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HAROLD DEXTER HAZELTINE

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1871-1960

I

1871-1906

HAROLD DEXTER HAZELTINE, Juris Utriusque Doctor of Berlin University, Litt.D. of Cambridge, and Honorary LL.D. of Brown University and of Harvard University, died in Cambridge, Massachusetts, on 23 January 1960, at the age of 88. He was born at Warren, Pennsylvania, on 18 November 1871, the son of A. J. Hazeltine, a banker. He retained throughout his life his American citizenship and his domicile of origin in Pennsylvania.

The first of his line in the United States was John Hazeltine who, with his brother Robert, emigrated from Yorkshire in 1637 and landed at Salem, Massachusetts.¹

H. D. H. was educated at the Warren High School, at Worcester Academy (Massachusetts), and at Brown University in Providence (Rhode Island), where he took his degree in 1894. At Brown he became editor-in-chief of the university weekly, and of a volume entitled *Brown Verse*. He was also elected 'class poet' by the men of his year.

His natural bent had already shown itself by his beginning, while still an undergraduate, a piece of historical research connected with the administration of the law: he continued this during the year following his graduation, a year which, owing to a bout of ill health, he spent at home, attending

¹ I have written this memoir in a more personal style than is usual because Harold Hazeltine's life and mine were so closely intertwined for so many years that it is difficult to keep myself out of the picture. We became great friends soon after we first met in 1906 or 1907. The loss of so many friends in the war intensified one's relations with those who remained. This was true of Hazeltine and myself, apart from our constant contact as colleagues. For the first eight years after our marriage in 1929 my wife and I shared with him the West Lodge of Downing College. After he left Cambridge in 1940 we exchanged letters at least once a month for nearly twenty years. At my instigation he prepared the bibliography which is appended to this memoir. It has facilitated my task immensely. So too has an interview given by him to a representative of the *Harvard Law School Record*, which was reported in the issue of that paper on 12 November 1953. The obituary notice in *The Times* of 26 January 1960 was written by myself.

during part of his time a lawyer's office in Warren. This research resulted in a paper on 'Appeals from Colonial Courts to the King in Council', read before the American Historical Association held in Washington, D.C., in December 1894.

He was therefore nearly 24 when he entered upon the three-year course of the Harvard Law School in September 1895. At that school there are a number of law clubs organized by the students themselves for the arguing of moots. These clubs were, and are, named after eminent lawyers, mostly members of the Faculty: H. D. H. was a keen member of the Ames-Gray club. He served for two years as a member of the editorial board of the *Harvard Law Review*. The last decade of the nineteenth century was the golden age of the Harvard Law School: the age of Langdell, Gray, Thayer, and Ames, men who not only established the case-method of teaching law which has since spread all over the United States, but who believed and demonstrated that law, as practised in common law countries, can best be learned through legal history, and who made, each one of them, imperishable contributions in that field. It was also the decade in which the great men of the next generation were beginning their careers—Beale, Wambaugh, and Williston—H. D. H. knew them all, for the Law School was not the vast and somewhat impersonal organization which it later became. With the last three named he established closer contacts later in life: of the first four Ames was his particular friend and he was often a guest at the latter's country house in Maine. Ames's premature death was a great blow to many, and among them to myself, for if he had been living when I went to the Harvard Law School for a year in 1913 my friendship with H. D. H. would have ensured me a warm welcome by him.

There was a quite exceptional mutual devotion between H. D. H. and his father, and fortunately the latter was then able to indulge his son's desire for study in the wide field of European law. During the years 1898 to 1906 H. D. H. was in Europe, spending the greater part of his time at the University of Berlin but also some of it at the University of Paris. He also studied English law for a time at the University of London. The Law School of the University of Berlin was then, no less than that of Harvard, enjoying a heroic age. He knew the great Otto Gierke well: I remember being at a luncheon party given by him in Gierke's honour in Emmanuel in, I think, 1912. He was also on friendly terms with Heinrich Brunner, Bernhard

Huebler, Franz von Liszt, Heinrich Dernburg, and Josef Kohler—a most remarkable collection of men.

