

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

THE POLLOCK – HOLMES LETTERS

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)



SIR FREDERICK POLLOCK

1885

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

The Pollock-Holmes Letters

*Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932*

EDITED BY

MARK DEWOLFE HOWE

Professor of Law, University of Buffalo School of Law

WITH AN INTRODUCTION BY

SIR JOHN POLLOCK, BART.

VOLUME I

CAMBRIDGE

AT THE UNIVERSITY PRESS

1942

Cambridge University Press
978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I
Edited by Mark DeWolfe Howe
Frontmatter
[More information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of
education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107512061

© Cambridge University Press 1942

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without the written
permission of Cambridge University Press.

First published 1942

First paperback edition 2015

A catalogue record for this publication is available from the British Library

ISBN 978-1-107-51206-1 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of
URLs for external or third-party internet websites referred to in this publication,
and does not guarantee that any content on such websites is, or will remain, accurate
or appropriate.

Cambridge University Press
978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I
Edited by Mark DeWolfe Howe
Frontmatter
[More information](#)

PREFACE

THESSE volumes might suitably carry the subtitle: “An Autobiography of a Friendship; the Biography of an Era.” Intimate friendship between men of distinction is not uncommon, but it is seldom in the modern world that the instinct for intimacy finds its fullest expression in correspondence. Many apparent obstacles stood in the way of the friendship of Holmes and Pollock; geography and nationality might well have prevented its development; the extraordinarily heavy demands of the professional life of each would easily have excused the writing of that next letter on which the continuation of the friendship might depend. Readers of the correspondence will, I think, soon see why the excuse was not given and why the intimacy grew, despite the persistent obstacles. Holmes has described Pollock as a “true child of culture”; certainly the description was applicable to both men. As children of essentially the same culture Pollock and Holmes shared citizenship in the world of ideas — a world to which each gave his principal loyalty. That world, of course, is not one of nations and of boundaries, and if physical geography ruled out the possibility of the friends meeting, save infrequently, face to face, intellectual geography encouraged constant meetings of mind with mind.

The letters are the records of those meetings. Had Holmes and Pollock been neighbors in fact as well as in thought, no adequate picture of their intimacy would have survived. What we should lack would be not only the autobiography of a friendship but the biography of an era. For as truly as each man was the child of culture each was the father of thought, and the thought which they fathered became an important strand in the intellectual history of the last sixty-five years. Despite the public distinction of each man’s life, the eminence of Holmes and that of Pollock shared a peculiar quality of insulated calm. From his special vantage point each was able to observe and to affect the course of history. Each was furthermore blessed with the talent of graceful, witty, and incisive expression. It is the com-

Cambridge University Press
978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I
Edited by Mark DeWolfe Howe
Frontmatter
[More information](#)

bination of these elements which will, I believe, give lasting importance to these letters.

The readers of such a correspondence may find it helpful to know something of the general policy in the light of which specific editorial decisions have been made. The first endeavor has been to include all letters and all portions of each selected letter which were significantly expressive, in however small a degree, of the life, character, or thought of Holmes and Pollock and of their generation. Every omission, whether of a part or of the whole of a letter, is indicated.

Some readers, I believe, will regret the compromise decision which was reached on the debatable question of whether the letters should be printed *verbatim et literatim* or whether it was more appropriate to make corrections in spelling and punctuation. Holmes to a considerable extent and Pollock to a lesser degree tended in their letters to abbreviate words and phrases and to disregard orthodox rules of punctuation. I have attempted to translate the informal spontaneity of the originals to the printed page, but not to make the translation so relentlessly literal as to preserve obscurities of meaning or to spoil the appearance of the page. With those purposes in mind dashes, which in the originals served as hasty substitutes for commas and periods and which necessarily give a confused appearance to a printed page, have frequently been taken out and replaced by their more formal substitutes. Where easy understanding of a sentence required the addition of punctuation the addition has been made. Where abbreviation seemed likely to create obscurity for the general reader the full word or phrase has been substituted. Otherwise, the letters are printed as they were written, except that for reasons of space the full address of the writer, frequently given at the head of the letter, has generally been omitted. The difficulties of Holmes's handwriting, particularly in his later years, were so very considerable that no guarantee of absolute accuracy is possible. I believe, however, that all words not specifically noted as doubtful are accurate transcriptions.

