



# The early reading of Justice Oliver Wendell Holmes

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## The Early Reading of Justice Oliver Wendell Holmes

**B**EGINNING in 1865 and continuing through his seventy remaining years of life, Oliver Wendell Holmes, Jr, recorded his daily reading in three notebooks which are now among his papers in the Harvard Law School Library. The earliest book is a small diary (3 by 3 ¼ inches) for 1866 which contains an eight-page reading list and extensive notes of his impressions of England and the Continent during his visit there from May to September, 1866. The reading list is divided into two parts: books read in the year and a half before he went to Europe, and books read after his return, until the end of the year.

The second book resembles the earlier one in appearance, though slightly larger (3 ¼ by 5 ½ inches). The first part contains a personal diary of his social and professional activities during 1867, with only casual comments on his reading. The reading list itself, occupying some thirty pages at the end of the book, covers the years 1867 through 1880. Despite the limited space, Holmes has recorded approximately six hundred titles. His handwriting is small and meticulous, with a Yankee thrift of pen-stroke.

Although the reading listed in the third book is not within the scope of this article, a note of its content will complete the description of the media through which a detailed listing of Holmes's reading during his mature life has been transmitted to us. 'The Black Book,' as it was known to Holmes's associates, is a folio-sized volume of one hundred fifty-nine pages. He began taking notes on his reading in July, 1876, but many of these notes, as he carefully mentions, were copied from memoranda made earlier. In the reading list of the 1867 diary, he mentions that he 'got up' trial by jury. The most complete record of notes on his assiduous reading of this type is contained in the front part of the 'Black Book.' Beginning with the last page and working backwards towards the first page, Holmes recorded, in double columns, lists of books read from 1881 through part of the year 1935 with its famous last entry, Thornton Wilder's *Heaven's My Destination*.

In 1865, when Holmes was reading the books recorded in the 1866 diary, he was twenty-four years of age and a student in the Harvard Law School. The law books of the earlier diary detail a typical course of reading for any young law student of the time: Kent, Blackstone, Washburn, Greenleaf, and others. The nonlegal items testify to the wide variety of his interests: science, philosophy, history, and belles-lettres, of which philosophy consistently predominates throughout the period of the two diaries. In the spring of 1866, for reasons unknown to us Holmes withdrew from the Harvard Law School before the completion of three of the normal four terms of study, and began to read law in the office of Robert M. Morse. The following summer the Law School, with the blithe disregard for academic requirements which was typical of the day, awarded Holmes the degree of LL.B.

Holmes's excitement about his prospective trip abroad is shown throughout the winter and spring months of the 1866 diary by memoranda of clothes to be bought, items to be brought back for friends, addresses of people to be looked up, and pictures to be seen in the Louvre. After his arrival in England the pages become more solidly black with ink as he describes, in staccato style, his many impressions. Of his first day in London he noted: 'First impressions — common people like ours — swells finer — 2 types — saxons & dark — all dressed alike Lavender gloves & sailors ties. Ev<sup>er</sup> whores stop you everywhere.' He visited all the places of legal interest, the Inns of Court, the Common Law Courts, and the Houses of Parliament, as well as the more ordinary tourist attractions. It is quite understandable that the diary during this period makes no mention of books, but he recorded meeting such contemporary intellectuals as Mill, Browning, Jowett, and Froude.

His horizons greatly broadened by his journey, Holmes returned to Boston on 18 October 1866 and entered the law office of Peleg Chandler, George Shattuck, and James Bradley Thayer, where he spent his time on work for the firm and study for the bar examination. By 23 February 1867, a student's normal jitters in regard to the examination are reflected in his diary entry: 'As Judge Gray couldn't examine me for some time got Lord J. to appoint examiners — as I am nervous and dont want to wait.' His worries were needless, for on the 5th of March the following entry appears: 'My first day as a lawyer . . . The rush of clients postponed on account of weather.'

Holmes's admission to the bar affected his reading habits very little.

There is no indication of a surging interest in the practical aspects of law, nor of a tendency to delve more deeply into philosophy. He merely continued his diet of law, philosophy, and history, highly spiced with French novels. It is evident at this time that he had not given himself up completely to law: the magnetism of philosophy was too great. However, by 1876 he was writing to Emerson, 'It seems to me that I have learned, after a laborious and somewhat painful period of probation that the law opens a way to philosophy as well as anything else, if pursued far enough, and I hope to prove it before I die.'<sup>1</sup> Professor Mark Howe, in quoting this passage, has stated that this fusion of philosophical inquiries and professional pursuits was of enormous significance to Holmes's growth as a lawyer.<sup>2</sup>

In 1869 Holmes undertook the editing of the twelfth edition of Chancellor Kent's *Commentaries on American Law*. In his attempt to bring the work up to date a quarter of a century after the author's death, he succeeded admirably where many previous editors had failed. One reviewer's only regret was that 'so much learning should have expended itself in the subordinate position of an annotator.'<sup>3</sup> A record of his work on the *Commentaries* runs through the reading list from 18 November 1869 to 13 December 1873, when the work was published. And there are later entries to show that he continued to annotate Kent at least until 1877.

Throughout the early years of the reading list, Holmes was closely connected with the *American Law Review*, which began publication in October 1866 under the editorship of John Chipman Gray, Jr, and John C. Ropes. It was from the outset an important periodical designed to keep the members of the profession informed on various phases of the law, both American and English. Several departments appeared regularly in each issue: digests of reports in America and England, book notices, and summaries of current political and legal events. Previous to 1868 Holmes had contributed only book reviews. On 28 June 1867 he noted in the diary: 'Have begun investigating "Remote damages" with reference to essay for Law Review'; and on August 6: 'Read my essay to Thayer, who said it wasn't interesting

<sup>1</sup> Letter of 16 April 1876, in the Harvard College Library.

<sup>2</sup> Mark DeWolfe Howe, *O. W. Holmes, Jr., Counsellor-at-law* (Philadelphia, Brandeis Lawyers Society, 1948), p. 8.

The editor wishes to express her indebtedness to Professor Howe for helpful suggestions and advice in the preparation of this paper.

<sup>3</sup> *American Law Review*, VIII (1873-74), 332.



as it undertook to cover too much ground. Shall rewrite it.' Holmes must have thought differently after this time, for the article never appeared in print and no further reference to it is found in the diary. On 19 December 1867 he noted: 'Undertook to digest American cases for Gray next year.' He wrote the American and many of the English digests through the July issue of 1870. Beginning with the October issue of that year, which contains Holmes's first published article, 'Codes, and the Arrangement of the Law,' he and Arthur G. Sedgwick took over as editors. Two volumes (1870-72) were issued under their joint editorship, and a third (1872-73) under the sole editorship of Holmes. Altogether Holmes wrote ten major articles (counting the two parts of 'Primitive Notions' as one article) for the *Review* from 1870 to 1880.

Besides pursuing the scholarly activities of writing, editing, and teaching — in 1870-71 he was Harvard College Lecturer in Constitutional Law; in 1871-72 and 1872-73, Lecturer in the Law School on Jurisprudence — Holmes carried on a full-time law practice. His first day with Chandler, Shattuck and Thayer he 'spent 5 hours in Law Library making abstract of endless cases on precatory trusts.' Many of his days were passed in court hearing Shattuck's arguments or taking notes on court cases for Chandler. Even in the office, however, he was reading philosophy, as he notes in the 1867 diary: '[Mill's] Logic during the day so far as possible in the office.' Most of his early cases were minor, as, for instance, his defense of Mrs Gallagher, who, Holmes notes, was charged with 'assault & battery on Mrs Allen by spitting in her face. for my efficient aid she had to pay \$2. & costs, and I magnanimously didn't charge her anything for my private pocket.' Occasionally there were more challenging cases. In 1867 he assisted Shattuck for the plaintiff before the Supreme Judicial Court in *Richardson v. New York Central*. The case was lost, but Holmes was commended by Judge Hoar for his 'creditable appearance' and his argument of the case 'savoring of experimental philosophy, but none the worse as a test of capacity on that account.'<sup>4</sup> During these early years Holmes spent some time teaching several law students who worked in the office. From 1868 to 1870 he remarked going over various books with Noonan, and later with Putnam and Adams, presumably students.

<sup>4</sup>Howe, *O. W. Holmes, Jr.*, pp. 15-16. The original letter, dated 14 November 1867, from Judge Ebenezer Rockwood Hoar to Dr Oliver Wendell Holmes, is in the Harvard College Library.

From about 1870 to 1873 Holmes was in partnership with his brother 'Ned' (Edward Jackson Holmes).<sup>5</sup> In the spring of 1873, the firm of Chandler, Shattuck and Thayer was dissolved, and Holmes joined the new firm, Shattuck, Holmes and Munroe. The association continued until 1882, when Holmes concluded his fifteen years of practice, and became Professor of Law in the Harvard Law School. On 5 December 1882 he was appointed to the Supreme Judicial Court of Massachusetts and in 1902 to the Supreme Court of the United States. In regard to Holmes's over-all success in practice, Professor Howe has stated that 'of the 32 cases which he argued before the Supreme Judicial Court between 1867 and 1881, he lost 18 and won 14 . . . [His record] is not out of line with the achievement of other distinguished lawyers.'<sup>6</sup>

Holmes's reading for 1880 was the scantiest in quantity and the lightest in quality of any period covered in the diaries. Amply accounting for this fact, however, is his notation: 'At work writing lectures for Lowell Inst. wh[ich] occupies evenings, begun about Jan. 1.' In June of this year he wrote to Sir Frederick Pollock, 'I should have written to you before this had I not been very hard driven with work, day and night. Practise of our mixed sort occupies my days, and my nights have been largely devoted to preparing a course of lectures for next winter . . .'<sup>7</sup> In his leisure reading, he was undoubtedly seeking relief from the strain of work.

Here, then, is a personal record of Holmes's early maturity, from his twenty-fourth to his thirty-ninth year, when his philosophy was being formulated. The importance of the reading lists is that they reflect the influence of other minds on Holmes's own thought, during the period before it crystallized into organized expression. The twelve Lowell Lectures which Holmes delivered in the autumn and winter of 1880-81 were a fortunate impetus to arrange his thoughts in 'a regular order,' as he wrote to Pollock. The result of the Lectures was, of course, *The Common Law*, published in 1881.

<sup>5</sup>The existence of this partnership is indicated in a typewritten biographical sketch of Holmes prepared by an unknown person in 1893 and now among the Holmes papers in the Harvard Law Library. The typescript shows corrections in Holmes's hand.

<sup>6</sup>Howe, *O. W. Holmes, Jr.*, p. 18.

<sup>7</sup>*Holmes-Pollock Letters*, ed. Mark DeWolfe Howe (Cambridge, Mass., 1941), I, 14.

A few comments about the general form of each entry may make the list more understandable. Material within brackets is data which has been added and everything without brackets is Holmes's, except for a few minor corrections of accents and spelling and changes in punctuation and arrangement of items. It is the lawyer's custom to place the volume number before the entry instead of after, i.e., '11 Allen' instead of 'Allen, v. 11.' This form has been retained, since rearrangement would necessitate an even greater number of distracting brackets. However, volume numbers following entries have been ignored when for one volume only and have been standardized to '2 v.,' '3 v.,' etc., when for more than one volume. The bracketed notations, in general, fill out the exact title of a book. In some cases, for increased clarity, the whole title has been repeated after Holmes's notes. The exact edition which Holmes read could rarely be successfully established, so imprint has ordinarily been omitted in each entry. However, an attempt has been made to cite the title of the edition which Holmes is most likely to have read, and in a few cases, place and date of publication have been added — occasionally because the edition is obscure and its identity might be of help to someone in the future, occasionally because Holmes did not give the author, and identity has been determined by the date of publication. Bracketed page references apply to certain sections of books specifically mentioned by Holmes, but not necessarily to the editions he used. Many of the items listed Holmes may have read in serial rather than in book form.

Pages showing entries for 1866 and 1876 have been reproduced in Plates I and II.