His five years' study in Germany obtained for him his Berlin doctorate in 1905 and resulted in the publication of two works written in German, *Zur Geschichte der Eheschliessung nach angelsächsischem Recht* (Berlin, 1905), and *Die Geschichte des englischen Pfandrechts* (Breslau, 1907). The latter was published under the aegis of Gierke.

His inaugural dissertation *Englisches Mobiliarpfandrecht im Mittelalter* had already been published in Berlin in 1905.

During these years he kept in touch with the Harvard Law School: he used his work for his doctorate for the preparation of an article on 'The Gage of Land in Medieval England,' published in 1904 in volumes 17 and 18 of the *Harvard Law Review*. This article was republished in 1909 in volume iii of that very valuable collection of essays by a large number of scholars, *Select Essays in Anglo-American Legal History*.

II

1906-19

In 1906 the only Law Fellows of Cambridge colleges, apart from professors, were T. A. Walker (international lawyer) at Peterhouse; W. W. Buckland (Roman lawyer) at Gonville and Caius; H. Bond (Roman lawyer) and W. R. Rendell (English lawyer) at Trinity Hall; L. H. K. Bushe-Fox (English lawyer) at St. John's; C. S. Kenny (criminal lawyer), and D. L. Harris (constitutional lawyer) at Downing. Under the leadership of its forward-looking Master, William Chawner, Emmanuel was disposed to elect a lawyer, and one from the Harvard Law School if possible. Hazeltine was recommended by Ames, and by Maitland who had been his host during a day's visit to Cambridge in 1902.

A story told me by Lord McNair shows that H. D. H.'s courtesy, an absolutely unaffected part of him, was already prominent. When the fellows were discussing the appointment James Adam, the Aberdonian philosopher, said, 'In my opinion that young man is too polite.'

But appointed he was to a college lecturership dating from the beginning of the Michaelmas Term 1906. Maitland and Hazeltine were colleagues during that term, and saw much of one another. On one occasion Hazeltine and Pollock were

together at tea with Maitland. That may well have been the last time that the two latter saw one another: Maitland died, *multis flebilis*, in December.

Hazeltine had already made the acquaintance of Sir Frederick Pollock at Oxford, where he had attended one of the latter's lectures. And he had already published, in 1902, an article on 'The Exchequer of the Jews' in the *Law Quarterly Review*, edited by Pollock. The acquaintanceship between the two men ripened into a warm friendship, which lasted until Pollock's death.

In 1907 H. D. H. was elected a Fellow of Emmanuel, and also appointed to the University Readership relinquished by Kenny on election to the Downing Professorship, which Maitland's death had rendered vacant. He continued to hold his Emmanuel lecturership concurrently with the Readership.

As is well known the primary duty of a college lecturer at Oxford or at Cambridge is to give personal teaching, called tutorials at Oxford and supervision at Cambridge, to undergraduate members of the college. Few Cambridge colleges, as I have said, then took law seriously, and most of the law teaching was done by 'coaches', who were paid by their pupils. The Master and Fellows of Emmanuel took it for granted that H. D. H. would give to undergraduates, of all three years, personal teaching covering all the subjects of the Tripos: Roman Law, International Law, English Law (Public and Private), with Jurisprudence thrown in. To suppose that a man would be able to revive without long study his knowledge of so vast a field, after spending most of the previous eight years on continental or medieval law, shows little imagination. It is not surprising that I have not heard any enthusiastic accounts of him as a college teacher. After a few years of slavery he rebelled and the college, with reluctance as he told me, gave him some relief.

As for his lecturing I should describe him from memory as a good lecturer by the standards of those days, but I have heard him more than once described as 'the world's worst'. He had only two patterns to follow: the Harvard method which was unsuited to English undergraduates and the continental, which was, essentially, dictation. He followed the latter. But so did most lecturers of those days. The great Buckland continued that method to the end. A High Court Judge, Sir Charles Collingwood, who was at Downing before 1914, told me in casual conversation, without knowing that I was a friend of Hazeltine's, that the latter was one of the dons from

whose lectures he had learnt most. So there are two views about H. D. H.'s lectures, as there are about many men's.