In my annotation of the letters I have followed what seemed to me to be an appropriate rule of thumb — to give only such

Cambridge University Press
 978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
 Mr Justice Holmes 1874-1932: Volume I
 Edited by Mark DeWolfe Howe
 Frontmatter
[More information](#)

PREFACE

vii

supplementary information as that fictitious character “the general reader” is likely to want. I have thought of him as partly Englishman, partly American, partly lawyer, and partly layman; I have made innumerable guesses, I hope not too inaccurately in too many cases, of the sort of information which this strange conglomerate is likely to want, and I have tried to give him just enough to satisfy his need. It is my hope that in the footnotes and in the index he will find the essentials.

Many persons have given me assistance in my editorial work. To all of them collectively I must express my warmest gratitude. To Mr. Richard W. Hale, Professor Samuel E. Thorne, and Miss T. E. Nadeau I am more indebted than anyone but they and I can know. Their careful preliminary work of assembling, copying, and indexing the letters made my task infinitely easier to perform than it would otherwise have been. Mr. John G. Palfrey, Holmes’s executor, and Dean James M. Landis of the Harvard Law School, where the original letters are preserved, have at all times shown themselves generously willing to give me counsel and assistance. My wife, Mary Manning Howe, has on frequent occasions come to my rescue and prevented blunders which without her would have had to be corrected by someone else. But above all I am indebted to my father, M. A. DeWolfe Howe, for his constantly wise guidance. Needless to say, all errors of fact and of judgment are mine.

MARK DEWOLFE HOWE

Buffalo, New York
 January 1, 1941

NOTE ON THE ENGLISH EDITION

This book was first published by the Harvard University Press in 1941, entitled *The Holmes-Pollock Letters* and contained an Introduction by Mr. John G. Palfrey.

The production of the present edition, for Great Britain and the British Empire, has been facilitated by the courtesy of the Harvard University Press and Sir Humphrey Milford.

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

CONTENTS

VOLUME I

INTRODUCTION BY SIR JOHN POLLOCK, BART.	xiii
I. 1874-1894	3
II. 1895-1899	56
III. 1901-1907	99
IV. 1908-1914	138
V. 1914-1918	218

VOLUME II

VI. 1919-1921	3
VII. 1922-1924	86
VIII. 1925-1929	152
IX. 1929-1932	244
TABLE OF CASES	313
INDEX	321

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

Cambridge University Press
 978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
 Mr Justice Holmes 1874-1932: Volume I
 Edited by Mark DeWolfe Howe
 Frontmatter
[More information](#)

ILLUSTRATIONS

VOLUME I

- SIR FREDERICK POLLOCK *frontispiece*
 From the portrait painted by the Hon. John Collier in 1885.
- OLIVER WENDELL HOLMES *facing 40*
 From a photograph of uncertain date, taken probably about
 1890. Reproduced through the courtesy of Mrs. Thomas
 Barbour, for whom it was signed by Holmes in 1931.
- SIR FREDERICK POLLOCK *facing 86*
 From the drawing by Sir William Rothenstein, 1897.
- “THE LORD WARDEN’S OFFICIAL” 214
 Pollock’s caricature of himself, included in the letter to Holmes
 of May 20, 1914.

VOLUME II

- MR. JUSTICE HOLMES *frontispiece*
 In old age.
- A PAGE OF POLLOCK’S MANUSCRIPT 81
- A PAGE OF HOLMES’S MANUSCRIPT 83
- DUEL BETWEEN POLLOCK AND THE DENTIST 244
 From a sketch by Sir Frederick Pollock.

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

Cambridge University Press
 978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
 Mr Justice Holmes 1874-1932: Volume I
 Edited by Mark DeWolfe Howe
 Frontmatter
[More information](#)

INTRODUCTION

BY SIR JOHN POLLOCK, BART.

