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in deciding that the language shows a testamentary intent. It might be considered useless to examine the question of intent when the paper was written on a will form which clearly shows such intent, but all the printed portions of the form must be disregarded²⁶ and the testamentary intent must appear on the face of the instrument itself.²⁷

The will was attested by two witnesses who did not testify at the probate proceedings and who apparently did not appear in the case at all after signing the document. However, that would not affect the validity of the script as a holograph since the attestation of witnesses is not regarded as a part of the will.²⁸ Also, a large portion of the instrument was cut out, whether by the testatrix or by someone else does not appear, but the question of revocation was not raised.

While the case seems wrong from a technical viewpoint, the court apparently reaches a desirable result by an extremely liberal application of the surplusage theory.

MAURICE V. BARNHILL, JR.

²⁶ Jones v. Kyle, 168 La. 728, 155 S. E. 876 (1930); *In re Will of Lowrance*, 199 N. C. 782, 155 S. E. 876 (1930).

²⁷ Wooten v. Hobbs, 170 N. C. 211, 86 S. E. 811 (1915).

²⁸ Harrison v. Burgess, 8 N. C. 384 (1821).

BOOK REVIEW

For My Grandson. Remembrances of an Ancient Victorian. By the Rt. Hon. Sir Frederick Pollock, Bt., London: John Murray: pp. xx, 233. 10 shillings 6 pence.

Sir Frederick Pollock will be 90 this year. He is a few years junior to the venerable justice who retired from the Supreme Court of the United States three years ago, and who died recently at the age of 94. Now that Holmes is gone, the name of no other living man, perhaps, is so well known in Anglo-American legal history and jurisprudence. The former Corpus Professor of Jurisprudence at Oxford, the co-author, with Maitland, of the great *History of English Law*, the author of two classical treatises, on *Torts*, and on *Contracts* (now in their thirteenth and ninth editions, respectively), and of half-a-dozen volumes of essays on law and politics, and the first editor of the *Law Quarterly Review*; he needs no introduction. Coming of a distinguished family of lawyers, he has done faithful homage to "our lady the Common Law," but he has been much more than her knight. He has lived a life so varied in its interests, he has been so much a part of all that he has met, that to think of him only as lawyer is to miss the essence of a rich personality. For this book will prove delightful to all.

It is not an autobiography. It is the remembrance of things past, of many trivial things of everyday life which assume, however, an historical importance in perspective; of university associations, of men of letters and science and of the reception of new ideas, of the concert hall and the stage, of the inns of court, of travel and recreation. Set down ostensibly for a grandson now in his seventh year (whose portrait in his grandfather's arms serves for frontispiece), they reconstitute for us the Victorian Age. And what an age it was! The French Revolution had freed England from the complacency of the Age of Reason (how far removed Jeremy Bentham seems from Blackstone!), the Romantic Revolt in literature had begun, and the railroad and the factory system were beginning to change men's everyday life. New ferments were astir. The Oxford Movement, the theory of Natural Selection, the Pre-Raphaelites, were all merely manifestations in different form of an age bursting with a new energy. There had been nothing like it since Elizabeth's reign. The failings of the new moneyed class whose fortunes were made in "The City" and who were slowly supplanting in both wealth and power the landed aristocracy were not so picturesque, perhaps, as those of the Elizabethan sea-rovers. But smug as were the age's *Dombey's*, *Gradginds* and *Veneerings*, it was essentially an age of revolt, of hope and of new ideas. "Victorianism" means much more than Mrs. Grundyism, antimacassars and whatnots.

We enter at once on the early Victorian scene: A Georgian house in London, heated by soft coal in open grates, lighted at first by tallow candles ("tollies") which in time give way to oil lamps and gas, the family circle at the round table reading, knitting, or talking. One thinks at once of Whistler's etching of the Seymour Haden family, a picture of complete domestic felicity. Dinner is over: it used to be at 4 o'clock, but as time went on it moved to 5, to 6, to 7 and by the '80's to 8 (At the Saturday Club of Boston, the author recalls, even in '84 one dined at half past two, a truly Colonial hour!). Outside, the sound of hoof-beats and the rattle of four-wheelers and hansom-cabs makes plenty of noise. This picture of Victorian security would not be complete without mention of domestic service: every householder, a gentleman either by birth or profession, hires a man-servant to sleep near the pantry to protect "the plate." We live, it is obvious, in a different era.

Young Pollock went to Eton, and passed thence to Trinity College, Cambridge, following in the footsteps of his father and grandfather. In time he became a Fellow. Elected to "The Apostles," he came to know Maine and Fitzjames Stephen, and later Maitland. This society, in fact, seems to have included pretty nearly every first rate Cambridge

intellect of the period, not the least being Henry Sidgwick and Henry Jackson, singled out for praise. In '83 Pollock became Corpus Professor of Jurisprudence at Oxford where he knew Jowett, of course, and also Stubbs, Freeman, Froude and York Powell.

In a chapter on men of letters and science, we find an excellent story of Edward Fitzgerald's told in a letter to Sir Frederick's father, and much of interest about him; much good talk about good talkers known to the author, including Gertrude Bell, Renan, Kinglake and Maine, Meredith, Browning, and Hardy. The list grows heavy as one proceeds. Swinburne and Tennyson, William James and Herbert Spencer, Huxley, Darwin, Tyndall and Faraday: these are but a few of the men who were either friends of the author or of his father. Anatole France has somewhere defined criticism as the adventures of a mind among masterpieces. It is an epigram which comes to mind in this chapter in which Sir Frederick so freely ranges through this galaxy of intellect. In a page or so, or even a paragraph, he sums up the great man's philosophy or point of view and adds some bit of personal remembrance, just enough to remind us that even great men are human and that every great man by that fact alone is greater than the sum of his works.