In later years, when he was Downing Professor, he adopted the more direct and personal style advocated by his friends. A Cambridge professor is traditionally not bound, unless he wishes to do so, to give elementary expository courses attracting large audiences, and Hazeltine preferred to lecture on topics which would attract small classes of the more scholarly undergraduates, and would not necessarily pay a dividend in the Tripos.

To return to the years before 1919. He must have worked prodigiously, for he delivered lectures, always carefully prepared, on a great variety of subjects: these included courses given in the summer schools of Chicago and Wisconsin Universities, the former in 1906 on Partnership, the latter in 1908 on Property. These courses, involving American as well as English cases, must have been a considerable strain. Lectures given on English Constitutional and Legal History in the Law School of Columbia University in 1912 were less demanding, for they followed his natural bent. Incidentally, the fact that he was invited to give this course again in 1916 is persuasive support of the view that he was a pretty good lecturer.

A course, which was not ephemeral as most lectures are, was one consisting of three given in the University of London on the *Law of the Air*. Published in book form in 1911 it was a pioneer work in a little-explored field with an obvious future. It was followed up by a paper on *State Sovereignty in the Air Space* read before the International Law Association in 1912 at its 27th conference held in Paris, and other papers in 1919 and 1920.

Lord McNair, who followed him in this field, has kindly written for me as follows:

Hazeltine's lectures on the law of the air show that his professional interests were not exclusively historical. In their printed form they are the first publication in England entirely devoted to that subject the importance of which he foresaw. In the first lecture he examined the fundamental legal problems and argued in favour of the recognition of the state's full right of sovereignty in the air-space above its territory and territorial waters—the solution adopted in the Convention for the Regulation of Aerial Navigation of 1919, to which twenty-nine States soon became parties. The second lecture dealt with the 'Principles and Problems of National Law'—mainly the common law of England—and the third covered 'The Principles and Problems of

International Law'. These lectures, based on wide reading and much realistic thinking, made a valuable contribution to a subject which was then in its infancy. One result of the book was that some years later he was invited to take part in a summer school on Air Law in North-Western University. Being unable to go, he was kind enough to arrange for the invitation to be transferred to me, and I went.

This excursion into the future was a *parergon*: his other publications of this period show that there was no falling off of his interest in legal history. He contributed articles to *Festschriften* for three of his German professors: for Kohler in 1909, *Early History of Specific Performance of Contract in English Law*; for Brunner in 1910, *Selden as Legal Historian*; for Gierke in 1911, *Judicial Discretion in English Procedure of Henry II's Time*. The first of these articles has been much quoted, so has his paper *The Early History of English Equity* read before the International Congress of Historical Studies held in London in 1913. He was of course a member of the Selden Society, and served on its council from 1916 onwards.

III

1919-40

In 1918 Kenny, though he was entitled to the Downing Professorship of the Laws of England for life, was anxious to retire: he hoped that Hazeltine would be his successor. They both seem to have overlooked the fact that candidates for the chair were required to be barristers-at-law. Hazeltine had kept the necessary terms at the Inner Temple, but had not passed his bar examinations. Kenny considerably postponed his retirement until Hazeltine was qualified to be elected to the professorship, as he duly was in 1919. His election involved his migration to Downing College, the foundation members of which were a Master, a Professor of the Laws of England, a Professor of Medicine, and a number of Fellows.¹

He was living in a house which he had built, two miles from the centre of the town, after his marriage in 1911 to Hope Graves, of Bennington, Vermont. He moved, though he was not obliged to do so, into the professorial residence in Downing, called The West Lodge, where Maitland had lived, but not Kenny.

¹ The Downing Professorship of the Laws of England was disannexed from the college by the statutes made by the commissioners in 1926, but existing rights were not affected.