ON MARCH 8, 1841, was born a remarkable American, one who, if we were to fit merit into categories, might be credited with something between the A 3 of "highly distinguished" and the A 1 of "really great." He was a great lawyer: that no lawyer doubts. He was among the handsomest of men: his many lady admirers would all bear witness to that. He had been a gallant officer: twice dangerously and a third time more lightly wounded in the Civil War. He was one of the finest talkers of his time: I shall testify on the point. A respectable classical scholar, he was thoroughly conversant with French and German, being widely read in both languages besides in his own, and was an insatiable student of philosophy with ideas on the subject that tinged his whole attitude towards life. No one who ever met him failed to be conscious of a rare personal charm. Yet behind it everyone felt a polished, lucid intellect and a backbone of tempered steel.

This American of many talents was Oliver Wendell Holmes the younger, only son of Dr. Oliver Wendell Holmes, author of the famous *Autocrat at the Breakfast Table*, and other works justly popular in their day. The father had as great charm as the son—perhaps more; but the son had beyond doubt the greater brain. O. W. Holmes junior became, first, Professor of Law at Harvard University, whence he had graduated, then successively Associate Justice and Chief Justice of Massachusetts, and finally, in 1902, Justice of the Supreme Court of the United States, which exalted office he held for thirty years. He died in 1935 on the eve of his ninety-fourth birthday.

In 1874, Holmes, who had already visited England eight years before, met Frederick (later Sir Frederick) Pollock, known to all his friends as "Fred," or "F.P." Pollock was born in 1845, took his degree at Cambridge, second Classic and seventeenth Wrangler, in 1867, and was called to the Bar in 1871. There were nearly five years between Holmes and my father, who died, aged ninety-one, in 1937, two years after his friend. The friendship begun in 1874 lasted for sixty-one

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

xiv

INTRODUCTION

years, and was carried on in the correspondence, unbroken for fifty-eight, which was first published at Harvard University on the centenary of Holmes's birth. By the wish of Holmes's literary executor, Mr. John G. Palfrey, and by my own, the original letters have been presented to the library of the Harvard Law School.

A correspondence of such extent and, as will be seen, variety, could evidently take place only between two men of uncommon attainments. During the period filled by it there were some dozen visits of Holmes to England or of Pollock to America. Their letters in the intervals began with matters of purely legal interest in which both men were absorbed professionally, then came to be a running commentary on life, the humanities, and events, though with less emphasis on the last, in which the legal theme, though never absent, sometimes almost took a back place.

No one could ever have thought of applying to either of these two lawyers the epithet "dryasdust." Pollock was a mountaineer, a first-rate fencer, an excellent writer of verse; he would have disclaimed the name of poet. He had in his make-up more than a touch of mysticism, visible in his momentous work on Spinoza, which fitted in well with Holmes's airy floating over all systems of philosophy. Holmes had, perhaps, fewer definite interests outside the law than my father, but he had a wider interest in life itself. His contact with life was essentially practical; Pollock's was primarily intellectual. Without the law, and even within it, Pollock's learning had a greater sweep than that of Holmes; thanks to an amazingly retentive memory, an uncommon power of selective absorption, and omnivorous reading, he grew to be unquestionably one of the most learned men of his day. Holmes's approach to law was that of a teacher and a judge, Pollock's that of a universal student who became a universal master. Where they were united was in their constant practice, that can be seen in the letters as well as in their published works, of bringing all cases and all speculation down to principles.

It was this habit of viewing everything from the standpoint of principle that made Pollock's advice on the crisis of the abdication of King Edward VIII decisive. While the legal

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

INTRODUCTION

xv

advisers of the Crown were searching in an agitated vacuum for non-existent precedents, Pollock went straight to first principles of constitutional usage, and drafted the heads of a Bill which, in the upshot, were very closely followed by the Act of Abdication. Had Holmes still lived at this date, no one could better have appreciated the perfection of method employed and the simplicity of result obtained. The ideas of the two men were in large measure complementary, while they met closely on the solid ground of their immense legal competence, their contempt for shams, false definitions, and facile success, their vast learning, and their devotion to the subject that my father, in a pleasing conceit, personified as "Our Lady of the Common Law." The two men who were later to be called "the Nestor of English lawyers" and "the American Blackstone" were made to understand one another.

