what he often described as the replacement of a pioneer, rural, agricultural society by an urban industrialized society. His first interests were in botany, but in the fall of 1889 he attended Harvard Law School for one year, and was particularly impressed by John Chipman Gray, who directed his study of Roman law. In 1901 he served as a commissioner to relieve docket congestion in the Nebraska Supreme Court. From 1899 to 1907 he taught law at Nebraska, then at Northwestern for two years, and Chicago for one. From 1910 on he was at Harvard Law School, serving as dean from 1916 to 1936. From 1937 to 1947 he held the newly created post of "University Professor." Among other post-retirement activities he visited China as adviser to the Government there, and edited the national magazine of plaintiff's lawyers (NACCA). In 1959 his five-volume work on Jurisprudence was published. His writings to 1960 have been listed in two bibliographical volumes, comprising over 200 pages. It would perhaps be fair to single out as his best known works *The Spirit of the Common Law* (1921) and *Interpretations of Legal History* (1923).

It was his habit to say that in Nebraska he was known as Louise Pound's sister, her eminence as a professor of English being well known throughout the area.

He was stocky, jovial, and gregarious; and attended bar association and alumni gatherings with pleasure. He was hot-tempered, and on one occasion threw a book at a student. Another time he took attendance at a thinly-attended Saturday class when a Big-Three football game was scheduled; this action was regarded as arbitrary and contrary to the Harvard tradition making it the student's responsibility how he passed his year-end examination, without any paternalism.

Criminal law and jurisprudence were his specialties, though it was often said that whenever a professor was ill or absent Pound would teach his course, whatever it might be. In the field of international law he contributed a notable paper "Philosophical Theory and International Law," which appeared in 1 *Bibliotheca Visseriana* 72 (1923). He spoke on "World Philosophy" at the annual dinner of the Society in 1929, and on the "Idea of Law in International Relations" at the 1939 meeting. An article on "Grotius in the Science of Law" appeared in Vol. 19, p. 685, of the *Journal*.

Mr. H. C. L. MERRILLAT, Executive Vice President of the Society, reported on the activities of the Society during the past year. He stated that it had been a good year for the Society and that the Society was in good financial condition. It had received a second grant from the Ford Foundation of \$600,000, supplementing the previous one of \$500,000, assuring the Society of an annual budget of about \$250,000 a year, with the inclusion of the present annual regular income of the Society.