#### Imperfect List of Books read &c during the year & a half before I went to Europe

- [1865-66]      1. *Law Books &c.*  
                   [Sir William] Blackstone. [Commentaries on the Laws of  
                   England.] 4 v.  
                   [Emory] Washb[urn]. A Treatise on the American Law of]  
                   Real Property. 2 v.  
                   [Joseph] Story. [Commentaries on the Law of] Agency [as  
                   a Branch of Commercial and Maritime Jurisprudence.]  
                   [James] Kent's Comm[entaries on American Law.] 4 v.



| 1860.  |     |
|--|-----|
| Monday, October 6.   |     |
| Leith of Booths read to<br>Spinning with my return<br>from Europe. | 6.  |
| Stephens' Criminal Law.  | I   |
| Bain - Lectures & Wills.   | I   |
| Stephens' Essay by a Barrister.                                    | I   |
| I. Kent's Commentaries.  | I   |
| Eskekin's speech in case of<br>Drum & St. Asaph.                   | I   |
| I. Redfield on Wills.  | I   |
| Bain's Reply to Mills on Compt.                                    | I   |
| Wheaton's Lect. on Government.                                     | I   |
| Oct. 19. II. Kent's Commentaries.                                  | I   |
| Oct. 20. Civil War in America. (Gordon's note.)                    | I   |
| Nov. 4. Concert de 1813.   | I   |
| Bowen's Polit. Economy.  | I   |
| Gibbon's 4th Ch. on Civil Law.                                     | II. |
| Nov. 14. Mills's doyle.  | II. |
| Dec. 15. H. Kent (through Res. Prop.)                              | I   |
| Jan. 20. Part I. Substantive. Beattie's<br>Phaedra.                | I   |
| Tuesday, October 9.  |     |
| Part of Taylor's Essay for 1859 read.                              | I   |
| Callender's Crit. on Swift's<br>Ecc. Homo Dec. 23.                 | I   |
| Bain on Neutrality.  | I   |
| Haythornthwaite's Practice at Law<br>of 1859.                      | I   |
| Vol. I. Bowler's Johnson.  | I   |
| For Chapter, Articles.   | I   |
| Case D. C. read, see diary.  | I   |
| Looked up many parts of<br>Law.                                    | I   |

PLATE I





- [1865-66] [Timothy] Walker's [Introduction to] Amer[ican] Law. [Designed as a First Book for Students.]
- 1 [Simon] Greenleaf's [A Treatise on the Law of] Evidence.
- [Joseph] Story [Commentaries on the] Confl[ict] of Laws.
- [John] Adams' [Doctrine of] Equity [Commentary on the Law as Administered by the Court of Chancery.]
- [Joshua] W[illia]ms [Principles of the Law of] Real Prop-erty.
- [Theophilus] Parsons. [The Law of] Contracts. 3 v.
- [Sir James] Wigram. [An Examination of the Rules of Law Respecting the Admission of Extrinsic Evidence in Aid of the Interpretation of] Wills.
- Many of Marshalls Const<sup>l</sup> Opinions.
- [Gilbert Abbott & Beckett.] *Comic Blackstone.*
- [Theodore Dwight] Woolsey's [Introduction to the Study of] International Law. [Designed as an Aid in Teaching, and in Historical Studies.]
- [Sir Henry James Sumner] Maine's Ancient Law [subtitle: Its Connection with the Early History of Society, and Its Relation to Modern Ideas.]
- 1 [John] Austin's [The Province of] Jurisprudence [De-termined.]
- [Jean Louis] de Lolme. Eng. Const<sup>n</sup> [The Constitution of England; or, An Account of the English Government.]
- [John Stuart] Mill. [Considerations] on Rep[resentative] Gov[ernment].
- [Federalist.] Madison Papers. Most of 2 v.
- [Jeremy] Bentham's Def[ence] of Usury.
- [Henry John] Stephen. [A Treatise on the Principles of] Pleading [in Civil Actions.]
- Sir W[illia]m Jones. [An Essay on the Law of] Bailments.
- [John William] Smith's [A Selection of] Lead[ing] Cas[es] on Various Branches of the Law.] Am. Ed. 2 v.
- [Sir John Barnard] Bylcs. [A Treatise on the Law of] Bills [of Exchange, Promissory Notes, Bank-notes and Checks.]
- [Herbert] Broom's [A Selection of] Legal Maxims. [Classified and Illustrated.]
- [Owen Davis] Tudor's [A Selection of] L[eading] C[ases] on Mercantile and Maritime Law.] Parts of (214 pp.).
- Mass. Stat[utes.] Parts.
- [William Henry Leland] Smith. Laws of Probate Court. [i.e., The Practice in Proceedings in the Probate Courts.]

[1865-66]

[Theophilus] Parsons. [The Elements of] Mercantile Law. Blackstone. Vol. 3.

1 Greenleaf's Evidence (again).

Stephen on Pleading (again.)

vols. 1 & 2 Allen's Rep. [Reports of Cases Argued and Determined in the Supreme Judicial Court of Massachusetts. By Charles Allen. 2 v. Boston, 1861-62.]

[Henry] Roscoe's Crim. Ev. [A Digest of the Law of Evidence in Criminal Cases.] Part of.

Adams on Equity (again).

[John Campbell, Baron] Campbell. Life of L<sup>d</sup> Ch. Eldon [in The Lives of the Lord Chancellors.]

[John Campbell, Baron] Campbell. [The Lives of the] Chief Justices [of England. From the Norman Conquest till the Death of Lord Tenterden.] 3 v.

1 [Horace] Greeley's Hist. of Rebellion. [The American Conflict: A History of the Great Rebellion.]

[Heinrich] Ritter's Hist[ory of] Anc[ient] Philosophy. 4 v.

[George Henry] Lewes. Biogr[aphical] Hist. of Philosophy [from Its Origin in Greece Down to the Present Day.]

[George Henry] Lewes. Aristotle. [subtitle: A Chapter from the History of Science, Including Analyses of Aristotle's Scientific Writings.]

[Edward Livingston] Youmans, ed. Essays on Correlation of Forces [The Correlation and Conservation of Forces.]

[Edward Livingston] Youmans' [A Class-book of] Chemistry.

[James] Parson's [The Life and Times of Aaron] Burr.

Parson's [General] Butler [in New Orleans.]

[Frances Power Cobbe.] Broken Lights [subtitle: An Inquiry into the Present Condition & Future Prospects of Religious Faith.]

[Johann Wolfgang von Goethe.] Faust.

[Herbert] Spencer's First Principles [of a New System of Philosophy.]

1 Spencer's [The Principles of] Biology (& Ch. Wright's review [Chauncey Wright, 'The Philosophy of Herbert Spencer,' North American Review, 1865, v. 100, pp. 423-476. Eight books of Spencer's are reviewed.]

[William] Whewell's [History of the] Inductive Sciences. 3 v. & Herschel's Review of same. [see Quarterly Review, June and September 1841, v. 68, pp. 177-238.]

- [1865-66] [John Daniel] Morell's Hist. of Philosophy [i.e., An Historical and Critical View of the Speculative Philosophy of Europe in the Nineteenth Century.] 2 v.
- [John William] Draper's [History of the] Intellectual Dev[elopmen]t of Europe.
- [Henry] Wilson's [History of the] Antislavery Measures [of the Thirty-seventh and Thitty-eighth United-States Congresses, 1861-64.]
- Vols. 1 & 2 Army & N[avy] Journal.
- [Patrick Leonard] MacDougall's Mod[ern] Warfare [as Influenced by Modern Artillery.]
- [Sir William Howard] Russell's Todleben. [General Todleben's History of the Defence of Sebastopol. 1854-5. A Review.]
- [George Washington] Green's Lect. Am. Revol<sup>n</sup> [probably: Historical View of the American Revolution. Boston, 1865.]
- Sir W[illiam] Hamilton's Metaphysics.
- [John Stuart] Mill's Exam<sup>n</sup> of Sir W[illiam] H[amilton's] Philosophy.]
- Mill's Utilitarianism — & Compté [i.e., Auguste Comte and Positivism.]
- [Thomas] De Quincey's Caesars.
- [William Makepeace Thackeray.] Luck of Barry Lyndon. (No end of poetry summer of '65.)
- M[atthew] Arnold's Essays.
- [Richard Chenevix] Trench's [On the Lessons in] Proverbs. Sermon of [Jacques Bénigne] Bossuet.
- [Thomas] Wright. Hist. of Caricature &c [i.e., & Grotesque in Literature and] in Art.
- [David] Masson. Recent British Philos[ophy]: A Review, with Criticisms; Including Some Comments on Mr. Mill's Answer to Sir William Hamilton.]
- Shakespeare.
- 1 [Sir James] Stephen's [Essays in] Eccles[iastical] Biography.
- [Blaise] Pascal. Pensées [sur la religion et sur quelques autres sujets.]
- [John] Tyndall. On Radiation [The 'Rede' Lecture Delivered . . . May 16, 1865.] 48 pp.
- [James Hutchison] Stirling. Secret of Hegel [subtitle: Being the Hegelian System in Origin, Principle, Form, and Matter.] 1½ v. & Scherer's essay on Hegel &c. [Edmond



[1865-66]

Scherer, 'Hegel et l'Hégélianisme,' *Revue des deux mondes*,  
15 February 1861, v. 31, pp. 812-856.]

[Albert] Schwegler's *Hist. of Philos.*

[John] Ruskin. *Sesame & Lilies.*

[Frederick William] Farrar. [An Essay on the] Origin of  
Language [Based on Modern Researches, Especially on the  
Works of Renan.]

G[oldwin] Smith. *Irish Hist. & Irish Character.*

[Algernon Charles Swinburne.] *Atalanta in Calydon.*

[James Hutchison] Stirling's [Sir William] Hamilton [sub-  
title: Being the Philosophy of Perception. An Analysis.]

A[dam] S[torey] Farrar. [A Critical] *Hist. of Free Thought*  
[in Reference to the Christian Religion.]

[Charles] Phillips. *Life of Curran.* [Curran and His Contem-  
poraries.]

N[orth] A[merican] Review.

Vol. of stories by A[lfred] de Musset.  
novels.

#### List of Books read, beginning with my return from Europe

[Sir James Fitzjames] Stephen's [A General View of the]  
Criminal Law [of England.]

[Alexander] Bain. *Emotions & Will.*

[Sir James Fitzjames] Stephen's *Essays by a Barrister.*

I Kent's *Comm.*

[Thomas Erskine, Baron] Erskine's speech in case of Dean of  
St. Asaph. [Probably read in some edition of Erskine's  
speeches.]

I [Isaac Fletcher] Redfield. [The Law of] *Wills.*

[John Henry] Bridges. *Reply to Mill on Compt. [i.e., The  
Unity of Comte's Life and Doctrine. A Reply to Strictures  
on Comte's Later Writings, Addressed to J. S. Mill.]*

Oct. 12.

[Wilhelm, Freiherr von] Humboldt. [The Sphere and Duties  
of] *Government.*

Oct. 19.

II Kent's *Comm.*

Oct. 21.

Goldwin Smith. *Civil War in America.*

Nov. 4.

[Emile] Erckman [and Alexandre] Chatrian. [Histoire d'un]  
*Conscrit de 1813.*

[Francis] Bowen's [The Principles of] *Polit. Economy [Ap-  
plied to the Condition, the Resources, and the Institutions of  
the American People.]*

- [Edward] Gibbon's 44<sup>th</sup> Ch. on Civil Law. [in his History of the Decline and Fall of the Roman Empire.]
- Nov. 24. [John Stuart] Mill's [A System of] Logic. 2 v.
- Dec. 15. III Kent (Through Pers. Prop.)  
[Carl Güterbock] Part I Güterbock's Bracton [ and His Relation to the Roman Law.]  
[George MacDonald.] Phantastes.  
[Alfred Swain] Taylor's [Principles and Practice of] Med[ical] Jurisprudence. Parts of.  
[Henry] Roscoe's Crim. Evidence. Parts of.  
M[aurice] Sand. Callirhoé.
- Dec. 23. [Sir John Robert Seeley.] Ecce Homo [subtitle: A Survey of the Life and Work of Jesus Christ.]  
[George] Bemis. [American] Neutrality. [subtitle: Its Honorable Past, Its Expedient Future.]  
[Samuel] Howe's Practice [in Civil Actions and Proceedings at Law, in Massachusetts.] Half through at end of year.  
Boswell's Johnson. Vol. 1.

For chapters, articles, cases &c. read, see diary. Looked up many points of law.