How Holmes and Pollock first met cannot be definitely established. It might have been through Leslie Stephen, who had been to America in 1863 and had met Holmes in Boston, recovering from his third wound. Stephen was a lifelong friend of my father; mountaineering, history, literature, and philosophy formed their common ground, and together they founded the famous walking club "The Sunday Tramps." It is also possible that O. W. Holmes the elder was a friend of my grandparents. Sir W. F. and Lady (Juliet) Pollock knew almost every man of letters and artist of their time: Thackeray, Trollope, Spedding, Fitzgerald, Macready, George and "Willie" Richmond, Tennyson, Carlyle, and a host of others were among their friends. They certainly knew Nathaniel Hawthorne, who was in England from 1852 to 1860, and it may well be that one or other had made touch with Dr. O. W. Holmes during his sojourn in Paris, with visits to this country, from 1833 to 1835. Support may be lent to this view by letters to Dr. Holmes from my uncle, Walter Herries Pollock, and other members of the family, which suggest an already existing warm acquaintance before what has been called the American author's "triumphal progress" in England in 1886. An entry on June 19, 1874, in my grandfather's "Remembrances": "Wendell Holmes (son of Oliver)...came to sit by my side in Judge's Chambers," seems too to imply previous acquaintance

Cambridge University Press
 978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
 Mr Justice Holmes 1874-1932: Volume I
 Edited by Mark DeWolfe Howe
 Frontmatter
[More information](#)

xvi

INTRODUCTION

with the father. My own, and only, childish recollection of *The Autocrat* is at my parents' house in Great Cumberland Place; but that was many years after my father had come across his son.

Here, since I do not know that they have ever before been reprinted, I venture to insert the following verses, written by my father in America, after, for the first time, meeting the elder Holmes:

PAULO POST

To O. W. Holmes

On halting feet, all out of time,
 It creeps, a month and more belated;
 Yet this one plea may save my rhyme—
 For living sight and speech it waited,
 Sight long desired, at length attained,
 Speech heard in dreams when those bright pages
 Were music to the mind o'erstrained
 By converse with less gentle sages.

At Cambridge, mother of that fair
 And valiant daughter here before me,
 When picking bones of learning bare
 At sundry times did somewhat bore me,
 As oft in weary mood I sat
 And wished the sum of books were lesser,
 My monarch was the Autocrat,
 My chosen tutor the Professor.

Subject and learner, now as then,
 As then I felt it, now I know it:
 My pen—a life Professor's pen—
 Hails Autocrat, Professor, Poet:
 Take, wise and genial friend of man,
 Your reader's homage—ask not whether
 Of British or American,
 But English one and all together.

F. POLLOCK,

Cambridge, Mass. Sept. 30, 1884.

It is in any case clear that Pollock's friendship for the son was quickened and enhanced by his admiration for the father.

For an inveterate letter-writer Holmes the younger had one curious characteristic: a handwriting of almost unsurpassed illegibility. The delivery of a letter from "the Judge," as he

Cambridge University Press
978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
Mr Justice Holmes 1874-1932: Volume I
Edited by Mark DeWolfe Howe
Frontmatter
[More information](#)

INTRODUCTION

xvii

was known in our family, was always an occasion of joy. Not only because the matter, when it could be got at, was sure to be full of interest, but also because the getting at it was a process that exacted the utmost ingenuity and often a good deal of imagination. At the first blush you would take Holmes's script for a fine piece of calligraphy: it had a certain beauty of its own. But in the same second you became aware that something was surely amiss with your eyesight. What had seemed from their general shape and spacing to be words dissolved into hieroglyphics. The longer they were studied the more obscure they became, until you wondered whether any message at all lay hid therein. It was as if a demented fly had followed the writer's pen across the page. Reading Holmes's script demanded similar methods to those involved in deciphering bad seventeenth-century handwriting. Either you had to fling yourself into midstream with a deep breath and a prayer, in which case the meaning of the whole might be made plain to your subconscious ego; or you had, with microscopic trouble, to worry out a word here and there and then carefully to build up the context round such islands of clarity as might emerge. It will be appreciated that, to warrant and to provoke the taking of such pains gladly, Holmes's letters must have been good. It is noteworthy that some passages in them have baffled even the long, loving inquest conducted by Mr. Palfrey and his willing band of helpers, first and foremost among them, Mr. Mark DeWolfe Howe, Professor of Law at the University of Buffalo, who, as editor of the published letters, has furnished notes of capital importance on the facts and persons touched on in them.