Though he much regretted leaving Emmanuel and remained devoted to it he found himself very much at home in Downing, of which, by virtue of his office, he ranked as Vice-Master, though the title did not then exist. He could not have been more favourably introduced into the society than he was by his friendship with Kenny who had been a Downing man all his academic life. He repaid Kenny's friendship with a memoir for this Academy, written with infinite care and affection. It is a perfect piece of work.

The first fruits of his tenure of the professorship were his admirable chapters in the *History of the Peace Conference of Paris*, edited by H. W. V. Temperley, afterwards Master of Peterhouse. Hazeltine's contributions were chapter ix (69 pages) in volume i, (1920) continued in volume ii (also 1920) in chapter vi (174 pages). Their subject is *The legal basis of international relations prior to the re-establishment of peace by treaties*.

Another important publication was his chapter v (67 pages) of volume v of the *Cambridge Medieval History* (1926). This is entitled *Roman and Canon Law in the Middle Ages*. Few men living were competent to review it: one of them was the distinguished American professor J. H. Wigmore, who did so in the 43rd volume of the *Law Quarterly Review*, 1927, at pages 118-21. It is a long review which any author might be proud to read. It contains this paragraph:

The story is told so lucidly and straight-forwardly as to make the reader forget for the moment the vast complexity of the evolution and the ponderous multiplicity of the materials out of which the story must be extracted. As a literary achievement it is an unqualified success. As an historical pronouncement it is an enduring contribution.

And it ends with the sentence:

It is impossible to do justice to the erudition and skill which the author has brought to bear in giving us this safe and lucid guide to the grand panorama of medieval law in Europe.

As soon as conditions became fairly normal after the war Hazeltine embarked upon a project very dear to his heart, the foundation of a series of studies in English Legal History under his general editorship. His proposal had the influential support of S. C. (now Sir Sydney) Roberts, then secretary of the Cambridge University Press, and later Master of Pembroke. The series began with three notable books: *The History of Conspiracy and Abuse of Legal Procedure* (1921) by P. H. (later Professor

Sir Percy) Winfield; *Statutes and their Interpretation in the First Half of the 14th Century* (1922) by T. F. T. (later Professor) Plucknett, who had been Hazeltine's pupil; and *Interpretations of Legal History* (1923) by Roscoe Pound, Dean of the Harvard Law School and Carter Professor of Jurisprudence. The latter book consisted of truly memorable lectures given by Dean Pound at Cambridge, on the invitation of Trinity College, in the Lent Term 1922.

To all of the twelve volumes published under his editorship Hazeltine contributed prefaces; to seven of them quite short ones, to five of them very long ones totalling 200 pages.

Hazeltine had a hand in three important developments affecting legal education which took place during the inter-war period. One was the growth in reputation of the Cambridge Law School both in the university and in the country as a whole. In 1919 the ranks of the Old Guard had been thinned by death and resignation: it was clear that the burden of the future was already falling upon us new men who had had little experience of university teaching before the war. Some of us saw clearly that important changes ought to be made in the curriculum, in methods of teaching, and in the nature of Tripos questions. We therefore formed ourselves into a little dining club which met three times a term to discuss ideas for the future. We called ourselves The Common Bench, and our members were Harold Hazeltine, Percy Winfield, Arnold McNair, David Oliver, and myself. Next year we were joined by Arthur Goodhart (later Professor of Jurisprudence at Oxford, and now Master of University College). Most of the changes which took place in the Law School during the next ten years, including the foundation of the *Cambridge Law Journal*, were preceded by discussions at our meetings. H. D. H. was not one of those of us who were most fertile in ideas but he was a most loyal and influential co-operator.

The second important development of that period was the immense increase in the importance of the Society of Public Teachers of Law, the prime mover in the founding of which, in 1909, had been Edward Jenks who was enthusiastically supported by Hazeltine and others. The presidency of this society is an annual office and was held by Hazeltine in 1922-3.

