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AUSTIN TAPPAN WRIGHT

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It has been observed as a happy circumstance that since the law school of the University of Pennsylvania was reorganized on the basis of full time teaching, but one death has occurred among the resident instructors and that of a professor emeritus. Young men were selected for the teaching staff and time has dealt gently with them, even with those who have sought other fields of professional usefulness. Unhappily for the school, the faculty, and the students a break has occurred in this chain of good fortune through the tragic death of Austin Tappan Wright, professor of law, in an automobile accident near Las Vegas, New Mexico, on September 18th, 1931 while returning from California to resume his duties at the autumn term of the school. Professor Wright was born at Hanover, New Hampshire, August 20, 1883, the son of John Henry Wright, the distinguished Greek scholar, Dean of the Graduate School of Arts and Sciences at Harvard University for many years, and Mary Tappan Wright, a gifted novelist. A maternal ancestor was United States senator from Ohio in the early days of the Republic. Born of such stock and bred in the cultured atmosphere of Cambridge it is not to be wondered that even as a boy he displayed a keen and inquiring mind and wide intellectual interests. "He was," writes an intimate friend, "as well versed in the batting averages of professional ball players, the ranking of tennis and golf players, the holders of track records, as he was in the field of literature, art, science and government. I recall one occasion when a professor of English literature in a well-known eastern university took issue with Wright as to the source of a quotation and was the loser." While still a youth he wrote of his own volition a letter

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of appreciation to George Meredith and a kind letter in reply from the great novelist was a cherished possession.

Entering Harvard College in 1901 he completed the requirements for the A. B. degree in three years but received his degree with his class in 1905. He became a student in the Harvard Law School and received the degree of LL.B. *cum laude* in 1908. During the year 1905-6 he interrupted his law school course by spending a year of study at Oxford, an experience that left a lasting impression on his memory. He traveled in Europe and often referred to happy times in Switzerland and in Greece where his father was then engaged in archæological research. In the Harvard Law School he ranked among the first ten in his class and was on the editorial staff of the *Harvard Law Review*. After graduation he was associated with the firm of Brandeis, Dunbar and Nutter of Boston and remained with them, doing considerable trial work, until 1916 when he turned to the teaching of law at the suggestion, it is believed, of Dr. Benjamin Ide Wheeler, president of the University of California, at whose instance he was invited to join the staff of the law school at Berkeley as associate professor. In 1918 he became professor of law and continued as such until 1924 when he joined the faculty of law in the University of Pennsylvania, taking the courses on corporations and partnership previously taught by Dr. William Draper Lewis, who had resigned to become director of the American Law Institute. He also taught, as acting professor, at Leland Stanford Junior University in 1922, in the summer school of the University of Michigan in 1924 and at the University of Southern California in 1931. In the course of his career as a teacher of law Professor Wright taught various subjects,<sup>1</sup> but his most important studies were in the field of corporation law, recognized by his selection as one of the advisers to the reporter on business associations for the American Law Institute. The course, however, which gave him the greatest personal pleasure was admiralty. Upon this subject he had prepared a case book of his own in mimeographed form and although this is a subject that attracts few students in American schools, his enthusiasm for the law of the sea continued unabated. During the World War he was assistant counsel to the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation at San Francisco. From 1919 to 1924 he was a member of the firm of Thatcher and Wright of San Francisco, practicing as a proctor in admiralty. He was married in 1912 to Margaret Garrad Stone of Cambridge, Mass., who with four children survives him.

Although of an active, virile temperament well suited for practice at the bar, literature and scholarship were in his blood and drew him to that

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<sup>1</sup> Agency, Common Law Procedure, Partnership, Corporations, Damages, Persons, Admiralty, Mortgages, Municipal Corporations, Military Law, Torts.