The mass of the correspondence is such that excision on a liberal scale had to be practised. Professor Howe has wielded the blue pencil with discretion and ability. Probably only readers totally addicted to letter-reading would find much to regret in the parts omitted, for which fate matter chiefly of private interest has been selected.

If Holmes's fist was crabbed, so was not his thought nor the expression of it. Nothing could be more felicitous than his phrase, gay or serious. Did, for example, any man fashion a lovelier word about a woman than Holmes, when his wife died

Cambridge University Press
 978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and
 Mr Justice Holmes 1874-1932: Volume I
 Edited by Mark DeWolfe Howe
 Frontmatter
[More information](#)

xviii

INTRODUCTION

in 1929? “For sixty years,” he wrote to Pollock, “she made life poetry for me.”

Well might my mother write to him on a different occasion: “You are a lucky man to be able to clothe your fine thoughts in such delightful words.” For Holmes’s correspondence with my father was far from exhausting his epistolary appetite. My mother did not preserve all of his letters to her; but they corresponded, frequently and some of hers to him too survive, moving from her signature “Yours very truly” in the 1880’s to the “Always yr. affectionate old friend, Georgina H. Pollock” of this century.

I cannot forbear from quoting a detached postscript from her, dated by its contents:

By this time I hope you sufficiently hate the Germans? Clever, ingenious, oh yes! but not really *intellectual* since a century ago, only pickers up of unconsidered trifles & admirable adapters of the brains of others—for the rest, for moral qualities—well, the door of Hell was left ajar & out came the people we now call Germans.

Another of Holmes’s correspondents and woman friends in England was Lady Desborough. In a letter of June 13, 1906, my father writes to him:

There was a function of the Epée Club at Lord Desborough’s (W. H. Grenfell) place at Taplow just before Whitsuntide . . . and I had some talk with Lady D. in which you held an honourable place. I regret to say she had no clear notions either of the dignity of your Court or of the difference between State and Federal jurisdiction. But she was quite willing to take your magnificence on trust. She can certainly be charming.

Holmes was, in the best sense of the word, a great ladies’ man. He revelled in their society, his pen was stimulated by them, his conversation with them was as good as his letters to them, or better; but it was not all women who could please him. Holmes was indeed fastidious in both men and women. He did not suffer fools gladly. Priggishness, pedantry, simpering affectation, more than the slightest touch of the blue stocking, put him off. So did want of good looks. He liked pretty girls, but what interested him still more were women of the world with enough brains and beauty to meet him on his own level. With them, if he was not at his best, he was never

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

INTRODUCTION

xix

far below it. Lady Desborough and my mother have been mentioned; Mrs. W. K. Clifford, Lady Castletown, and Lady Scott are others that come to mind. Mr. Richard Walden Hale, the eminent Boston lawyer and intimate friend of both Pollock and Holmes, tells me that on his first visit to England Holmes made the acquaintance of the celebrated Mrs. Norton, then nearly sixty, and delighted in her company. Sheridan's beautiful granddaughter must certainly have made a fine pair in a drawing-room with the tall, dashing, handsome American wit, over thirty years her junior.