The third development in which Hazeltine was concerned is the Solicitors' Honours Examination. This came about in the following way. Sir Samuel Garrett, who had been President of the Law Society, was anxious that young men who were

becoming solicitors without having been able to take a university degree should have the opportunity of proving themselves the intellectual equals of those who had obtained university honours. Being acquainted first with Hazeltine and then through him with myself he asked us to draw up a plan for an examination of the same type as a university honours examination and to conduct it ourselves. We agreed provided that we might enlist the help of others, and eventually proposed a plan of examination which was approved by the Council of the Law Society. I have never heard it spoken of otherwise than as a success. It was conducted by Cambridge examiners until it was suspended during the war. After the war, Hazeltine being no longer available for consultation, I advised that it be conducted by a board selected annually from law teachers of all universities. This has worked admirably. But under modern conditions the examination is no longer necessary and is being abolished.

The year 1926, in which his contribution to the *Cambridge Medieval History* was published, is the high-water mark of Hazeltine's career. He had reached 55, had been awarded doctorates at two universities, and honorary doctorates at two others, and had been elected a Fellow of this Academy. After that date the tenacity of purpose which had been a feature of his youth, and had stood him in such good stead, failed. During the rest of his tenure of his chair, instead of setting himself a specific literary task and subordinating everything else to its accomplishment, he drifted along, not indeed idly, but doing miscellaneous things with no unity of aim. This change in him was in my view largely accounted for by three pieces of ill luck. First his marriage broke up. The alliance of an exceptionally pretty and charming American girl, who had been indulged by a well-to-do father, with a scholar, thirteen years older than herself, who chained himself to his desk every day and on many evenings, was a gamble which, perhaps not surprisingly, failed to come off. Even the birth, nine years after their marriage, of their only child, Georgina, to whom they were both devoted, did not reconcile the disharmony of their temperaments. Not being fettered by the tyranny of English matrimonial law they were able to arrange a dignified divorce in Paris on the ground of mutual incompatibility. They co-operated amicably on the subject of their daughter, who was brought up by her mother on the Continent, and went to school there within easy reach of her father. Mrs. Hazeltine, several years later, married again

and was subsequently widowed. She used to go to see Hazeltine from time to time when he was living in retirement in Cambridge, Massachusetts. He never seriously contemplated remarriage. The effect of such an emotional tragedy on a sensitive scholar cannot be estimated.

His second misfortune was a grievous financial blow which befell him when his father died. The latter had been making him a large allowance and H. D. H. had ordered his expenditure on the natural assumption that he would have a substantial inheritance. But Mr. Hazeltine had not revealed to his son the collapse of his finances, and when he died there were no liquid assets available. Consequently in order to meet his obligations H. D. H. had to increase his earned income, and this he did by undertaking far more examining than was desirable, and by writing paid articles for the *Encyclopaedia of the Social Sciences*, which was then being published in New York. Intimate though I was with him I never heard him express one word of criticism of his father.

His third misfortune was that his eyesight, which had never been good, deteriorated, and the vision of one eye became partially obscured. It was unwise for him to read in the evenings, and he became a nightly visitor to the cinema.

Some of his acquaintances, not knowing the circumstances of his life as I did, were critical of what seemed to them an inadequate productivity during the last sixteen years of his professorship. The printed output of that period was, nevertheless, quite respectable, amounting as it did to (a) his memoir of Kenny; (b) five long prefaces—graceful and accomplished adornments of the books which they precede; (c) fifteen articles for the encyclopaedia; (d) the notes to (i) *Trust and Corporation* and (ii) *Moral Personality and Legal Personality* in the edition (1936) of Maitland's *Selected Essays*; (e) seven articles in periodicals, and (f) ninety-three book reviews.

On the subject of his reviews Dr. Arthur Goodhart, who published the greater number of them, first as editor of the *Cambridge Law Journal*, and later as editor of the *Law Quarterly Review*, writes as follows:

Hazeltine was particularly happy in his book reviews, for his versatile mind and wide reading enabled him to make illuminating comments on any subject with which he was dealing, and particularly to find analogies in foreign legal systems. He had the literary skill to give a clear picture of the contents of a book, sometimes more lucid than the book itself. He invariably tempered criticism with courtesy.