### Books Read

1867

- Jan. 4. 10 Articles of Contracts (Metcalf in Am. Jur.) [articles by Theron Metcalf, in American Jurist, 1838-41; printed in book form, 1867.]
- Jan. 7. [Peleg Whitman Chandler. Observations on the] Authenticity of [the] Gospels.
- Jan. 13. [Sir William Harcourt. Letters by] Historicus on [Some Questions of] International Law.
14. 3d book of [John] Locke. (Human und[erstanding]).
15. [Henry] Mansel. Philos. of [the] Conditioned.
19. [William Bourn Oliver Peabody.] Life of Cotton Mather. (Sparks. Am. Biogr.) [Jared Sparks, ed., Library of American Biography.]
22. [William] Gladstone on Reform Bill of 1866. [Speeches on Parliamentary Reform in 1866. London, 1866.]
22. Cases on Insurance 2 Amer. L.C. 310 pp. [John Innes Clark Hare. American Leading Cases. Philadelphia, 1857.]
26. [James] McCosh. [An Examination of Mr. J. S.] Mill's Philosophy. Also H[erbert] Spencer's Hamilton v. Mill &c. [i.e.,

- 'The Test of Truth,' *Fortnightly Review*, 15 May-1 August, 1865, v. 1, pp. 531-550.]
27. George Sand. *La Mare au Diable*.
29. G[eorge] M[a]cDonald. *The Portent*. [subtitle: A Story of the Inner Vision of the Highlanders.]
- Feb. 10. [George Douglas Campbell, 8th] Duke of Argylo. *The Reign of Law*.
- Feb. 23. Parts of *Gen. Stat<sup>s</sup> of Mass.*
- Mar. 6. Vol. 10 *Allen's Rep.* [Reports of Cases Argued and Determined in the Supreme Judicial Court of Massachusetts. By Charles Allen. Boston, 1866.]
9. [Elizabeth Gaskell.] *Cranford*.
23. [Thomas Babington] Macaulay's *Hist[ory of] Eng[land]* Vol. 5.
24. [Joseph] Story on Equity. Redf. ed. Vol. 1. [Commentaries on Equity Jurisprudence . . . Revised by Isaac F. Redfield.]
- Apr. 2. [James] Bryce's *Holy Roman Empire*.
15. C[harles] Reade. [The] *Cloister & [the] Hearth*.
18. [Joseph] Story on Equity. Vol. 2.
22. [Walter] Bagehot. *Engl. Const<sup>n</sup>*.
23. *Vis Viva* [On Holmes's interest in 'vis viva' see Philip P. Wiener, *Evolution and the Founders of Pragmatism* (1949), pp. 173-174.]
28. [Robert] Lowe's *Speeches [and Letters] on Reform*.
- April 30. [Sir Thomas Erskine] *May's Const. Hist. England [since the Accession of George Third, 1760-1860.]* Vol. 1.
- [John] Adams on Equity (3<sup>d</sup> time) [Doctrin<sup>e</sup> of Equity; Commentary on the Law as Administered by the Court of Chancery.]
- May 4. *Essays on Reform*. [London, 1867. Essays by A. V. Dicey, L. Stephen, J. Bryce, and others.]
5. [Ralph Waldo] Emerson. *May Day*.
8. [Alexandre] Dumas fils. *Les Idées de M<sup>me</sup> Aubray*.
- June 4. [Henry] Fawcett. [Manual of] *Political Economy*.
9. [Honoré de Balzac. Le] *Père Goriot*.
23. [Théophile Gautier.] *M<sup>lle</sup> de Maupin*.
25. [John Stuart] Mill's [Principles of] *Political Economy*.
- July 1. [John Stuart] Mill's *Essay* (Vol. III Eng. ed.) [Dissertations and Discussions; Political, Philosophical, and Historical.]
- E[rnest Aimé] Feydeau. *Fanny*.
7. H[enri] Murger. [Scènes de la] *Vie Bohème*.
- H[enri] Murger. [Scènes de la] *Vie de Jeunesse*.

- [Mrs. Adelaide (Kemble) Sartoris. A] Week in [a] French Country House.
- [Alfred de Musset.] [La] Confession d'un Enfant du Siècle.
18. [John Campbell, Baron] Campbell. Life of Erskine. [In his Lives of the Lord Chancellors.]
- 17-20. Plays by Johnson, Beaumont & Fletcher.  
[Henri Murger.] *Buvvurs d'Eau.*
- Aug. 29. [Sir Thomas Erskine.] *May's Const. Hist. England. Vol. 2.*
30. [Henry] Maudsley. *Physiol. etc. [i.e., and Pathology] of [the] Mind.*
- M[atthew] Arnold. [On the Study of] *Celtic Literature.*
- Sept. 12. 11 Allen, R. [Reports of Cases Argued and Determined in the Supreme Judicial Court of Massachusetts. By Charles Allen. Boston, 1867.]
23. [George] Grote's *Plato. 3 v.*
27. [Emile Edmond] Saisset. *Descartes &c. [Les précurseurs et disciples de Descartes.]*
29. [Benedict de] Spinoza. *Ethica. Part I.*
- Oct. 6. Walker's Hamilton's *Reid.* [Thomas Reid. *Essays on the Intellectual Powers of Man . . . With Notes and Illustrations from Sir William Hamilton and Others. Ed. by James Walker.*]
15. Ge[orge] Sand. *Valvèdre.*
- Nov. 5. [Henry Longueville] Mansel. *Prolegomena Logica* [subtitle: *An Inquiry into the Psychological Character of Logical Processes.*]
11. [Oliver Wendell Holmes, 1809-1894.] *Guardian Angel.*
13. [Immanuel] Kant. *Crit. of Pure Reason.*
14. [Johann Schultz.] *Eclaircissements sur la Critique.*
28. [Charles Loring] Brace. *Races of [the] Old World.* [subtitle: *A Manual of Ethnology.*] Part of.
- Dec. 1. [Theodore] Sedgwick. [A Treatise on the Measure of] *Damages* [or, *An Inquiry into the Principles Which Govern the Amount of Pecuniary Compensation Awarded by Courts of Justice.*]
4. *Essay on Talmud.* [Possibly an article in the *Quarterly Review*, July and October 1867, v. 123, pp. 417-464. The diary states, 4 December 1867: 'Read article in last Quarterly on Talmud.']
6. 326 pp. 4 Wallace U.S.R. ½ [Cases Argued and Adjudged in the Supreme Court of the United States, December Term, 1866. Reported by John William Wallace.]



9. 12 Allen Rep. [Reports of Cases Argued and Determined in the Supreme Judicial Court of Massachusetts. By Charles Allen. Boston, 1868.]
12. G[oldwin] Smith. Three Eng. Statesmen. [subjects: Pym, Cromwell, Pitt.]
22. [John] Tyndall. Heat [Considered] as [a] Mode of Motion.

Went over Metc[alf] Contr[acts], most of Kent, part of Stephen Pl[eaing] and [part] of Blackstone with Ned.

## 1868

- Dec. 13/67.
- Jan. 21. 1 [George] Spence. Eq. Jur. &c. [The Equitable Jurisdiction of the Court of Chancery.]  
[Sir James] Wigram. [Points in the Law of] Discovery.
- Feb. 20. Finished 1st Quarter Digest. 13 vols. [see Holmes, 'Selected Digest of State Reports,' American Law Review, 1867-68, v. 2, pp. 498-529. Thirteen volumes of state reports were read by Holmes for the digest.] Impeachment ['Summary of Events,' American Law Review, 1867-68, v. 2, pp. 547-588. Holmes did the section entitled 'Impeachment,' pp. 547-566, concerning the impeachment proceedings against President Andrew Johnson. This article and the preceding digest are anonymous, but the Law School Library possesses the copy which belonged to one of the editors of the periodical, John Chipman Gray, Jr, who noted the author at the end of each article.]
27. [James] Gould's [A Treatise on the Principles of] Pleading [in Civil Actions.]  
[Joseph] Parkes. Hist. of Chancery.
- Mar. 20. [Henry John] Stephen. [A Treatise on the Principles of] Pleading [in Civil Actions.]
22. Dartmouth Coll. Case (Farrar's rep.) [Report of the Case of the Trustees of Dartmouth College against William H. Woodward . . . By Timothy Farrar.]
- 1 [Joseph] Chitty. [A Treatise on] Pleading [and Parties to Actions.] cc. 1.2.
- Apr. 1. 1 [George] Spence. Eq[uitable] Jur[isdiction of the Court of Chancery.] Pt 1 pp. 518 (2<sup>d</sup> time).  
[Sir Geoffrey] Gilbert. [The Law of] Uses & Trusts.
6. G[eorge] Sand. [Mademoiselle de] la Quintinie.  
13 Allen R. [Reports of Cases Argued and Determined in the

- Supreme Judicial Court of Massachusetts. By Charles Allen. Boston, 1868.]
- May 4. [John] Austin. Province of Jurisprudence [Determined.]  
[Uriel Haskell] Crocker. Notes on Common Forms [subtitle:  
A Book of Massachusetts Law.]
15. Finished 2<sup>d</sup> Qu. Digest 11 vols. [see Holmes, 'Selected Digest  
of State Reports,' American Law Review, 1867-68, v. 2,  
pp. 689-722.]  
Impeachment. [see 20 February 1868.]  
½ Inst. of Justinian by Sandars. [The Institutes of Justinian.  
Ed. by Thomas C. Sandars.]  
G[eorge] Sand. Le Dernier Amour.  
[Charlotte Eliza Lawson (Cowan) Riddell.] George Geith  
[of Fen Court. A novel.]
- June 26. [Edmund Henry Turner] Snell. [The] Princ[iples] of Equity.
- July 11. G[eorge] Sand. Teverino. Leone Leoni.  
[Henri] Murger. Pays Latin.
- Aug. 1. Finished October digest (English) 9 nos [see Holmes, 'Digest  
of English Law Reports for May, June, and July, 1868,'  
American Law Review, 1868-69, v. 3, pp. 87-115.]  
228 pp. Redfield. Railways. (corporations) [Isaac F. Redfield.  
On the Law of Railways.]
12. Finished Oct. Digest (Amer.) 9 vols. [see Holmes, 'Selected  
Digest of State Reports,' American Law Review, 1868-69,  
v. 3, pp. 116-139.]
- Aug. Had a week's shooting in Illinois.  
[Wilkie Collins.] Moonstone.  
[Henri Murger. Scènes de la] Vie Bohème. 2<sup>d</sup> time.  
Some of Taine's Essays.
- Sep. 3. Life of R. Choate. [Possibly Samuel Gilman Brown's The  
Life of Rufus Choate.]  
Finished going over Washb[urn] Real Prop[erty] with  
Noonan. (Parts of Parsons on Contracts previously).
18. [Asahel] Stearns. [A Summary of the Law and Practice of]  
Real Actions.
19. 3 Bl[ackstone's] Comm[entaries] Ch. X & Appx. same subject.  
William v. Gwynn 2 Saund[ers] same subject &c. [Reports  
of . . . Edmund Saunders . . . of Several Pleadings and  
Cases in the Court of King's Bench in the Time of . . .  
Charles the Second.]
- Oct. 1. 1 Parsons Mar. Law (Shipping) and some cases. [Theophilus  
Parsons. A Treatise on Maritime Law; Including the Law of  
Shipping; the Law of Marine Insurance; and the Law and  
Practice of Admiralty.]

- Gratitude & notes. Tudor's Lead. Merc. Cases. [Owen Davis Tudor. A Selection of Leading Cases on Mercantile and Maritime Law. London, 1868. 'The Gratitude,' pp. 30-82.]
8. J[ohn] G[eorge] Phillimore. Introduction to [the Study and History of the] Roman Law.
10. [Sir Francis] Palgrave. [An Essay upon the Original Authority of] the King's Council.
11. [Sir Henry James Sumner] Maine. Ancient Law. (2<sup>d</sup> time). [subtitle: Its Connection with the Early History of Society, and Its Relation to Modern Ideas.]
18. Begun to read *Revue des deux mondes* on Sundays.  
Article on Chanc. Jur<sup>a</sup> to relieve after Judgment at Law. 1 Collect. Jurid. ['A Vindication of the Judgment Given by King James in the Case of the Jurisdiction of the Court of Chancery' in Francis Hargrave, *Collectanea Juridica*, 1791, v. 1, pp. 23-78.]
- Nov. 9 Allen (with many cases cited) [Reports of Cases Argued and Determined in the Supreme Judicial Court of Massachusetts. By Charles Allen. Boston, 1866.]
12. Finished going over Adams on Equity with Noonan, very carefully.  
Finished January Digest (American) 14 vols. [see Holmes, 'Selected Digest of State Reports,' *American Law Review*, 1868-69, v. 3, pp. 301-341.]
28. Digested 6 Wallace R. [Cases Argued and Adjudged in the Supreme Court of the United States, December Term, 1867. Reported by John William Wallace.]
29. [Sir James] Wigram. [Points in the Law of] Discovery. (2<sup>d</sup> time.)
- Dec. 17. [Hugh Davey] Evans. [An Essay] on Pleading [with a View to an Improved System.]  
Crogates case & notes; Robinson v. Raby & notes; in 1 Sm. L.C. and other cases in connection with. [John William Smith. A Selection of Leading Cases, on Various Branches of the Law.]
- Dec. 28. [James] Gould's [A Treatise on the Principles of] Pleading [in Civil Actions] (with Noonan).
- Dec. 18. [Joseph] Story. Eq. Pl. (through Dem<sup>a</sup> to Disc<sup>l</sup> [Demurrers to Disclaimers]).  
Gen. St[atutes Mass.] C. 129 §§ 1-28 & all cases on same. [Concerns pleadings and practice.]