The author of *For My Grandson* has given his opinion in that book that of all the talkers he had met, Renan, the author of *La Vie de Jésus*, was the finest. Certainly he had a good right to express one, for he must have frequented almost every celebrated talker in England this side of Macaulay, and many in France and America. My own judgment is of far less weight: the generation of Renan, Fitzgerald, and Lord Houghton was before me; Kinglake, a highly reputed talker, I only saw as a very small boy; but I have heard the talk of first-rate talkers like Arthur Balfour, George Saintsbury, Sir Alfred Lyall, Lord Acton, my father, Andrew Lang, and Henry Jackson, and of some like George Meredith, Jean Jacques Brousseau, Mme Emile Duclaux, and Arthur Verrall who so scintillated that, when they were in the vein, nothing else seemed to exist in their company. The talk of M. Brousseau, in particular, can be likened to nothing but a perpetual cascade of fireworks. Yet of all I have heard it seems to me that the talk of Oliver Wendell Holmes was on the whole the best.

If the best talk is a monologue, then Macaulay and George Meredith must be accounted easy firsts. True, when I knew George Meredith he was very deaf; but his style of talk must always have been the same. It was a marvellous performance, a Niagara of description, allusion, instruction, criticism, reminiscence, apparently as effortless as it was ceaseless, full of learning, poetry, wit, and of laughter too. But it was not conversation: all that others present could do was to shoot a question from time to time that reopened the flow, if it showed signs of slackening. It is said that once Meredith let John Morley monopolize the conversation; but Morley was an

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

xx

INTRODUCTION

editor, and a novelist may have reasons not to cut across an editorial stream of words. In general, Meredith had his say unchallenged.

Holmes's talk was not like that. Nor did it belong to Fitzgerald's kind of talk, the witness being again my father, designed to form the thread for the pearls from others' lips. Still less like the style of J. Comyns Carr and "Charlie" Brookfield, the most celebrated *raconteurs* of their time in London. Story-telling is a different art. Holmes talked a great deal and as the natural centre of the company in which he found himself. His pleasant, high-pitched voice with its slight burr lent an almost impish charm to the fluency with which he would catch a subject, toss it into the air, make it dance and play a hundred tricks, and bring it to solid earth again. There was no trace of flippancy, but a spice of enjoyment even in the serious treatment of a serious subject. Nor is "impish" altogether the right word. If there was often a good touch of Puck in Holmes's talk, it was rather perhaps in the end Prospero who came to mind, for it was rare that he talked without elevating and ennobling his subject. As he talked he drew inspiration from his company; he challenged and desired response, contradiction, and development. He liked to have the ball caught and tossed back to him, so that he could send it spinning away again with a fresh twist. Talk was a means of clarifying ideas, of moving towards the truth; but it was a great game too.

Like all outstanding players of games, Holmes disliked being squeezed out of the centre court. It can rarely have happened to him, but I saw it happen once. I had taken Holmes down to Box Hill to see George Meredith. Meredith, on being presented with the gambit, "I think you know Henry James?" — who was a family, if not much of a personal, friend of Holmes, and was then at the height of his reputation — replied, airily, "Ah, the young man from Harvard!" made no further allusion to the American writer, but proceeded to give one of his finest monologues for over half an hour, without giving Holmes the chance to get a word in edgeways. Holmes was distinctly put out. On another occasion he himself subjected to a similar ordeal a talker far more vain of his prowess than Holmes. This was Andrew Lang, and it must be admitted

INTRODUCTION

xxi

that Lang deserved the treatment. He had been asked to meet Holmes, and on coming into the room went up to Holmes, looked him over with ineffable insolence, and said: "So you are the son of the celebrated Oliver Wendell Holmes." "No," replied Holmes promptly, "he was my father." And then, snatching the play from his momentarily abashed opponent, Holmes launched into a disquisition that left Lang completely on one side and with his nose seriously out of joint. Yet even on a rare occasion such as this when Holmes kept the centre of the stage for himself alone he never pontificated.