His first review in the *Cambridge Law Journal* (vol. i, pp. 107-9) was of Dr. Bolland's Lectures on *The Year Books*. It contains an example of his gift of happy illustration. To show how wide an appeal these medieval legal reports have made he vouches a young lady from Massachusetts, who 'took out with her in her boat every afternoon a volume of the Selden Society *Year Books*.'

As a general rule Hazeltine was cautious in his references to recent cases, for, unlike Holdsworth, he was a better legal historian than a practical lawyer, but in his review (vol. i, pp. 228-31) of the 9th edition of Pollock's *Principles of Contract* he pointed out that unfortunately no reference had been made to the recent case of *Les Affréteurs Réunis Société Anonyme v. Leopold Walford (London), Ltd.* [1919] A.C. [House of Lords] 801. He then devoted the major part of his review to an analysis of that case, in which he reached the conclusion that it could only be explained on the ground that a trust had been created. This view was accepted by Sir Percy Winfield when, after Pollock's death, he edited the 11th edition of the *Principles of Contract*.

It gave Hazeltine particular pleasure to review some of the volumes of Holdsworth's *History of English Law* for they had long been intimate friends. In his review (vol. i, pp. 381-5) of the third edition of Volume I, which deals with the history of the judicial system from the earliest times to the present day, he makes the interesting point that it will impress Continental legal historians as strange that a general history of the law should begin with a detailed and technical history of the Courts. In contrast, the general history of any Continental legal system would begin with the major emphasis on the substantive law. Hazeltine explains this difference in emphasis on the ground that English law is, in most of its essential features, a creation of the courts, judge-made law having always played a greater role in this country than on the Continent.

Hazeltine's command of German and French enabled him to review a large number of foreign books. An interesting example is the review (vol. ii, pp. 410-11) of de Longrais's *La Conception anglaise de la Saisine du XII^e au XIV^e siècle*.

Hazeltine also contributed a number of book reviews to the *Law Quarterly Review*. Two are still of particular interest. In the review of Bellot's *La Théorie anglo-saxonne des Conflits de Lois* (1927, 43 *L.Q.R.* 124) H. D. H. discussed the various theories that have been advanced concerning the nature of that difficult branch of the law. In the review of *The Collected Papers of P. Vinogradoff* (1929, 45 *L.Q.R.* 243) there are some personal reminiscences which show how very human the distinguished Russian scholar was, and make one understand how it was that, in spite of his brusque and sometimes overbearing manner, he had so many devoted friends.

Attempting to sum Hazeltine up intellectually I should say that he had not the makings of a first-rate lawyer, for he

lacked the acute reasoning power and the comprehensive memory necessary for that. But as a historian of legal institutions and ideas I rate him highly: indeed I could not fail to do so, for who could challenge the opinion of Sir Frederick Pollock or Professor Wigmore in that field? He had no urge to examine original documents personally, and thereby to add small details to the vast body of knowledge; what he enjoyed doing was making available to his readers a broad synthesis based on known, but unfamiliar, facts, and that was what he did so well.

IV

1940-60

In the summer of 1940 Hazeltine had reached the age of 68: a year past the present retiring age for university teachers. Under a special regulation applicable to him he was entitled to occupy his chair until 30 September 1942. Citizens of the United States were being strongly urged by their government to return to America. He and I discussed what he should do. I strongly urged him to go, and to ignore the criticism which he would doubtless incur. I pointed out that it might be years before he would be able to return to see his family, that there was not the slightest need for his lectures as things were in the war, that a man of his age could be of no practical use to this country, that if he were to fall ill his presence here without relatives would be a great embarrassment to many, and that he could fulfil the research duties of his professorship far better in the Harvard Law School Library than in England. He accepted my view, and went: I have never questioned the correctness of my advice. The university gave him leave of absence on generous terms: he settled into an apartment in Cambridge, Massachusetts, received the warmest of welcomes from Dean Landis and the Faculty of the Harvard Law School, and was given a room in the school. About that time his daughter married and acquired a house in Cambridge: her presence near at hand and that of her daughter, Pamela Hardee, born in 1944, gave Hazeltine the greatest possible happiness.