1869

- Jan. 13. [Theodor] Waitz. *Anthropology*. (Vol. 1 only one translated).
18. [Robert] Browning. *The Ring & the Book*. vol. 1.
19. 97 Mass. R. (exc. a few cases).
- Feb. 15. Finished April Am. Digest. 16 vols. [see Holmes, 'Selected Digest of State Reports,' *American Law Review*, 1868-69, v. 3, pp. 468-488.]
- [Hippolyte] Taine. *Hist. Litt. Anglaise*. vol. 1.
- Feb. 21. Begun Jan. 22. 1 [Thomas] Jarman. *On Wills*.
- Mar. 13. Begun Feb. 22. 2 Jarman. *On Wills*.
- Feb. 21. Henry Cowper. *Varium*. [Possibly Holmes meant that he read various of Cowper's King's Bench reports, 1774-78.]
- 28? [Colin] Blackburn. *On Sales*. Carefully with Noonan.
- Mar. 29. Parts of Kent with Noonan.
- [Nathaniel] Lindley. [A Treatise on the Law of] Partnership [Including Its Application to Joint-Stock and Other Companies.] (Except as to Companies) 2 v.
- Apr. All cases in L.R. 1 Ch. not turning on Statute Law. [The Law Reports. Chancery Appeal Cases. 1865-66.]
- [Anthony] Trollope. *Phineas Finn*.
- Paul Féval. *Le Bossu* [drame.]
- May 18. Finished July Digest. 12 vols. [see Holmes, 'Selected Digest of State Reports,' *American Law Review*, 1868-69, v. 3, pp. 724-745.]
- 1 Finl. Reeves. *Hist. Eng. Law*. Finished this vol. Sept. 4. [John Reeves. *History of the English Law*. Ed. by W. F. Finlason.]
- [Eugenie John.] *Gold Elsie*. [From the German of E. Marlitt, pseud.]
- [Uriel Haskell] Crocker. [Notes] on [Common] Forms. (With Noonan. Many cases read.)
- Th[éophile] Gautier. *Capitaine Fracasse*.
- [Gustave Flaubert.] *Madame Bovary*.
- Aug. 16. Finished English Dig. (8 nos) October. [see Holmes, 'Digest of the English Law Reports for May, June, and July, 1869,' *American Law Review*, 1869-70, v. 4, pp. 91-118.]
25. Finished Am. Dig. 14 vols. [see Holmes, 'Selected Digest of State Reports,' *American Law Review*, 1869-70, v. 4, pp. 119-145.]
- Parts of Glanville etc. [Ranulf de Glanville. *De legibus et consuetudinibus regni Angliae*.]



- Sept. 4. 2 [Sir Francis] Palgrave. [The Rise and Progress of the English] Commonwealth. [Anglo-Saxon Period.] 200 pp.  
[Josiah William] Smith. Manual [of] Com[mon] Law with Noonan.
- Sept. 20. [John Ferguson] McLennan. Primitive Marriage. [subtitle: An Inquiry into the Origin of the Form of Capture in Marriage Ceremonies.]
24. Beames. Tr. of Glanville. [Ranulf de Glanville. De legibus et consuetudinibus regni Angliae. Tr., with notes, by John Beames.]
- Oct. 7. Sandars Introd. to Inst. Just. [The Institutes of Justinian. Ed. by Thomas C. Sandars.]  
Gaii. Inst. (hastily). [Gaius. Institutionum iuris civilis commentarii.]  
[John William] Smith. On Contracts (with Putnam).  
Britton. vol. 1 & 25 p. (Nichols) [Britton. Ed. & tr. by Francis Nichols.]
- Nov. January Digest (English). [see Holmes, 'Digest of the English Law Reports for August, September, and October, 1869,' American Law Review, 1869-70, v. 4, pp. 286-302.]
- Nov. 18. [Samuel] Warren. £10,000 a year. [Ten Thousand a Year.]  
Begun editing Kent's Comm. Did the ch. on Easements Vol. 3 & then begun vol. 1 —.  
Half of Smith's Man. of Equity — very carefully [Josiah William Smith. Manual of Equity Jurisprudence] and [Joshua] Williams. [Principles of the Law of] Real Property. (Noonan and Putnam).  
[Henry John] Stephen. [A Treatise on the Principles of] Pleading [in Civil Actions] (with N. & P.).

## 1870

- Begun teaching Juniors Const<sup>l</sup> law.
- April Digest (English) [see Holmes, 'Digest of the English Law Reports for November and December 1869 and January 1870,' American Law Review, 1869-70, v. 4, pp. 459-487.]
- Work on Kent most of time.
- Lord Westbury on law reform 171 Hansard 776. ['Revision of the Statute Law,' Hansard's Parliamentary Debates, 29 May-30 June 1863, v. 171, pp. 775-791.]
- [Sir Thomas Erskine] Holland. [Essays upon] the Form of the Law.
- [Edouard René Lefebvre de] Laboulaye. [Les] Etats-Unis [et la France.] Vol. 3 (half).

- Red as a Rose was She [possibly: Rhoda Broughton. Red as a Rose Is She.]
- [Thomas] Carlyle. French Rev[olutio]n. Vol. 1, part.
- Sir A[lexander James Edmund] Cockburn. Nationality [or, The Law Relating to Subjects and Aliens, Considered with a View to Future Legislation.]
- Apr. 5. [Sir Thomas Duffus] Hardy. Intro<sup>n</sup> to Close Rolls. [A Description of the Close Rolls in the Tower of London; with an Account of the Early Courts of Law and Equity. Running-title: General Introduction.]
- Article by Starkie on Jury (Law Review No. 4) [Thomas Starkie. 'On Trial by Jury,' Law Review, and Quarterly Journal of British and Foreign Jurisprudence, May-August 1845, v. 2, pp. 370-404.]
- Finished notes to Vol. 1 Kent.
- July Digest (English) (End of my dig.) [see Holmes, 'Digest of the English Law Reports for February, March, and April 1870,' American Law Review, 1869-70, v. 4, pp. 700-723.]
- Finished Vol. 1 Austin Jurisp. 3<sup>d</sup> ed. See May 4, 1868.
- June 3. 2 Austin Jurisp.
- I take editorship of Am. Law Rev. with A. G. Sedgwick — to begin with October no.
- [William] Forsyth. [On] Trial by Jury. pp. 150.
- June 20. Cathcart's Savigny [Friedrich Karl von Savigny. The History of the Roman Law during the Middle Ages. Tr. by E. Cathcart.] vol. 1.
- [Benjamin] Disraeli [1st Earl of Beaconsfield.] Lothair.
- [Charles Reade.] Put Yourself in his Place.
- Güterbock's Rel<sup>n</sup> of Bracton to Civil law. [Karl Edward Güterbock. Bracton and His Relation to the Roman Law.]
- Lindley's Intro<sup>n</sup> to Jurisp. [Anton Friedrich Justus Thibault. An Introduction to the Study of Jurisprudence. Ed. by Nathaniel Lindley.]
- 1 J[ames] H[utchison] Stirling. As regards protoplasm [in Relation to Professor Huxley's Essay on the Physical Basis of Life.]
- Aug. 27. [Karl Friedrich von] Savigny on the Jus Possessionis. [Von Savigny's Treatise on Possession; or the Jus Possessionis of the Civil Law.]
- Wrote article in Law Rev. Oct./70. Codes [see Holmes, 'Codes, and the Arrangement of the Law,' American Law Review, 1870-71, v. 5, pp. 1-13.]
- [Sir Edward] Coke. [The First Part of the Institutes of the Laws of England; or, a Commentary upon] Littleton. Books 1 & 2 [Francis] Harg[rave's] notes.

- Article (Ultra Vires) for Jan/71 Law Rev. [see Holmes, 'Ultra Vires. How Far Are Corporations Liable for Acts Not Authorized by Their Charters?' American Law Review, 1870-71, v. 5, pp. 272-290.]
- Went over with Adams, [John William] Smith. [The Law of] Contr[acts] & [Joshua] Williams. [Principles of the Law of] Real Property.
- Half through [Henry John] Stephen. [A Treatise on the Principles of] Pleading [in Civil Actions.]
- Ch. 1 pp. 163 [Christopher Columbus] Langdell's Cases [on the Law of] Contracts.
- Co. Litt. *cum notis* to 215 b. [Sir Edward Coke. The First Part of the Institutes of the Laws of England; or, A Commentary upon Littleton.]
- Notes to Kent through Lect 34 Vol. 2 (See 1869 Nov. 18.)

The above with the reading required by my regular business is what I did in 1870.

## 1871

- Jan. 17. Stopped S. [smoking?] by advice of Dr H. [? Reading uncertain; possibly Dr Holmes is meant.]  
[Henry John] Stephen. [A Treatise on the Principles of] Pleading [in Civil Actions] with Adams.  
[Frederick James] Tomkins & [Henry D.] Jencken. [A Compendium of the] Mod[ern] Rom[an] Law. to § XIX.
- Feb. 4. Gaius by Abdy. [Gaius. The Commentaries of Gaius and Rules of Ulpian. Tr. and ed. by J. T. Abdy] & Maine's Cambridge Essay '56. [Sir Henry James Sumner Maine, 'Roman Law and Legal Education,' Cambridge Essays . . . 1856. London, 1857.]  
200 or 250 pp. [Christopher Columbus] Langdell's Cases on Contracts with Adams — finished with him Feb. 11 —
- Mar. 15. read, myself, all of part 1. (460 pp.) of Langdell.
- Mar. 3. [Robert] Campbell. [The Law of] Negligence.
14. The Federalist.  
Tourgucnieff. [Unc] Nichée de Gentilshommes [subtitle: moeurs de la vie de province en Russie.]  
[Gustave] Droz. Autour d'une Source.  
2 [Charles] Demangeat. Cours Elém[entaire de] Droit Rom[ain] fr. p. 143 to [unfinished entry.]  
Boswell's Johnson. Croker ½ [James Boswell. The Life of Samuel Johnson. Ed. by John W. Croker.]

- [John Norton] Pomeroy. *Intr<sup>n</sup> to Municipal Law*. pt. 1.  
 Tourguenieff. *Fumée & other stories*.  
 [Edward Jenkins.] *Ginx's Baby* [A Satire.]  
 James Mill. *Essays on* [Government] *Jurisp[rudence, Liberty of the Press] & Law of Nations*.  
 [Algernon Bertram Freeman-Mitford, Baron Redesdale.] *Tales of Old Japan*.
- May 31. 1 [John] Austin. [The Province of] *Jurisprudence* [Determined.]
- June. last recitation of Juniors in constitutional law.  
 2 Austin. *Jurisp[rudence]* (finished Dec. 5) 2d time.
- July 4. 2 [Shadworth Hollway] Hodgson. *Theory of Practise* [An Ethical Enquiry.] § 90.
- July 24. [James] Reddie's [Inquiries in the] *Science of Law*.
- July 27. [Heinrich] Ahrens. [Cours de] *Droit Naturel*. Vol. 1.
- Aug. 2. [Niels Nikolaus] Falck. *Cours d'introduction générale &c.* [i.e., à l'étude du droit,] ou *Encyclopédie Juridique*. tr. [by C.-A.] Pellat.
- Sept. [Erwin] Nasse. [On the] *Agricultur<sup>l</sup> Community of* [the] *Middle Ages* [and Inclosures of the Sixteenth Century in England.]
- Oct. 15. [Jeremy] Bentham's *Theory of Legislation*.  
 Wrote article on Misunderstandings of the civil law for Oct. *Law Rev.* [American Law Review, 1871-72, v. 6, pp. 37-49.]  
 (A good deal of [James] Ram's [The Science of] *Legal Judgment*.)
- Oct. 15 or 16. finished 3<sup>d</sup> lecture written of [for?] my course on *Jurisprudence*.
- Oct. 30. finished 4th lecture.
- Nov. 1. [Joseph Louis Elzear] Ortolan. *Cours de Lég[islation] Pénale com[parée.]* *Introd. Phil[osophique]* Oct. 26. *Introd. Histor[ique]* Nov 1.
- Nov. 15. 5<sup>th</sup> Lecture.
19. [Jeremy] Bentham's [A General] *View of* [a] *Complete Code* [of Laws.] *Works*. vol. 3. 55 pp.
- Dec. 5. [William Austin] Montriou. [Institutes of] *Jurisprudence*.  
 G[eorge] P[ayne] R[ainsford] James. *Philip Augustus*.  
 6th lecture.
- Dec. 24. 7th lecture.  
 Finished vol. 2 of Kent except chapters on Patents & Agency on wh[ich] I have worked. Have done also Shipping in vol. 3.  
 Read parts of Montesquieu *Esp. d. L.* [De l'esprit des lois.]