From men of letters and science, we pass to the liberal arts. Again, one falls back on quoting magical names: Mme. Viardot (and her friend, Turgenev), Joachim, the discovery of Wagner, Wagner at Bayreuth. The chapter closes with a delicious Pantagruelian whimsy in French: the author's picture of Beethoven's reception into Paradise. On the stage, we meet Irving and Ellen Terry, hear much of the Comédie Française, Edmond Got and Mounet-Sully, and, of course, of the divine Sarah and Eleanora Duse—the last two known to so late a Victorian as the reviewer. The chapter closes with a pretty story of a portrait of the author's mother left unfinished by Boxall, completed in water colors by George Richmond, and given by the two painters to the author for a wedding present.

After such a brilliant *excursus* in Victorian genius, we come back to talking shop, with a chapter on the inns of court and the author's learned friends. The learned Treasurer of Lincoln's Inn—an office he likens to the Podestà of an Italian republic—with proper pride dwells on the antiquity of those ancient societies which have maintained a level of professional education and ethics with no parallel in the bar of this country—where not so long ago Tom, Dick or Harry was thought to have an inalienable right to practice law regardless of his fitness.¹

¹ The Constitution of Indiana actually so provided. See Art. VII, §21. But this bulwark of Democracy seems now to be passing with the Frontier. See (1935) 21 A. B. A. J. 137.

More particularly he tells of the recent restoration of the Lincoln's Inn hall, the stuccoing of which in the eighteenth century is, like so many architectural villainies of the age, traceable directly to Wyatt. Entered in that Inn in '68, Sir Frederick began to read for the Equity Bar and he found inspiration in two great judges, Lord Lindley and Justice James Shaw Willes. In fact, he was Willes's marshal one summer when riding the Western Circuit. To Bryce, another friend, he owed his introduction to Savigny's work. In numbering the greatest judges of his acquaintance, the author names Willes, Lord Macnaghten (who married a cousin) and that brilliant wit and humanist, Bowen. We also hear of Chitty (another connection by marriage), Bramwell, James and Jessel. His description of Jessel's rapid disposition of cases confirms Bryce's picture of him.² But what of the Chief Baron of the Exchequer, Pollock's own grandfather? Here is a delightful story of him which the author had from his grandfather himself (p. 179):

"When he was appointed Attorney-General in 1834 he had to be knighted, and by consequence to provide himself with a coat of arms. For this purpose he applied to the College of Arms in London, but thought the fees excessive. After some negotiations a messenger called on him from Garter King-of-Arms with a final statement of the lowest possible terms. The answer was thus: 'Tell Garter King-of-Arms with my compliments that he may go to the devil *sable* in flames *gules* with a pitchfork *ardent* stuck in his backside *proper*.' After which my grandfather, being the son of a Scot, betook himself to Lyon King-of-Arms at Edinburgh, and there found better contentment."

The story is told of the long efforts of bench and bar to establish the law reports on some satisfactory common footing of reporting, editing and printing; which culminated in the creation of a general editorship in 1895 and the appointment of the author to that office which he has since held. He has tried to keep out jargon, he tells us, journalese and bad English in general, which is not an easy task in a country where important judgments are often delivered without having been written. Those acquainted with Pollock's own style will recall how unaffected, natural and idiomatic it is—English which will stand comparison with Justice Holmes's in its terseness, lucidity and felicity. We pass on to the Selden Society of which Pollock was a founder, to his edition of Selden's *Table Talk*,³ to his visit to the Harvard Law School of Langdell, and to various American Bar Association meetings; all these are lightly touched on. We might have wished for more than a bare men-

² BRYCE, *STUDIES IN CONTEMPORARY BIOGRAPHY* (1903) 170.

³ Reviewed by the present writer in (1931) 9 N. C. L. REV. 341.

tion, here and there, of Maitland, but the author has rigorously excluded persons whom he has written on elsewhere.

A final chapter on travel and recreation closes this delightful volume. Not such a globe-trotter as Bryce, Pollock has still managed to see Europe, North America and India. An indefatigable Alpineer, he is now, since Holmes's death, the oldest member of the Alpine Club. But his accomplishments do not stop here; he is a rifleman (with the Inns of Court Regiment) and a swordsman and master of fence. Need more be said? The author of a work on Spinoza's philosophy and—yes, of *Leading Cases done into English Verse*, a pretty bit of foolery: he approaches in versatility *Cyrano de Bergerac* himself.

If a philosophical reflection may be allowed to close this notice, it may be wondered why in America we so seldom produce a great lawyer who has such varied interests and acquirements, such breadth of culture, in short, to use a word favored by Justice Holmes, who is so "civilized." Holmes was such an one, it is true; but how few and far between they are! This book should cause us serious thought on our schools, universities and bar: for its author is first of all a citizen of the world, a civilized man, and only incidentally a great lawyer. Is our ideal still a learned profession, or a technically trained trade?

MANGUM WEEKS.

Washington, D. C.