Most pleasurable also it was to him to establish a warm friendship with Erwin Griswold, who succeeded Professor Landis as Dean, to renew his old friendship with Roscoe Pound, and later to form close ties with the legal historian Sam Thorne, who, with his charming wife Peggy, lavished kindness and affection upon him in his last years. His annual holiday consisted

in a long visit to Warren, to stay with his two sisters to whom he was deeply devoted, as he was to his brother who predeceased him. In the early 1940's he delivered some lectures at Harvard and at various other law schools. But he was, I think, a tired man, reaching the end of his tether intellectually, and I doubt whether he was equal to much strenuous work. The only items in his bibliography which are dated after 1940 are two prefaces, a memoir, and three reviews. Of the prefaces, one, entitled *The Age of Littleton and Fortescue: its Significance in the History of English Law*, is in Professor Chrimes's edition of *De Laudibus Legum Angliae*, volume xii of the Cambridge series, 1942; the other, entitled *The Legal and Political Ideas of the Post-Glossators*, is in Walter Ullmann's *Medieval Idea of Law as Represented by Lucas de Penna* (London, 1946). Dr. Ullmann, now a reader in the University of Cambridge and a Fellow of Trinity, came to England as a political refugee, and Hazeltine had interested himself in him and furthered his studies. The memoir is that of Hazeltine's old friend Sir Frederick Pollock, published in volume xxxv of the *Proceedings* of this Academy.

In 1953 he informed the author of a biographical sketch of him, published in the *Harvard Law School Record*, that he had 'nearly completed a work on the history and theory of the corporation in Europe and America, as well as a book on the career, writings and ideas of the late Sir Frederick Pollock'. But I suspect the words 'nearly completed' of being an exaggeration, and the physical misfortunes which befell him after 1953 made further serious work impossible. But he did one thing in his last years which is worth recording. He had received a surprising number of letters in the course of his life from interesting men, mostly men distinguished in law or literature, and had kept them. He made a methodical arrangement of these letters, appending to each one an explanatory note. This collection, which the librarian of the Harvard Law School Library considered to be of definite interest and value, he gave to the library, where it is preserved in the Treasure Room. He had kept also copies of nearly everything that he had published, so he was able to prepare the bibliography which is appended to this memoir. He did this with the meticulous accuracy characteristic of him, and drove Professor Thorne's secretary to distraction by the frequency of his requests for retyping.

He was certainly homesick for Cambridge, and came over twice in the post-war years to spend several weeks living in college, where he was made most welcome. He would have

come again but was faced with the necessity first of a serious operation, and then of a series of operations, which would have killed most men. Thereafter he required the regular visits of a nurse, and further journeys to England became impracticable. His letters, which regularly gave pleasure to my wife and myself, were never complaining but always gay and full of *joie de vivre*, describing the visits of his daughter and granddaughter, and of friends mostly known to me, also his little parties at his favourite restaurant, *Chez Dreyfus*, with details of the food and drink which made us laugh. Fortunately he was able to live a fairly normal life in his apartment until three weeks before his death in hospital.

V

Hazeltine was a spare man of medium height, with thick well-groomed hair which he retained to the end. In middle life he walked rather jauntily, always carrying a stick. In his study he was never without a cigarette. He was as unathletic as a man sound in wind and limb could be. There was no sport or game in which he attained even competence, except perhaps fencing. There was a saga of his, the details of which I forget, relating to a fracas in Germany which it seemed might have led to a duel. His arms seemed wholly lacking in muscle. But his constitutional vitality was tremendous, and until after he was eighty he was seldom ill. Even after all that he then went through his doctor used to report that his heart and lungs were perfect.