- [John] Lubbock, [Baron Avebury. Origin of Civilization and] Primitive [Condition of] Man. [William] Stubbs's Documents of English History. [Probably his Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First, which appeared in 1870.]
- Dec. 31. [Joseph Louis Elzear] Ortolan. Hist. & Generalization of Rom. Law — transl. Prichard & Nasmyth. [The History of Roman Law from the Text of Ortolan's *Histoire de la législation romaine et généralisation du droit*. Tr. by Prichard and Nasmyth.]
- [Sir Henry James Sumner] Maine. Village Communities. and Mill's review in *Fortnightly*. ['Mr. Maine on Village Communities,' *Fortnightly Review*, 1 January—1 June 1871, v. 9 (n.s.), pp. 543-556.]
- Bret Harte's Condensed Novels.
- [John Ferguson] McLennan's art. on *Law Encyc. Britt.* [1857 ed.]

## 1872

- Dec. [Jan.?] 7. [Thomas Babington] Macaulay's Notes to Indian Penal Code. [A Copy of the Penal Code Prepared by the Indian Commissioners. Hertford, 1851. Macaulay's notes: pp. 118-198.]
- Feb. [Edmund] Burke's Thoughts on Recent Discontents [i.e., Thoughts on the Cause of the Present Discontents.]
- Feb. 12. Finished notes to Vol. 2 Kent.  
Article on Grain Elevators for *Law Review*. [see Holmes, 'Grain Elevators: On the Title to Grain in Public Warehouses,' *American Law Review*, 1871-72, v. 6, pp. 450-471.]
- Feb. 20. [Sir William] Markby's Elements of Law [Considered with Reference to Principles of General Jurisprudence.]  
[James Murdock] Walker's Theory of Common Law.  
[Edwin Charles] Clark. Early Roman Law.
- May 6. Finished delivering my lect<sup>s</sup> on Jurisp. (12 in all).  
[John] Reddie's [Historical] Notices of Roman Law [and of the Recent Progress of Its Study in Germany.]
- June 1. [Victor] Cherbuliez. *Revanche de Joseph Noirel*.
17. *Married* [Fanny Bowditch Dixwell.] *sole editor of Law Rev.* July no. *et seq.*
14. [Johann Gottlieb] Heineccius. *Recitationes* [in *elementa juris civilis*.]
27. [Rhoda Broughton.] *Goodbye Sweetheart*.

- July 3. [Immanuel] Kant's [Eléments métaphysiques de la] Doctrine du Droit. Tr. [by Jules] Barni.  
2<sup>d</sup> Article on Arrangement of Law (privity) [see Holmes, American Law Review, 1872-73, v. 7, pp. 46-65.]
- Aug. [William] Pleyte. Relig[ion] des Pré-Israélites [subtitle: Recherches sur le dieu Seth.] Revue de D[eux] Mondes on same subject — Much periodical reading not noticed. Esp. [Edward Livingston] Youmans' Scientific Monthly [The Popular Science Monthly.]
- Aug. Begun to go to press with Kent.  
[Edward Augustus] Freeman on British Const. [The Growth of the English Constitution from the Earliest Times.]
- Sept. 11. [Jeremy] Bentham's Fragment on Government.
- Sept. 5 [?]. Modern Scepticism (Lect<sup>s</sup> on the Evidences) [Modern Scepticism; A Course of Lectures Delivered at the Request of the Christian Evidence Society.]
10. Tacitus. Germany (tr.).
17. [Numa Denis] Fustel de Coulanges. La Cité Antique [Etude sur le culte, le droit, les institutions de la Grèce et de Rome.]  
[James] Boswell's Johnson. vol. 6.
- Oct. 28. Fin<sup>d</sup> notes to vol. 3 Kent.
- Nov. 1. [Sir John Pentland] Mahaffy. Prolegomena to Anc[ient] History.  
Most of 3 Art<sup>s</sup> on Village Communities by E[mile] de Laveleye in Rev. des deux Mondes July-Sept. 1872. ['Les formes primitives de la propriété: I. Les communautés de village. II. La marque Germanique et l'origine de l'inégalité. III. Les communautés de familles et le bail héréditaire.']

Have written notes to more than half vol. 4 of Kent & have [received?] printed vol. 1 & through bottom page 382 of Vol. 3 on Dec. 31. The notes to vol. 1 cost me much time in revising.

1873

- [John Mitchell] Kemble's Intr. to Cod. Dip. [Codex diplomaticus aevi saxonici. London, 1839. Introduction: v. 1, pp. i-cxvii.] [John] Allen's [Inquiry into the Rise and Growth of the] Royal Prerogative [in England] & other papers relative to my note on Village Communities.
- Feb. 6. Finished reading proof of vol. 3. Kent. (read evenings).
- Feb. 7. Finished notes to vol. IV. of Kent subject to revision & Parkman's work. [Henry Parkman, a student, helped Holmes on the routine research.]

- [Walter] Bagehot. *Physics & Politics* [or, Thoughts on the Application of the Principles of 'Natural Selection' and 'Inheritance' to Political Society.]
- March 1. 9½ P.M. finished 2<sup>d</sup> vol. of *Kent*. revision — &c.
- March 3. Went in with Shattuck & Munroe as partner.  
Fanny [Mrs Holmes] read proof alone — from or before date.
- March 22. [Frederic] Bastiat. *Sophisms of* [the] Protectionists.
- Apr<sup>l</sup> 6. [Raymond Théodore] Troplong. [De l']Influence du Christ<sup>m</sup>e sur le droit civil &c. [i.e., des romains.]
- May 25. Finished essay on Theory of Torts for my last number of *Law Review* — July — [*American Law Review*, 1872-73, v. 7, pp. 652-663.]
- May 20. Fin<sup>d</sup> giving my lectures (12) on Jurisp. at Cambridge.
- May. Parts of Morley's & Pater's essays.
- June 1. [John] Adams. [Doctrine of] Eq[ui]ty; Commentary on the Law as Administered by the Court of Chancery]. Book IV. Langdell's *Cases on Contr.* [This item has been crossed out.]  
[Sir James] Fitzj[ames] Stephen's *Int<sup>n</sup> to Indian Evidence Act.*  
*Parts of* ([William Rathbone] Greg's *Enigmas of Life* — [Nestor Roqueplan.] *Parisine* — [Lucien Anatole Prevost, called] P[revost-]Paradol's *Essays* [*Essais de politique et de littérature.*] — A[lfred] de Musset. *Contes &c.*).
- July 13. Montesquieu. *Esp. des Lois* (see 1871 *end*).  
J[ames] H[utchison] Stirling. [Lectures on the] *Philos. of Law* — (see 74).
- July 15. [Octave Feuillet.] *M. de Camors.*
- Aug. 10. [Sir] J[ames] F[it]zjames] Stephen. *Liberty Equality Fraternity.*
- Aug. 13. [Louis Firmin Julien] Laferrière. *Hist. du droit [civil de Rome et du droit] Français.* vol. 1.  
[Thomas Hardy.] *A Pair of Blue Eyes.*  
[William] Morris. *Love is Enough.*  
E[dmund François Valentin] *About. Mariages de Paris.*
- Aug. 31. [Louis Firmin Julien] Laferrière. *Hist. du dr[oit civil de Rome et du droit] franç.* vol. 2.  
[Robert] Browning's *Dramatis Personae.*  
[Walter] Bagehot. *Lombard Street* [subtitle: *A Description of the Money Market.*]  
3 [Louis Firmin Julien] Laferrière. *Hist. [du droit civil de Rome et du droit français.]*
- Nov. 1. 4 Laferrière.
- Nov. 13. read last proof of table of cases *Kent*.
14. Sent last copy — add<sup>d</sup> cases.

17. Sent 3 last add. cases — *Finis*.  
 23. Finished [Christopher Columbus] Langdell [A Selection of Cases on the Law of] Contracts. [pt. ?] i.  
 Dec. 8. Finished Vol. 5 Laferrière.  
 Dec. 13. *Kent published* — see Nov/69.  
 21. Finished vol. 6 Leferrière.  
 23. Vie de Vico (in works by Michelet) [Giovanni Battista Vico. Oeuvres choisies de Vico. By M. Michelet. Paris, 1835. v. 1: Discours sur le système et la vie de Vico.]  
 28. H[erbert] Spencer's Study of Sociology.  
 31. [John Stuart] Mill's Autobiography.

1874

- Jan. 10. [Rudolph] Sohm. Procédure de la Lex Salica. see 1875.  
 11. [Heinrich] Heine. Scintillations [from the Prose Works of Heinrich Heine.]  
 19. Dasent's Burnt Njal, vol. 1. [Njala. The Story of Burnt Njal; or, Life in Iceland at the End of the Tenth Century. By George Webbe Dasent.]  
 25. [Sir Edward Burnett] Tylor's Primitive Culture. vol. 1.  
 25. Vol. 2 Burnt Njal.  
 29. Reynard the Fox.  
 Feb. 14. [William Dean Howells.] A Chance Acquaintance.

Noted Kent with 108 Mass. 52 N.H.L.R. 8 Q.B. 8 C.P. 8 Ex. 8 Ch. 4 P.C. [108 Massachusetts Reports, 52 New Hampshire Reports; Law Reports: 8 Queen's Bench, 8 Common Pleas, 8 Exchequer, 8 Chancery Appeals, 4 Privy Council.]

- Mar. 8. [Luke Owen] Pike's Hist. of Crime [in England] vol. 1.  
 12. Boswell's Johnson. vol. 7.  
 14. [Monumenta juridica.] Black Book of [the] Admiralty. [Ed. by Sir Travers Twiss.] Int[roduction] to vol. 2.  
 31. [Edward Bulwer-Lytton, Baron] Lytton. Parisians.  
 April 2. C[harles] Reade. Love me Little Love me Long.  
 21. [Sir Edward Burnett] Tylor's Prim[itive] Culture. vol. 2.  
 [William Black. The] Strange Adventures of a Phaeton.  
 Circe. [author is not noted — possibly Octave Feuillet.]  
 [Wilkie Collins.] Poor Miss Finch — [William Makepeace Thackeray.] Lovel the Widower.  
 [Rhoda Broughton.] Nancy [A Novel].



- May 3. [Thomas Carlyle.] Sartor Resartus.  
[Numa Denis Fustel de] Coulanges. Ancient City (Am. Trans.)  
204 p. [subtitle: A Study on the Religion, Laws, and Insti-  
tutions of Greece and Rome.]
20. [Joel Emmanuel] Goudsmit. Pandects [A Treatise on the  
Roman Law, and upon Its Connection with Modern Legis-  
lation].  
[Henry Lytton Bulwer, Baron Dalling and] Bulwer. Life of  
[Henry John Temple. Viscount] Palmerston. vol. 1.
- May 30 to  
Sept. 6. EUROPE.  
Heathenism of Christianity. [probably: Henry William Pullen.  
Modern Christianity, a Civilized Heathenism. London, 1874.]  
[Edward Bulwer-Lytton, Baron Lytton.] Ernest Maltravers.  
Alice. Last Days of Pompeii.
- Sept. 19. I [Louis Firmin Julien] Laferrière. Essai sur l'Hist. du Droit  
Franç.  
Stendhal = Beyle [Marie Henri Beyle.] Chartreuse de Parme.  
[Julien Marie] Lehuëron. [Histoire des] Inst[itutions] Carolin-  
giennes [et du gouvernement des Carolingiens].
- Nov. 5. II [Louis Firmin Julien] Laferrière. Essai [sur l'histoire du  
droit français].  
[Anthony Trollope.] Dr. Thorne.
- Nov. 10. [James Hutchison] Stirling. [Lectures on the] Philos. of Law.  
finished. see 1873.  
Report of Committee on Water Supply (H. of C.) and other  
reports on water.
- Nov. 27. [James Barr] Ames. [Select] Cases on Torts. (353 pp.)
- Dec. 7. Bullion Report & parts of Sumner's Am. Currency. [William  
Graham Sumner. A History of American Currency . . .  
To Which Is Appended 'The Bullion Report.']  
[Joel Prentiss] Bishop's [Commentaries on the Law of] Statu-  
tory Crimes §§ 1-94 & 375-559.  
Josiah Quincy. Memoir of [the Life of] Josiah Quincy, Jr.  
[by His Son.] (but not his pamphlet).  
[William Dean] Howells. Foregone Conclusion.  
[Numa Denis] F[ustel] de Coulanges. Rev. des D.M. CV. 436  
article on origin of Feudalism. ['Les origines du régime  
féodal,' Revue des deux mondes, May 1873, v. 105, pp. 436-  
469.]
- Dec. 29. [Walter Richard Cassels.] Supernatural Religion. Vol. 1.  
[Christopher Columbus] Langdell's Cases on Discovery. [Cases  
in Equity Pleading, Selected with Special Reference to the  
Subject of Discovery.] pp. 81.