branch of the profession where a talent for writing and research can best be utilized. His recent contributions to the legal periodicals will be found in a note below.<sup>2</sup> They deal chiefly with problems in admiralty law and the law of business associations, the topics in which he had developed as a specialist. Their literary form is excellent, but they also show the disciplined restraint of one accustomed to the preparation of briefs that would be subjected to the critical eyes of hostile counsel and skeptical judges. Literature drew him strongly. His library was large and varied in its contents. One was given the impression that he was preparing to try his hand at some form of belles lettres if time and opportunity concurred. To the students Professor Wright was a valued guide. As one former pupil puts it—"His infectious wit and the charm of his instruction made the attendance on his lectures a never-ending pleasure." His attitude, urbane and courteous, was always that of the lawyer—the senior in conference with his juniors, but future professional colleagues for all that, and entitled to frank confidences on doubts and difficulties. The oracular pose displeased him; pedagogy bored him. He was more interested in watching and assisting in the mental development of the student than in the invention of gadgets for their improvement. If anything he took too little interest in the prosaic but unavoidable details of administration. For faculty and committee meetings he had no liking and attended in a spirit of resignation, although if a problem arose involving serious consequences, he would give it his best thought.

Outside of school Professor Wright's interests were varied but his chief hobby was yachting, which fitted in well with his fondness for admiralty law; in the summer his favorite occupation was to cruise in a sailboat and his knowledge of the science and art of navigation was extensive. "Three summers ago," writes a friend, "he sailed a boat only sixteen feet long from Martha's Vineyard to Penobscot Bay, a distance of over 200 miles and practically all the trip over open sea." The writer, who shares Professor Wright's affection for the sea, and inland waters as well, remembers many long and happy conversations with him over the rigging and management of small craft and their various haunts; taking time that, in the view of the moralist, would have been better employed on the Federal Code. He thoroughly enjoyed the adventure of life and was intensely curious about

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<sup>2</sup> LEADING ARTICLES: *Uniformity of Maritime Law in the United States* (1925) 73 U. OF PA. L. REV. 123, 223; *The New Ohio General Corporation Act* (1927) 75 U. OF PA. L. REV. 753; *Supervening Impossibility of Performing Conditions in Admiralty* (1923) 23 COL. L. REV. 40; *Opposition of the Law to Business Usages* (1926) 26 COL. L. REV. 917; *Undisclosed Principal in California* (1917) 5 CALIF. L. REV. 183; *Government Ownership and the Maritime Lien* (1919) 7 CALIF. L. REV. 242; *California Partnership Law and the Uniform Partnership Act* (1921) 9 CALIF. L. REV. 117, 206, 306, 391; NOTES: *Private Carriers and the Harter Act* (1926) 74 U. OF PA. L. REV. 602; BOOK REVIEWS: *Government Liability in Tort* by Edwin M. Borchard—Reviewed in (1925) 74 U. OF PA. L. REV. 202; *Profit's Dividends and the Law* by Prosper Reiter, Jr.—Reviewed in (1927) 75 U. OF PA. L. REV. 381; *Law of Territorial Water and Maritime Jurisdiction* by Phillip C. Jessup—Reviewed in (1928) 76 U. OF PA. L. REV. 341.

all its manifestations, but his own ways followed the traditions of his caste. The home was the center of his life and his intimate friends formed an outer circle; publicity he did not seek; indeed it may be doubted if he possessed, or if he had possessed would have practiced, the histrionic arts necessary to catch the public eye. But if fate had spared him, one feels certain that the charm and force of his personality in the maturity of middle age would have left a deep impression in circles where intelligence is valued.

It is needless to say that his death is a severe loss to the students, the faculty, his friends and colleagues, and to the University where he was regarded with affection and respect. The blow is hard to bear that cuts off a useful and distinguished career in its prime, but a favorite author of his had this to say on such an occasion:

“When I remember, friend, whom lost I call,  
Because a man beloved is taken hence,  
The tender humor and the fire of sense  
In your good eyes; how full of heart for all,  
And chiefly for the weaker by the wall,  
You bore that lamp of sane benevolence;  
Then I see round you Death his shadows dense  
Divide, and at your feet his emblems fall.  
For surely you are one with the white host,  
Spirits, whose memory is our vital air,  
Through the great love of earth they had: lo, these  
Like beams that throw the path on tossing seas,  
Can bid us feel we keep them in the ghost,  
Partakers of a strife they joyed to share.”