In his youth he enjoyed canoeing trips in the woods of Canada, and in later life travelling on the Continent, particularly in rather out of the way places. In his sixties he was very fond of France, and had friends in Paris whom he went to see fairly often. He spoke French not well but fluently.

As a boy and undergraduate he had been keenly interested in literature and had done a bit of juvenile writing. But in adult life the immense amount of professional reading which he had done in English, German, and French killed, it would seem, his interest in non-legal literature. In old age, he seldom, so far as I know, read any book of value: he spent his time on paper-back 'mystery stories', as he called them, and was not critical of their quality.

He was a conversationalist of a high order. He cannot be placed in the highest class, for he had no gift of epigram, or allusion, or of trenchant analysis. But he could talk to anyone, from

Einstein (next to whom I arranged for him to sit at an honorary degree dinner in Trinity) to a freshman or a barmaid. And he charmed all alike. When my wife and I shared his house we always invited him when we entertained, and a most welcome guest he was, for he could be counted on to make any party go. Any friend or relation of mine who stayed with us was captivated, and asked after him years later. If he had wished he could with little trouble have made himself a pleasant circle in London. But he refused invitations which would have attracted many men: he did not want to spend time on social life outside Cambridge, and though he had a London club he did not use it much.

Dons do not, on an average, talk well, but there are some who do, and the members of this small intelligentsia, as it may be called, are pretty critical. Hazeltine's election to 'The Society'—one of the two old dining-clubs of seniors in the university—shows that he was acceptable to that inner circle. Each member gave a dinner once in two years, and the host was entitled to invite a non-member. Hazeltine generally invited me when his turn came round, and he certainly was a delightful host.

All would not agree with me about his conversation: some found him tedious sometimes. But I who spent more hours with him than anybody else did during a quarter of his life can honestly say that I was never bored in his company. And Lord McNair has said to me that, if in the old days he had had to choose a friend as companion on a world tour, H. D. H. would have been his first choice.

Among H. D. H.'s much younger colleagues a particular friend was the late Henry Barnes, most colourful of law dons. Cecil Graham, one of the latter's best friends, writes:

Hazy often stayed with H. B. at Linton during week-ends when I was there. He really did enjoy the Napoleon Brandy, and the cigars, which H. B. provided: he liked the good things of the table. But I remember specially some occasions on which Hazy had a party in London. He was quite another person away from Cambridge, he had a happy light in his eyes, and a gaiety of expression which he never showed in Cambridge, where he always had an air of reserve. This was a Hazy that was a revelation to me, and very delightful it was, it was as if he had found a new freedom.

It was Harold Hazeltine who put me on the way to becoming a don by suggesting a subject for a dissertation, and by constant encouragement thereafter. It is difficult to write impartially about one to whom one owes so much, and with whom one

enjoyed an ever deepening friendship of over fifty years. As time passed I admired him more and more as a man. I admired his cheerfulness in adversity, his reticence, his courage in facing operations and death, which he hated as much as any man could. I admired the zest for learning and for teaching which he had in his prime, and the loyal affection which he felt throughout his life towards his parents, his family, and his friends.

H. A. HOLLOND

BIBLIOGRAPHY OF THE PUBLISHED WRITINGS OF HAROLD DEXTER HAZELTINE

ABBREVIATIONS

Am. Hist. Rev.	= <i>American Historical Review</i>
Camb. Law Jour.	= <i>Cambridge Law Journal</i>
Columbia L. Rev.	= <i>Columbia Law Review</i>
Eng. Hist. Rev.	= <i>English Historical Review</i>
Harv. Law Rev.	= <i>Harvard Law Review</i>
Law Quart. Rev.	= <i>Law Quarterly Review</i>

PART I

HISTORY OF EUROPEAN LAWS AND INSTITUTIONS

SECTION (I)

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PART II

HISTORY OF ENGLISH LAWS AND INSTITUTIONS

SECTION (1)

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HISTORY OF AMERICAN LAWS AND INSTITUTIONS

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PART IV

MODERN ENGLISH AND AMERICAN LAW

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