Noted Kent LR. 9 Ch. 9 QB. 9 CP. 9 Ex. 19 Wall. [Law Reports: 9 Chancery Appeals, 9 Queen's Bench, 9 Common Pleas, 9 Exchequer; 19 Wallace.] 12 American Rep. in Jan. 75.

Part of [Rudolph] Sohm's Salic Procedure, in German [Der Procesz der Lex Salica.] (see 1875).

Part of [Raymond Osmin] Benech's Etudes sur les Classiques Lat[ins] app[liquées] au droit civil Romain. 70 pp. [Les satiriques] Horace.

1875

- [Charles Cavendish Fulke] Greville's [The Greville] Memoirs [subtitle: A Journal of the Reigns of King George IV. and King William IV.] vols. 1 & 2.  
Finished pt. 1 [Christopher Columbus] Langdell. Cas. on Discovery. [Cases in Equity Pleading, Selected with Special Reference to the Subject of Discovery] (see 1874) 1876.  
Greville's Mem. vol. 3.
- Feb. 17. [Claude Joseph] Tissot. Droit Pénal Etudié dans ses principes &c. [i.e., dans les usages et les lois des différents peuples du monde.] vol. 1.  
[Sir John Eric] Erichsen. On Railway Accidents. [On Railway and Other Injuries of the Nervous System.]
- Mar. 17. pp. 162 of Tissot Droit Pénal.
- May 28. finished Tissot Droit Pénal. vol. 2.
- Mar. 24. [Sir Henry James Sumner] Maine's [Lectures on the] Early Hist. of Inst[itutions].  
[Benjamin] Thorpe's Anc[ient] Laws & Inst[itutes] of England. vol. 1.
- Mar. 26. [Cosmo Nelson] Innes's [Lectures on] Scotch Legal Antiquities.
- Apr. 14. [Edward] Buck's Mass. Ecc[lesiastical] Law in connection with Old South Case. [See 119 Mass. Old South Society v. Crocker, 1875. Shattuck was one of counsel for defendants.]
- May 5. [Antoine François Prévost.] Manon Lescaut.  
Some short stories of Stendhal.
- June 11. E[mile Louis Victor de] Laveleye. De la Propriété [et de ses formes primitives.]
16. [Edwin Charles] Clark. Early Rom[an] Law. (2<sup>d</sup> time).  
[Jules] Michelet's [History of the] Roman Republic.  
[Alexis] Giraud-Teulon. Orig[ines du mariage et] de la Famille.

- July 13. [Sir Kenelm Edward] Digby's [An Introduction to the] History of the Law of Real Property.]
17. [Jules] Michelet. Orig[ines] du droit Français [cherchées dans les symboles et formules du droit universel.]
18. Paul Viollet. Caractère collectif des premières Propriétés immobilières: in *Bibliothèque de l'École des Chartes*. 1872 t. 3. noted in 1876.
21. [Joseph Arthur,] C[om]te de Gobineau. *Les Pléiades*.
- Aug. 2. [Théodule Armand] Ribot. *English Psychology*.
3. Looked through [Henry] Sidgwick's *Methods of Ethics*.  
 Tourguenieff. *Eaux Printanières &c.*  
 [John Henry, Cardinal] Newman. *Characteristics of Dr Newman* [Characteristics from the Writings of John Henry Newman; Being Selections Personal, Historical, Philosophical, and Religious, from His Various Works.] (parts).  
 Coleridge's speech in *Saurin & Starr & other speeches*. [John Duke Coleridge, Baron Coleridge. *Speeches Delivered in the Court of Queen's Bench, in the Case of Saurin v. Starr & Another.*]  
 [Alfred Tennyson, Baron] Tennyson. *Queen Mary*.  
 [Sir Walter Scott.] *Guy Mannering*. *Peveril of the Peak &c.*  
 [Samuel] Rogers. [Recollections of the] *Table Talk of [Samuel Rogers.]*
- Sept. 7. [Jane Austen.] *Northanger Abbey*.
- Sept. 12. [Rudolph] Sohm. *Der Proceß der Lex Salica*, in *German re-read*, also, therewith [Marcel] Thévenin's translation of same. (see 1874).
- 1874-5. [Edward Augustus] Freeman. *Early English Hist.* [Freeman published no work under this exact title although he had written several books by 1875 on the general subject of early English history.] 260 pp.  
 [Johann Wolfgang von] Goethe's *Faust* (German) with Hayward's transl<sup>n</sup> [*Faust: a Dramatic Poem, tr. into English Prose by A. Hayward.*]  
 [Alexis Charles Henri Maurice Cléral] de Tocqueville. *L'Ancien Régime et la Revolution*.  
 [Honoré de] Balzac. *Histoire d[es] Treize* — (several stories). *Colonel Chabert*. *Une Tenebreuse Affaire &c.*
- Oct. 25. [James Barr] Ames's [Select] *Cases on Torts*. part 2. See Nov/74.  
 [Adolf, Freiherr von] Scheurl. *Lehrbuch der Institutionen*. 267 pp. see 1876.
- Nov. [James Barr] Ames. *Cases on Pleading*.

- [Joseph Marie, Comte] de Maistre. Soirées de St. Petersburg [subtitle: Entretiens sur le gouvernement temporel de la providence, suivies d'un traité sur les sacrifices.] pp. 302.
- [Melville Madison] Bigelow's L[eading] C[ases] on [the Law of] Torts [Determined by the Courts of America and England.] 216 pp. & cases to p. 394.
- Colmache. Revelations of [the Life of Prince] Talleyrand.
- [John Elliott] Cairnes. [Some] Leading Principles of Polit[ical] Econ[omy Newly Expounded.]
- Dec. 17. Ch[arles] Fred[erick] Hartt. Notes on Manuf[acture] of Pottery [among Savage Races.]
- Dec. 29. H[enry] Sidgwick. Methods of Ethics.
- Dec. 18(?). Report of Sanitary Cond. of Boston 1875. Tom Curtis et al. [Boston. Medical Commission to Investigate Sanitary Conditions of the City. The Sanitary Condition of Boston].
- Sir R[oland] Knyvet Wilson. Hist. Mod. Eng. Law. pp. 1-50, 133-170.
- [James Morgan] Hart's German Universities [subtitle: A Narrative of Personal Experience.]

1876

- Jan. [Sir] R[oland] K[nyvet] Wilson. Hist. Modern English Law. (see '75).
- [Aleksandr Sergeevich] Pushkin. Russian Romance. (tr. Mrs. [J. Buchan] Telfer).
- Jan. 16. [William Edward Hartpole] Lecky's [History of] European Morals [from Augustus to Charlemagne.] vol. 1 beginning at Ch. 2. p. 169.
- Jan. Report of Mass. Comm<sup>rs</sup> on Taxation (incl. Mass. Statutes with Munroe.) [Report of the Commissioners Appointed to Inquire into the Expediency of Revising and Amending the Laws Relating to Taxation and Exemption Therefrom. January, 1875.]
- Feb. 14. Finished article on *Primitive Notions in Modern Law* [see Holmes, *American Law Review*, 1875-76, v. 10, pp. 422-439.]
- M[atthew] Arnold. Literature & Dogma. 196 pp.
- [Charles Dickens.] Tale of Two Cities.
- Mar. 4. Finished Cases in [Melville Madison] Bigelow L[eading] C[ases] on the Law of] Torts.
- Mar. 24. Shadworth [Hollway] Hodgson. Time & Space. [subtitle: A Metaphysical Essay.]



- Looked through* Gregory of Tours. Hist. [Saint Gregorius, bishop of Tours. Histoire des Francs.]
- [Hans Staden.] Captivity of Hans Stade [of Hesse, in A.D. 1547-1555, Among the Wild Tribes of Eastern Brazil.]
26. [John] Wordsworth [bishop of Salisbury. Fragments and Specimens of] Early Latin. esp. XII Tables & notes. 50 pp.
- April 17. [Adolf, Freiherr von] Scheurl. Lehrb[uch] der Institutionen. (see '75 141 pp. 408 pp. in all.)
- [David] Hume. Philos. [i.e., A Treatise on Human Nature. Ed. by T. H. Green and T. H. Grose, 1874.] Green's Introd. to pl[acitum] 140 [at] p. 119 & essay to p. 372 (72 pp.) (1877, 154) [the part in parentheses is penciled in and probably means that he read 154 p. in 1877.]
- [Rudolph] Sohm. Frank[ischen] R[eichs und] G[erichts] Verfassung. 232 pp. 37 pp. 2nd time.
- [Alfred Victor, Comte] de Vigny. Cinq-Mars.
- Att. Gen.—Sillem (Alexandria case) Jury Trial [The Attorney General v. Sillem and Others, Claiming the Vessel 'Alexandra,' Seized under the Foreign Enlistment Act . . . Report of the Trial before the Right Honourable the Lord Chief Baron and a Special Jury.]
- June 9. [Edouard René Lefebvre de] Laboulaye. [Essai sur les] Lois Crim[inelles] des Rom[ains concernant la responsabilité des magistrats.]
- June 3. [John] Indermaur's Abridged L.C. Eq. [An Epitome of Leading Conveyancing and Equity Cases.]
- June 5. [Marcus Tullius] Cicero. Laws—(Barham Tr.) [Political Works Comprising His Treatise on the Republic and His Treatise on the Laws. Ed. by Francis Barham.]
- [Plinius Caccilius Secundus.] Pliny's Letters [by] Al[fred] Church & [W. J.] Brodribb.
- [Christopher Columbus] Langdell's cases on discovery [Cases in Equity Pleading, Selected with Special Reference to the Subject of Discovery] part 2.
- July 7. Most of [William Rathbone] Greg's Mistaken Aims [and Attainable Ideals] of [the] artizan Class.
15. [Andrew] Amos. Ruins of Time [Exemplified in Sir Matthew Hale's History of the Pleas of the Crown.]
- [William Mawdesley] Best. [The Principles of the Law of] Evidence. to Book 2 pt. 3 Doc[uments.]
17. [Juljan] Klaczko. Two Chancellors [Prince Gortchakof and Prince Bismarck.]
- July 17. J[ohn] F[rancis] Campbell. My Circular Notes. [subtitle: Extracts from Journals, Letters Sent Home, Geological and

- Other Notes, Written While Travelling Westward Round the World.]
- [Sir] J[ames] F[itziames] Stephen. Digest [of the Law] of Evidence.
- [John Richard] Green. [Stray] Studies from Eng<sup>l</sup> & Italy.
- [Théophile] Gautier. Nouvellas (Fortunio &c).
27. [John Francis] Campbell. My Circular Notes. vol. 2.
- [Sir Henry James Sumner] Maine's review of Stephen's Ind. Ev. Act ['Mr. Fitzjames Stephen's Introduction to the Indian Evidence Act,' *Fortnightly Review*, Jan.-June, 1873, v. 13 (ns.), pp. 51-67.] Maine's Rede lecture on India [The Effects of Observation of India on Modern European Thought; The Rede Lecture Delivered . . . May 22, 1875.]
28. [Christopher Columbus] Langdell on Discovery. [Cases in Equity Pleading, Selected with Special Reference to the Subject of Discovery] pt. 3.
29. M[atthew] Arnold. God & the Bible.
30. [Christopher Columbus] Langdell on Discovery. [Cases in Equity Pleading, Selected with Special Reference to the Subject of Discovery] pt. 4 & see above, 1875.
- [Sir George Otto] Trevelyan's [The Life and Letters of Lord] Macaulay. vol. 2.
- Aug. 2. [Octave] Feuillet. Un Mariage dans la monde.
5. [Sir James] Wigram. [Points in the Law of] Discovery.
- [Alfred Russel] Wallace. [On] Miracles & Mod[ern] Spiritu-  
alism.
- [Théophile] Gautier. Capitaine Fracasse (2<sup>d</sup> time).
- [John] Leighton. Paris under the Commune.
- Aug. 17. [George Henry] Lewes. [On] Actors & [the Art of] Acting.
26. [Henry Du Pre] Labouchere. [Diary of the] Besieged Resi-  
dent in Paris.
- Victor Hugo. Notre Dame de Paris.
- Sept. John Fiske. Unseen World.
- G[eorge] H[enry] Lewes. Problems of Life & Mind. vol. 1.  
pp. 242.
- Sept. 17. [Mandell] Creighton [bishop of London]. Hist. of Rome.  
(Primer) [one of Macmillan's 'History Primers.']
- [Eustace Clare Grenville Murray.] French Pictures in English  
Chalk.
- [Stephen Martin] Leake. [The Elements of the Law of] Con-  
tracts. 182 pp.
- [Friedrich Karl von] Savigny. [Treatise] on Poss<sup>n</sup> [or, the Jus  
Possessionis of the Civil Law.] 300 pp.