For a man of his eminence Holmes preserved to the end of life a geniality that, if qualities could be translated into action, must be called genius. He scorned ineffective enthusiasm or mere bustle: he demanded reciprocal interest; but once he got that, no one could be a more inspiring companion, because he sought to give as well as to receive pleasure. In later life, writes Mr. Palfrey in his admirable introduction to the American edition of the *Letters*, Holmes "delighted in keeping abreast of current thought and in seeing and talking to young men, whose ideas he found stimulating whether he agreed with them or not." I knew him so from the beginning, that is, from my childhood onwards. This delightful characteristic was at the core of Holmes's brilliance as a talker. He seemed to want just as much to know your opinion as to impart his own. A fount of youth was visible in him. It could never occur to a younger man that he was not talking to one of his own age. Nothing could better illustrate this than the fact that, when I was an undergraduate, Holmes came up to spend a week-end with me at Cambridge. He stayed in a set of the less good undergraduate rooms in college empty for the moment, took his meals with me, walked with me, met my friends, smoked and talked as only undergraduates can, enjoyed himself, to all appearance, hugely, and left, without, I believe, the Master and Fellows having an idea that they had had a man of note within the gates of Trinity. Holmes was then Chief Justice of one of the most famous States in the Union. Could, say, Lord Russell, Lord Reading, or Lord Hewart be imagined indulging in such simple enjoyments? The same sincerity that made this possible in Holmes infected his talk, and, however

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

xxii

INTRODUCTION

wilfully fantastic it might be at moments, was, I think, the basis of its charm. Dr. Johnson's remark about Edmund Burke, the rain, and the stranger was no less applicable to Oliver Wendell Holmes.

Talk passes, letters remain. Some, indeed, prefer them. In the Pollock-Holmes letters are to be found many wise and not a few witty things, and for such as like them there are plums to be picked. It was highly characteristic of Holmes, in a letter to my mother, to write: "You have the advantage of me as a correspondent. There is an infinity of facts, gossip if you like, that you can tell me about, whereas I have no information on any theme short of the Cosmos." The Cosmos indeed figures often in Holmes's letters and under his light-fingered pen becomes a subject of interest, anguished or entertaining according to his mood. While in the latter he thus defines his relations to the world:

My intellectual furniture consists of an assortment of general propositions which grow fewer and more general as I grow older. I always say that the chief end of man is to frame them and that no general proposition is worth a d.

At bottom perhaps Holmes's view of all philosophic systems was not far removed from his criticism of pragmatism as

an amusing humbug—like most of W.J.'s [William James] speculations, as distinguished from his admirable and well-written Irish descriptions of life. They all seem to me to be of the type of his answer to prayer in the subliminal consciousness—the spiritualist's promise of a miracle if you will turn down the gas.

Letter writing is a lost art: so pessimists claim, probably from the days of Hammurabi onwards. The present volumes show at least that it survived well into the twentieth century. Both Fred Pollock and O. W. Holmes obviously loved writing letters. Their zest for pen and ink was equalled only by the nimbleness with which they leaped from subject to subject, and by their appetite for information and speculation of all kinds. In the midst of law, literature, music, art, philosophy and Mr. Dooley, may be suddenly found joyous conundrums like that in a p.s. to a postcard from my father: "What is the

Cambridge University Press

978-1-107-51206-1 - The Pollock-Holmes Letters: Correspondence of Sir Frederick Pollock and Mr Justice Holmes 1874-1932: Volume I

Edited by Mark DeWolfe Howe

Frontmatter

[More information](#)

INTRODUCTION

xxiii

nationality if any of a child of Filipino parents born on board a French ship in the harbour of Port Said? Fact, I am told”; or again: “Have you found any logical reason why mutual promises are sufficient consideration for one another? (like the two lean horses of a Calcutta hack who can only just stand together) — I have not.” Nor was spice lacking in their appreciation of others, as witness Holmes’s aphorism: “Good intentions are no excuse for spreading slanders.”

An anecdote passed on from my grandfather relates how, Tennyson having told a dull story, one present grumbled: “That story has not much point.” “No,” retorted George Venables, Tennyson’s great friend and the model for Thackeray’s Warrington, “but it has a pretty good knob.” In this half century of exchanges between Frederick Pollock and Oliver Wendell Holmes the going is never heavy, and few of the points will turn out to be mere knobs.

[Reprinted, with minor alterations, from *The Quarterly Review*, by kind permission of the Editor.]