

Obituaries

JOHN DANIEL CUSHING

When John Daniel Cushing died on September 17, 1987, the Massachusetts Historical Society lost a man who for years had been a valuable member of its staff, and the fraternity of colonial legal historians lost one of its most productive scholars. And yet, because John was a modest, private person, because he had no *amour propre*, few people knew the extent of his achievements. It is only when one pulls together all the things that he did that one can begin to appreciate the true measure of the man.

John was born in Hampton, New Hampshire, of an old New England family and was educated in the public schools there. By the time he graduated from high school, World War II had started, and he immediately enlisted in the army. He served in the European theater throughout the war and was honorably discharged in 1945.

After leaving the army, John entered the University of New Hampshire. He graduated in 1949 and then went on to get a master's degree in colonial history the following year. In the fall of 1950 he obtained an appointment at Norwich University in Vermont, where he taught for the next four years, rising to the rank of assistant professor. But he knew that he could never go far in the academic world without a doctorate, and he found the military atmosphere at Norwich distasteful; so, in 1954, he enrolled as a doctoral candidate at Clark University. This was a difficult time for John, for he had little money and was obliged to supplement his income by working as a night watchman and a filling-station attendant. But he persevered—he must have worked around the clock—and by 1958 had completed everything but his

dissertation. That same year he received an offer from Old Sturbridge Village to become its research assistant and accepted it.

John had an interesting time at Old Sturbridge Village. He wrote articles for the institution's publications and for other local newspapers and magazines, and he scoured the countryside for colonial artifacts and family manuscript collections. On one occasion he went into an antique store and found a piece that he liked. The owner, not recognizing him, shouted, 'Don't touch that piece. That damn fool from Sturbridge will give me twice as much as you would.' On another occasion, the directors of the village decided that they needed a flock of sheep to add to the early American flavor of the place, and John was selected to go and fetch a merino ram in upper New York State. John collected the ram without incident, but he used to remark wryly afterwards that a research assistant never knew what he might be called upon to do next.

During his stay at Sturbridge, John completed his dissertation on William Cushing, a justice of the U. S. Supreme Court from 1789 to 1810, and this work necessitated frequent trips to the Massachusetts Historical Society, where the Cushing papers were held. During these visits he saw a lot of Stephen T. Riley, director of the society and a fellow graduate of Clark University. John had always dreamed of working in an institution like the MHS, and he joined the staff in 1960. Steve Riley developed a high regard for John's character and abilities, and when the post of librarian opened up in 1963, he offered John the position.

John's work at the MHS soon proved Steve Riley's choice to have been a wise one. Yet he worked so quietly and modestly that few people realized how much he was doing. John worked very hard at getting books for the library and had a passion for broadsides and woodcuts generally. It was fitting that his last purchase for the MHS was a broadside on Gen. James Wolfe. His reports at annual meetings were models of clarity and conciseness, embellished occasionally by a touch of John's dry humor. Like all the staff of the MHS, he was a constant font of wisdom for visiting

scholars doing research at the society; he objected only to young students who seemed to think that the world owed them a living and expected John or someone else on the staff to do their research for them.

From the very beginning of his professional career, John had written articles for scholarly publications. One of his earliest was on New England fire societies, the research of which occasioned some of his first correspondence with AAS. This appeared in the *New England Galaxy*. There followed pieces on 'The Judiciary and Public Opinion in Revolutionary Massachusetts,' in George A. Billias's *Law and Authority in Colonial America*; 'Notes on Disestablishment in Massachusetts, 1780-1833,' in the *William and Mary Quarterly*; 'The Cushing Court and the Abolition of Slavery in Massachusetts: More Notes on the Quock Walker Case,' in *The Journal of Legal History*; and, in 1981, an MHS picture book entitled *More Early Massachusetts Broadsides: The First Century, 1639-1739*.

But his greatest achievement—the work he will be remembered for above all else—was the series of colonial laws that he edited or, in the case of Massachusetts, prepared himself. These were facsimile editions of the seventeenth-century laws of all thirteen colonies, plus Plymouth, each with an introduction by John. In addition, he prepared a bibliography of Massachusetts laws from 1642 to 1780 and an accompanying three-volume edition of Bay State laws for the same period. John painstakingly organized this important body of documentary material, which previously had been the dismay of scholars working with early colonial laws. These volumes will stand as his monument and will be compulsory reference works for all scholars in colonial legal history.

In 1966 John was asked to take over the job of book review editor for *The New England Quarterly*, succeeding Jane Garrett. It is a further measure of John's character that he was willing to accept this difficult but important work and to do it year after year, quietly, efficiently, and uncomplainingly. Despite the numerous

frustrations inherent in the job, John more than maintained the high quality of the *NEQ* book reviews, which, since the magazine's inception, have been justly famous.