- [Heinrich Gottfried] Gengler. German[ische] Rechtsdenkmäler. (Einleitung pp. 173).
- H. Adams et al. [See third entry below: Essays in Anglo-Saxon Law.]
- Walter C[opland] Perry. The Franks [From Their First Appearance in History to the Death of King Pepin] pp. 1-188, 343-501.
- [Henry Charles] Coote's Neglected Fact in English History. Essays in Anglo-Saxon Law. (nearly all of it twice — very carefully notes & references.) [The various essays are by Henry Adams, H. Cabot Lodge, Ernest Young, and J. Lawrence Laughlin.]
- Arguments & Charge in Dalton Case (Choate, Dana, & Merrick) [The Arguments of Counsel for Libellee, Helen Maria Dalton, in the Dalton Divorce Case. Judge Merrick's Charge to the Jury in the Dalton Divorce Case.]
- [Sir John Pentland] Mahaffy. Social Life in Greece [from Homer to Menander] ch. i-v. viii-xiii & passim.
- Dec. 9. [Alexandre] Dumas. [Le comte de] Monte Christo.
- [Lucie (Austin)] Lady Duff-Gordon's Last Letters from Egypt.
- Noted Kent L.R. 10 Q.B. 10 Ex. [Law Reports: 10 Queen's Bench, 10 Exchequer.]
- [Konrad Hubert Hugo] Loersch & [Richard] Schroeder. Urkunden zur Geschichte des deutschen [privat] rechtens. 40 pp.
- 1876 or/77? [Georg Ludwig] von Maurer. Einleitung [zur Geschichte der Mark-, Hof-, Dorf-, und Stadt-Verfassung und der öffentlichen Gewalt.] 56 pp.
- 1877
- [Friedrich Karl von] Savigny. [Treatise] on Poss<sup>n</sup> 2<sup>d</sup> time (last 117 pp. cf. 1876 & 1870).
- Noted Kent L.R. 10 C.P. 7 H.L. 10 Ch. 1 Ch D. 2 Ch.D. 2 Lowell. L.R. 2 C.C. & 1 C.C. [Law Reports: 10 Common Pleas, 7 English & Irish Appeal Cases, 10 Chancery Appeals, 1 Chancery Division, 2 Chancery Division; 2 Lowell; Law Reports: 2 Crown Cases Reserved & 1 Crown Cases Reserved.]
- L[ucien] Biart. L'eau dormante &c. [Revue des deux mondes, v. 107, September 1873, pp. 286-315.]
- Nov. 4. [Sir] L[eslie] Stephen. Hist. English Thought [in the Eighteenth Century.]
- L. Stephen. Hist. English Thought. vol. 2, 282 pp.

- Feb. 8. [Charles Sidney] Whitman's Patent Cases [Determined in the Supreme Court of the United States.] (1 Black — 20 Wall.) [Actually v. 2 which contains 1 Black — 20 Wallace, 1861-74. V. 1, published in 1878, contains the previous years 1810-60.] (noted Kent) & all patent cases in 21, 22, 23 Wall[ace. U.S. Supreme Court Reports] & 91, 92. U.S. [Supreme Court Reports.]
- Feb. got up Trial by Jury. [Heinrich] Brunner's article ['Schwurgericht'] in [Franz von] Holtzendorff's Rechtslex[ikon, i.e., the second part of his Encyklopädie der Rechtswissenschaft.] [Isaac Theodore] Hoaguc's art. ['On Trial by Jury: Its Origin'] Am. Law Rev. [v.] xi. [p.] 24. [Thomas] Starkie's article ['On Trial by Jury'] — Law Review [and Quarterly Journal of British and Foreign Jurisprudence. v.] ii. [pp.] 370[-404]. Glanville, Bracton & other authorities. [Holmes's expression 'got up' means that he was making a detailed study of the subject. The 'Black Book' in which he kept notes on his reading contains three pages on this particular subject.] [Jocelin de Brakelond.] Cronica Jocelini de Brakelonda. (Camden Soc. [Publications] 1840).  
A[rthur] C[lement] Eddis. Rule of Ex parte Waring.  
Beispruchsrecht &c in deutschen Recht. Vierteljahrschrift für G & RWS. ix. 67-101. [Alfred Pernice. 'Beispruchsrecht und Universalsuccession im deutschen Rechte,' Kritische Vierteljahrschrift für Gesetzgebung und Rechtswissenschaft. v. 9, pp. 67-101.]  
Got up Privity & Personification of Res — [Georg] Beseler's [Die Lehre von den] Erbverträgen. [v.] i. pp. [unfinished entry.]
- April 25. finished article on subject for Law Review [see Holmes, 'Primitive Notions in Modern Law. Part II,' American Law Review, 1876-77, v. 11, pp. 641-660.]
- March 27. [Christopher Columbus] Langdell's Summary of Equity Pleading.  
[Luke Owen] Pike's History of Crime in England [Illustrating the Changes of the Laws in the Progress of Civilization. v.] ii. 167 pp.  
Smith vs Ferrers. [Proceedings upon the Trial of the Action Brought by Mary Elizabeth Smith against the Right Hon. Washington Sewallis Shirley, Earl Ferrers, for a Breach of Promise of Marriage. London, 1846.]
- June 10[?]. [Immanuel] Kant's Theory of Ethics. [The Metaphysic of Ethics.]  
[Friedrich Ludwig von] Keller. Der Römische Civil Process [und die Actionen in summarischer Darstellung zum Ge-



- brauche bei Vorlesungen.] pp. 350. notes to p. 214. 108 pp. twice.
- June 9. [Honoré de] Balzac. Cousine Bette.  
 10. [Alphonse] Daudet. Aventures de Tartarin.  
 11. G[ustave] Droz. Les Etangs.  
 12. G[ustave] Droz. Une Femme Gênante.  
 [Edmond François Valentin] About. Vacances de la Comtesse. La vieille roche [pt. 2].  
 [Edmond François Valentin] About. Le Marquis de Laurose. La vieille roche [pt. 3].  
 H[erbert] Spencer. Principles of Sociology. 190 pp. Am. ed.
- July 11. [Sir Frederick] Pollock. [A Digest of the Law of] Partnership. [anc Porter.] Thaddeus of Warsaw.  
 26. [Denis] Diderot. Jacques le fataliste &c [i.e., et son maître.] [Pierre Augustin Caron de] Beaumarchais. [Le] Mariage de Figaro.  
 [François Marie Arouet de] Voltaire. Candide &c.  
 [William] Minot. Taxation [in Massachusetts.] (pamphlet).  
 H[enry] James. The American.  
 [Immanuel] Kant. Princ. Metaphys. du droit. Tissot & the introduction. [Principes métaphysiques du droit . . . avec une introduction et des notes, par Joseph Tissot.]  
 [James Hutchison] Stirling. Lect[ures] on Philos. of Law.  
 [Edward] Gibbon's Autobiography (Milman) [Life of Edward Gibbon . . . with Selections from His Correspondence, and Illustrations by the Rev. H. H. Milman.]
- Aug. 13. [John Torrey] Morse's Life of [Alexander] Hamilton. 2 v. Rev[ue] des d[eux] Mondes. Juin/77.  
 [Sir James Fitzjames] Stephen's Dig[est of the] Crim[inal] Law.  
 [Walter Richard Cassels.] Supernatural Religion. vol. 3.
- Aug. [Brooke Foss] Westcott [bishop of Durham. A General Survey of the History of the] Canon of the New Test[ament]. [Thomas Dehany] Bernard's [The] Progress of Doctrine in [the] N[ew] T[estament].
- Sept. 17. [Rudolph] Sohm. Alt.D. R. & GVF. [Die altdeutsche Reichs- und Gerichtsverfassung.] Vol. 1. (from p. 232 cf. 1876).  
 F[rancis] H[erbert] Bradley. Ethical Studies. 52 pp.
- Sept. [Friedrich Albert] Lange's Hist. of Materialism [and Criticism of Its Present Importance].  
 [Gabriel] Dantraques. Histoires d'Amour [et d'argent].  
 [Louis Amédie Eugène] Achard. Parisiennes [et provinciales.]
- Oct. 3. Law Rep[orts] 2 Cr[own] Cas[es Reserved].  
 Law Rep[orts] 1 Cr[own] Cas[es Reserved].

- [Charles Henry Felix] Routh on Overwork &c. [i.e., On Overwork and Premature Mental Decay. London, 1873.]
- [Emile] Erckmann [and Alexandre] Chatrian. L'Invasion [ou le fou Yégof]. Mad<sup>me</sup> Thérèse. Hist[oire] du Plebiscite. Waterloo.
- Mind [a Quarterly Review of Psychology and Philosophy.] Vol. 1.
- Wallace's Hegel. Prolegomena. [Georg Wilhelm Friedrich Hegel. The Logic of Hegel . . . with Prolegomena, by W. Wallace.] 184 pp.
- Firmin Maillard. Les Derniers Bohèmes [subtitle: Henri Murger et son temps.]
- P[aul] de Kock. Les Femmes le Jeu & le Vin.
- [Laurence Sterne.] Tristram Shandy. vol. 1.
- Cavalié [Alexander] Mercer. Journal of Waterloo Campaign.
- Nov. 29. [Carl Georg] Bruns. Recht des Besitzes [im Mittelalter und in der Gegenwart.]
- R[einhold] Schmid. Ueber die Natur des Besitzes. in Krit[ische] V[er]jahr Schrift [i.e., Vierteljahrschrift für Gesetzgebung und Rechtswissenschaft v.] XII pp. 63-85.
- [Jacob Friedrich] Behrend. Zum Process der lex Salica. pp. 57-89.
- Dec. 9. [Bernhard Joseph Hubert] Windscheid. [Lehrbuch des Pandektenr[echts]. v.] i. §§ 148-164. pp. 436-508. as to possession.
- Dec. [10?]. [Georg Friedrich] Puchta. Besitz in [Julius] Weiske's Rechts Lex[icon v.] ii. pp. 41-73.
- [Carl Georg] Bruns. Besitzklagen [des römischen und heutigen Rechts] § 26 pp. 263-299 & §§ 1-6 pp. 59.
- [Andreas] Heusler. Die Gewere. §§ 27, 28 pp. 336-381, § 31 pp. 419-441.
- [Edward] Caird. [A Critical Account of the] Philosophy of Kant. pp. 181. (1878. p. 418).
- [Elisha] Mulford's Nation [subtitle: The Foundations of Civil Order and Political Life in the United States.] pp. 78.
- [Rudolph von] Jhering. Geist d[es] röm[ischen] R[echts] auf den verschiedenen Stufen seiner Entwicklung. v.] 1 § 1-13 cf. 1879.

1878

- [Friedrich Ludwig von] Keller. Römische Civil Process (cf. 1877) from p. 350.
- [Edward] Caird. [A Critical Account of the] Philosophy of Kant. from p. 181 (cf. 1877).

- [T. Collyns Simon.] Hegel & his Connexion with British Thought—2 Articles in Contemporary Rev[iew]. Jan-March. 1870 [v. 13, pp. 47-79 and pp. 398-421.]
- [Edmond Louis Antoine Huot] de Goncourt. Maitresses de Louis XV. 2 v.
- [Edmond Louis Antoine Huot de Goncourt. Histoire de la] Société Française pendant la Directoire.
- [William Hurrell Mallock.] The New Republic [or, Culture, Faith, and Philosophy in an English Country House.]
- 1 Article for Law Rev. on Possession. [see Holmes, American Law Review, 1877-78, v. 12, pp. 688-720.]
- [Andreas] Heusler. [Die] Gewere. (see above) pp. 1-175. App. 470-502.
- [Sir Austen Henry] Layard's Nineveh [and Its Remains.]
- [François] Lenormant. Chaldean Magic [subtitle: Its Origin and Development.]
- [Christopher Columbus] Langdell's Discovery [Cases in Equity Pleading, Selected with Special Reference to the Subject of Discovery.] (2<sup>d</sup> time).
- International Politics.
- [Octave Feuillet.] Roman d'un Jeune homme pauvre.
- [Christopher Columbus] Langdell. [A Selection of] Cases on Sales [of Personal Property.] 175 pp.
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- M[axime] Du Camp. Les Convulsions de Paris. v. I.
- Aug. [Friedrich Karl von] Savigny. Traité de Droit Romain. Begun July 29. vol. 1. fin<sup>d</sup> about Sept. 1. also vol. 2 pp. 67.
- Aug. A[lpheuse] Daudet. Contes Choisis.
- [Laurence Oliphant. The Tender Recollections of] Irene Mac-Gillicuddy.
- [Regina Maria (Dalton) Roche.] Children of the Abbey.
- Sept. 15. W[illiam] H[enry] S[tanley] Monck. Introd. to the Critical Philosophy.
16. [James Henry] Monahan. Method of Law. [subtitle: An Essay on the Statement and Arrangement of the Legal Standard of Conduct.]
- Oct. 5. [Charles Staniland] Wake. Evolution of Morality. vol. 1. pp. 62-440.
- Oct. 19. Wake, Evolution of Morality. vol. 2. pp. 1-200, 300-442 End.
- 2 [Arthur] Browne. [A Compendious View of the] Civ[il] Law] & Adm[iralty] Law. pp. 20-129, 347-509.

- Nov. 4. [Victor Hugo.] *Histoire d'un Crime*. Vol. 1.  
 [Jules Amédée] B[arbey] D'Aurevilly. *Les Bas Bleus*.
- Nov. 28. [James Barr] Ames. [A Selection of] Cases on [the Law of] Bills & notes [and Other Negotiable Paper.] vol. 1.
- Dec. 9. Ames. Cases on Bills & notes. Vol. 2. pt. 1. pp. 260.  
 [Henry Charles] Lea. *Superstition & Force* [subtitle: Essays on the Wager of Law — the Wager of Battle — The Ordeal — Torture.] 3<sup>d</sup> ed. [Philadelphia, 1878] to p. 266.  
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 [Sir George] Stephen. *Adventures of [an] Attorney in Search of Practice*.  
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- Dec. 14. [Heinrich] Brunner. *Zulässigkeit der Anwaltschaft &c.* [i.e., im französischen, normannischen, und englischen Rechte des Mittelalters. *Zeitschrift für vergleichende Rechtswissenschaft*, 1878, v. 1, pp. 321–383.] 63 pp.  
 P[aul Edme] de Musset. *Lui et Elle*.  
 Polit[ical] *Adventures of L<sup>d</sup> Beaconsfield* [papers which had appeared anonymously in the *Fortnightly Review* and were printed in book form in 1878.]  
 [Freeman Oliver] Haynes's *Outlines of Equity*. 4<sup>th</sup> ed. (Exc. Account read supra) & some of the cases cited.  
 [Bernhard Joseph Hubert] Windscheid. [Lehrbuch des] *Pandekten[rechts]* vol. 1. pp. [unfinished entry.]  
 [Joseph Arthur, Comte de] Gobineau. *La Renaissance* [Savonarole — César Borgia — Jules II — Léon X — Michel-Ange.]  
 G[orge] Sand. *Elle et Lui*.

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- Jan. 12. Langdell's *Lectures on Com. Law Procedure*. (Warren's notes) [probably Samuel Dennis Warren's class notes. He was graduated from the Harvard Law School in 1877 and was a friend of Holmes.]  
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*La Société-Russe* [par un Russe.] vol. 1.



- Feb. 1. [Edward Spencer] Beesley. Cataline, Clodius & Tiberius.  
[Leopold, Ritter von] Sacher-Masoch. Le Legs de Caïn.
- Feb. 6. [Rudolph von] Jhering. L'Esprit du droit Romain [dans les  
diverses phases de son developpement] tr. Meulenaere vol. 1,  
§ 14-25. See 1877.
10. Jhering. L'esprit du droit Romain tr. Meulenaere Vol. 2.
14. Jhering. L'Esprit du droit Romain tr. Meulenaere Vol. 3.
23. Jhering. L'Esprit du droit Romain tr. Meulenaere Vol. 4.  
[John] Ruskin. Ariadne Florentina [subtitle: Six Lectures on  
Wood and Metal Engraving.]
- Mar. 2. [John] Ruskin. Arata Pentelici. [subtitle: Six Lectures on the  
Elements of Sculpture.]
- Mar. 16. [Christopher Columbus] Langdell's [A Selection of] Cases on  
Sales [of Personal Property.] pp. 175 to End.  
[John] Ruskin. Val d'Arno. [subtitle: Ten Lectures on the  
Tuscan Art Directly Antecedent to the Florentine Year of  
Victories.]  
[John] Ruskin. Munera Pulveris [subtitle: Six Essays on the  
Elements of Political Economy.]  
[Friedrich Adolf] Trendelenburg. Naturrecht [auf dem  
Grunde der Ethik.] Part I. 154 pp.  
Cha[rles] F[rancis] Adams, jr. Railroads: Their Origin &  
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M[elville] M[adison] Bigelow's MS. Summons by writ & writ  
Process to 12<sup>th</sup> century. 67 pp. [Bigelow's Placita Anglo-  
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probably reading his friend's MS before it was printed.]
- Apr. 13. [Henry de] Bracton. [De legibus et consuetudinibus Angliac.]  
tr. by Twiss. Vol. 1.  
[Daniel] Defoe. Roxana, or the Fortunate Mistress.  
The Rolliad. [Probationary Odes for the Laureatship; and  
Political Miscellanies.]  
V[ictor] Hugo. Histoire d'une Crime. Vol. 2.  
[John Morley, Viscount] Morley. Diderot [and the Encyclo-  
paedists.]  
Noblesse Oblige. [Unidentifiable. Works with this title were  
written by Spielhagen, Roberts, von Holtei, Keddie, and  
many others, before 1879.]
- June 2. Proofs rec<sup>d</sup> Article Common Carriers & Common Law. Ameri-  
can Law Review, 1878-79, v. 13, pp. 609-631.]
- June 1. [Alexandre] Dumas. Nanon. Two Dianas.
7. [Alain René Le Sage.] Gil Blas.  
Rabelais p. 215.
- July 1. [Isaac Preston] Cory. [A Practical Treatise] on Accounts.

- June 10. [Sir William] Jones. [An Essay] on [the Law of] Bailments. [Alexandre] Dumas. *Three Musketeers. Twenty Years After. Vicomte de Bragelonne.*  
[Bernhard Joseph Hubert] Windscheid. [Lehrbuch des] Pandekten[rechts.] to p. 526.
- July 27. [Heinrich] Brunner's [Die Entstehung der] Schwurgerichte.
- July 13. 3 [Adolphe] Pictet. *Origines Indo-Européennes [ou, les Aryas primitifs; essai de paléontologie linguistique.]* pp. 95-179 (on law [?] &c.).  
[Robert] Campbell. [The Law of] Negligence. 2<sup>d</sup> Ed.  
Couture's Talks. [possibly: Thomas Couture. *Conversations on Art Methods.* New York, 1879.]  
Pasquino & Marforio. [Marforio, pseud. *Dialogo fra Pasquino e Marforio.*]  
[Maxime] Du Camp. *Convulsions de Paris.* vol. 2.  
[Eugène Chavette.] *Aimé de son Concièrge* [Paris, 1877.]  
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- Oct. 2. [Albert Venn] Dicey. [The Law of] Domicil [as a Branch of the Law of England, Stated in the Form of Rules.] (& notice for *Jan. Law Rev.*) [Book review by Holmes in *American Law Review*, 1880, v. 14, pp. 67-68.]  
Reports gone through more or less [John] Strange. [King's Bench reports, 1715-1748. Robert] L<sup>d</sup> Raym[ond]. [King's Bench reports, 1694-1732. Robert] Keilway. [King's Bench reports, 1496-1531. Jacques] Dyer. vol. 1 [King's Bench reports, 1513-1582. George] Cary. [Court of Chancery reports, 1557-1604. John] Clayton. [Nisi Prius reports, 1631-1650. William] Tothill. [Court of Chancery reports, 1559-1646.]
- Sept. Miss [Susan Edmonstone] Ferrier. *The Inheritance.*  
Wrote on *Jurispr. & Theory of Tort.* [See below, 16 October.]  
[Mrs Anna Katherine (Green) Rohlf.] *The Leavenworth Case* [subtitle: *A Lawyer's Story.*]  
[Gustave] Droz. *Entre Nous.*  
H. Greville [pseud. for Mme Alice Marie Céleste (Fleury) Durand.] *Dosia.*  
[Emile] Zola. *Voeu d'une Morte &c.*  
Jos[eph] Victor [von] Scheffel. *Ekkehard* [subtitle: *A Tale of the Tenth Century.*] Tauchnitz ed.
- Oct. 16. Sir W[illiam] R[eynell] Anson. [English Law of] Contract.  
[Sir Henry Wilmot] Seton's *Early Records in Equity.*  
[Victor] Cherbuliez. *Prosper Randoce.* tr. Carl Benson.  
[Honoré de] Balzac. *Physiologic du Mariage. La dernière*

Incarnation de Vautrin. Splendeurs et Misères des Courtisanes.

[Melville Madison] Bigelow's Ms. as to Writ Process (critically) [see under 16 March 1879, above.]

[Heinrich] Brunner. Das Französische Inhaberpapier des Mittelalters.

[Thomas] Platt. [A Practical Treatise] on Covenants & herewith many cases as to Cov[enan]ts running with land, touching these points. Spencer's case & notes in Sm. L.C. [John William Smith. A Selection of Leading Cases, on Various Branches of the Law.] The Digests and Abridgements.

Finished Art[icle] on Princ. of Liab. in Tort for Jan. Law Rev. "Trespass & Negligence" [American Law Review, 1880, v. 14, pp. 1-35.]

[Rudolf von] Jhering. Kampf um's Recht. Struggle for Law (Tr. John J. Labor).

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[Sir James Fitzjames] Stephen. General View of Crim[inal] Law [of England.]

O[ctave] Feuillet. La petite Comtesse. Parc. Onesta.

[Francis] Wharton. Philosophy of Crim[inal] Law.

[Robert] Mackenzie. The 19<sup>th</sup> Century. [A History.]

At work writing Lectures for Lowell Inst. wh[ich] occupies evenings, begun about Jan. 1.

[Christopher Columbus] Langdell's Summary [of the Law of] Contracts fin<sup>d</sup> Mar 28 & notice in Law Rev. [Book review by Holmes in American Law Review, 1880, v. 14, pp. 233-235.]

[Pierre] Lanfrey. [Histoire de] Napoleon. [v.] 1, p. 152.

[Sir Henry Wilmot] Seton's Early Records in Equity.

[Pierre] Vésinier. History of the Commune of Paris.

March 31.

[Emile] Gaboriau's Esclaves de Paris. 2 v.

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W[illiam] Roscoe Osler. Tintoretto.

May.

[Emile] Gaboriau. Monsieur Lecoq. 2 v. Mystery of Orcival.

R[obert] Grant. Confessions of a Frivolous Girl [subtitle: A Story of Fashionable Life.]

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[Emile] Zola. Nana.

Miss Braddon [Mrs Mary Elizabeth (Braddon) Maxwell.] Vixen.

[Emile] Gaboriau. File No. [113.] Eng. tr.

[Joseph Arthur, Comte de] Gobineau. *Within an Inch of his Life*. Eng. tr.

[Frédéric] Soulié. *Aventures d'un Jeune Cadet de Famille*. & 3 other vols. [of the series called] *dramas inconnus*.

[Joseph Arthur, Comte de] Gobineau. *Nouvelles Asiatiques*.

[Pierre Augustin Caron de] Beaumarchais. *Mémoires*.

[Victor] Cherbulicz. Samuel Brohl & Cie.

ELEANOR N. LITTLE



## List of Contributors

- RICHARD C. HARRIER, Instructor in English, Colby College
- HENRY W. HOLMES, Professor of Education and Dean of the Graduate School of Education, Emeritus, Harvard University
- WALTER J. ONG, S. J., Instructor in English, Saint Louis University
- ELEANOR N. LITTLE, in charge of the Treasure Room, Harvard Law School Library
- KEYES D. METCALF, Professor of Bibliography, Director of the Harvard University Library, and Librarian of Harvard College
- GEORGE PEIRCE CLARK, Associate Professor of English, Northern Illinois State Teachers College
- WILLIAM KELLAWAY, Library Assistant, Guildhall Library, London
- PHILIP J. MCNIFF, Assistant Librarian of the Harvard College Library in charge of the Lamont Library
- WILLIAM H. BOND, Curator of Manuscripts in the Houghton Library
- WILLIAM VAN LENNEP, Curator of the Theatre Collection in the Harvard College Library
- HYDER E. ROLLINS, Gurney Professor of English Literature, Harvard University
- LOUIS L. NEWBY, Assistant Director of the Office of Student Placement, Harvard University

### CORRIGENDUM

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In the article entitled "The Harvard Collection of Hugo von Hofmannsthal," p. 61, the year of accession of the collection of printed works of Hofmannsthal presented by Mr Gilbert H. Montague, '01, should read '1949,' and not '1947' as printed.