John's relationship with the American Antiquarian Society really started long before his election to membership in October 1974. He had used the Society's library often during his years at Clark University. He wrote several notes on American bibliographical matters for the Society's *Proceedings*. One of these was 'The Little White Lies of William H. Whitmore,' in which John showed how this scholar, whose word had been gospel on colonial legal matters, had doctored up his facsimile edition of early Massachusetts laws—when the original document did not fit the facsimile page—by changing seals, putting documents on the back of blank pages to save space, and generally following editorial practices that have confused scholars ever since. John's purpose, he said, was to 'help exorcise some of the myriad "ghosts" that he [Whitmore] spawned.' In another note, John wrote of uncovering three new versions of the early Massachusetts seal and demonstrated that the seals with a female Indian figure were all printed by Samuel Green at his Cambridge Press, while those with a male Indian figure were from the press of John Foster of Boston.

In an entirely different vein, John and Mark McCorison of AAS used to carry on a mock war over whose library was better, often engaging in tongue-in-cheek encounters at the MHS. Mark would go to the MHS desk and bellow that he was Mark McCorison and then demand to see John Cushing. John would come out and savage him for making so much noise. Each would then launch into high criticism of the other's professional talents, to the amusement of all concerned. Yet the correspondence between the two was warm and friendly. Behind all the badinage, of course, the two were indeed true competitors, and the chances are that their competitiveness kept each on his toes.

John Cushing had two main interests in life—his professional work and his family. Throughout his entire career he did almost nothing that did not involve one or the other of these two concerns.

In 1950 he married Catherine Martin and the couple had two daughters and one son. In speaking about her husband, Catherine Cushing noted that the family was 'sacred' for John, that he was always there when any one of them needed him and was always ready to *listen* when his children had anything to say. After John had joined the staff of the MHS, the family moved to Hingham, where they bought a house. A very private person, John had few close friends, but once a friend was 'let in,' as Catherine put it, he never let the friendship lag. He also had a wry sense of humor. Writing to Mark McCorison after a very pleasant dinner that the two men and their wives had enjoyed, John said, 'All of this I take to be my reward for having lived a pious and virtuous life.' One might think from the outward and visible signs of his life that John was a very conventional person, but such was not the case. For example, in the early 1960s John purchased an all-black Checker sedan, a rare breed of automobile manufactured by the Checker Cab Company in an effort to invade the passenger automobile market. John owned this car for twenty-four years. After the children had finished college, John and Catherine saved up some money and planned to remodel their house. One evening, John came in and said to his wife, 'The hell with the remodeling; let's go to Paris.' They did, delighting in a wonderful trip that gave them much to talk about upon their return.

Although John's title at the MHS was 'librarian,' his real love was bibliography, as his successor Peter Drummey has perceptively remarked. And it is no slight to his fine work as a librarian to say that it is as a bibliographer that John will probably best be remembered. If one were to try to search out those qualities most characteristic of John, loyalty would be high on the list—loyalty to his family, to his institution, to his few close friends. A second important quality was courage in the face of adversity. His life was not an easy one. At times he had to face serious financial problems. And his last years were troubled by disease. Yet, throughout it all, John met his difficulties with an almost saintly serenity that increased, if that were possible, the admiration of all who knew him

well. His friends and associates must envy his family the intimate memory of so fine a man.

Frederick S. Allis, Jr.

RODMAN WILSON PAUL

Rodman Wilson Paul died on May 15, 1987. He was a serious student of history, and he prized highly his election to membership in the American Antiquarian Society. It was especially important to him because, although he spent most of his adult life in the Far West, he had deep roots in New England soil and could trace his family to the earliest Puritan settlers.

Rodman Paul received his education at Harvard College, where his senior thesis won the Phi Beta Kappa Award for the best undergraduate paper in any field that year. He went on to earn a Ph.D., and his doctoral dissertation, *California Gold*, won the Pacific Coast Branch of the American Historical Association Prize for the best book of 1947. During the Second World War, he served as a lieutenant commander in the United States Navy. At the close of his military career he entered teaching, first at Yale and then at the California Institute of Technology, where he was named the Edward F. Harkness Professor of History. At the close of his career he was also a senior research associate at the Huntington Library.

Rodman Paul was a distinguished scholar by any standard. He was the recipient of many awards, including a John Simon Guggenheim fellowship. His seminal work, *Mining Frontiers of the Far West*, is a classic, and before his death he completed a volume for the New American History series on the Far West after the Civil War. He was also a dedicated public servant. He served as a member of the National Archives Advisory Council and the Advisory Committee of the National Aeronautics and Space Administration. He served on countless boards of editors and was president of the Western History Association and the Pacific Coast Branch of the American Historical Association.

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