

Law School of Harvard University

Cambridge, Mass.

22 June 1944

Professor Paul Sayre,  
College of Law, State University of Iowa,  
Iowa City, Iowa

Dear Sayre:

Your letter of June 14 came while I was away for a week, and I have only just seen it. I had hoped before this to have my work cleaned up so that I could get to going upon the book on jurisprudence and determine just what parts of what I have written in the past I might want to incorporate therein. Unhappily, I am still much behind with things that have immediately to be attended to, and I am afraid it will be some little time yet before I can resume work on the book.

I should prefer not to have what I have written in the past reprinted until I can determine what I may want to use in the book on jurisprudence, and what I may feel had better be left without reprinting.

As to the book of Essays in my honor, indeed I could do nothing but appreciate it highly and should feel that it could not be in better hands than yours.

Dr. Chroust is a man of excellent training in jurisprudence and in philosophy. He has written some things of real importance. Also he for a time helped me in my seminar in jurisprudence after Dr. Stone left. He could undoubtedly contribute a good article on some point in philosophy of law or philosophical jurisprudence. So far as I know, no one is planning any volume or volumes in my honor. Such things could hardly be expected here during the war and very likely would not be planned at all here. Harvard is not much

Law School of Harvard University

Cambridge, Mass.

P.S.,2

given to such things. Langdell, Ames, Thayer, and Gray left without any Festschrift, and there would not have been the Williston-Beale Essays if I had not promoted and finally edited them after the editor chosen by the Faculty gave the project up.

What you say about such collections of essays as we have had in this country in the past is thoroughly well taken. I do not know how good a collection could be had at the moment, but so many former students of mine who worked over philosophy of law in my seminar are in law schools in the country that I imagine in normal times an editor would have little difficulty in picking out a good group.

Kelsen attended my seminar in jurisprudence for two years, and I could imagine he would appreciate your account of it. As I have told you before, I appreciate very much and am glad to have your recollections of it in permanent form.

Yours very truly,

Roscoe Pound

Law School of Harvard University,  
Cambridge, Mass.

27 June 1944

Professor Paul Sayre,  
State University of Iowa College of Law,  
Iowa City, Iowa

Dear Sayre:

The suggestions in your letter of June 21 seem to me excellent. Obviously, however, I could not reasonably take the initiative myself. Whatever is done will have to come from some of you who have been students under me.

With cordial regards

Yours very truly,

*Roxor P. ...*

Law School of Harvard University,  
Cambridge, Mass.

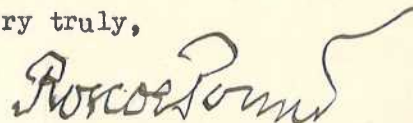
3rd July 1944

Professor Paul L. Sayre,  
The State University of Iowa Law School,  
Iowa City, Iowa

Dear Sayre:

Answering your letter of June 27, your plan seems to me exactly right, and so far as I may properly I shall be at your service. Dr. Chroust spoke to me this morning about some plan for enlisting some of the outstanding men in Jurisprudence outside of this country. Whatever you think is the best plan I shall cordially assent to. But if you have any such idea in mind as Dr. Chroust had, I should advise caution. I doubt whether it would be possible to obtain contributions from representative scholars in Jurisprudence outside of this country as things are today. Possibly England, Canada, Australia, and Latin-America might be represented, but I should doubt very much whether even there a truly representative group of authors could be reached. But you may know better what can be done. At any rate, I must leave the matter entirely in your hands, and shall do so with the utmost confidence.

Yours very truly,



Law School of Harvard University

Cambridge 38, Mass.

20th October 1944

Professor Paul Sayre,  
College of Law, State University of Iowa,  
Iowa City, Iowa

Dear Mr. Sayre:

Your letter of 17 October is received in Dean Pound's absence. He is in New York but will return in a day or two when he will see your letter.

Our winter term commences on October 30, and Mr. Pound has a lecture in Property I at 11, and one in Jurisprudence at 2. He will be free after 3 o'clock and I know he would be very glad to see you. If Monday is not convenient for you I am sure a time can be arranged that will suit you.

Yours very truly,

*May M. McCarthy*  
Secretary to Professor Pound

Law School of Harvard University

Cambridge 38, Mass.

24 October 1944

Professor Paul Sayre,  
College of Law, State University of Iowa,  
Iowa City, Iowa

Dear Sayre:

Your letter of October 17 came during my absence from Cambridge. I have looked at Miss McCarthy's letter to you of October 20. It puts the situation exactly. Certainly I shall want to see you, and if the 30th at 3 o'clock is not a convenient time will not fail to find some other time convenient for both of us.

I appreciate what you say about your plans and have no doubt that what you are doing is exactly right. I have such complete confidence in your doing it that I should be perfectly content to leave everything to you. If, however, you feel I can be of any assistance in this or any other matter, you are always free to call upon me.

With cordial regards

Yours very truly,

*Roscoe Pound*

Law School of Harvard University

Cambridge 38, Mass.

16 November 1944

Professor Paul Sayre,  
College of Law, State University of Iowa,  
Iowa City, Iowa

Dear Sayre:

Many thanks for your letter of November 8. It has occurred to me that you might want to know something about my Masonic activities. I think the man to write to is Melvin M. Johnson, Esq., Grand Commander of the Northern Masonic Jurisdiction of the Scottish Rite, whose address is Statler Building, Boston, Mass.

I, too, have a letter from Julius Stone. Everything seems to be going well with him, and I am rejoiced that you got in touch with him.

Yours very truly,

*Roscoe Pound*

Law School of Harvard University

Cambridge 38, Mass.

21 December 1944

Professor Paul Sayre,  
College of Law, State University of Iowa,  
Iowa City, Iowa

Dear Sayre:

I can quite understand why Carleton K. Allen was a little disinclined to write for the volume. I have been told that he sent me the third edition of his *Law in the Making*, and naturally felt badly that I did not acknowledge it. I had supposed that it was sent by the publishers (as a great many books have been sent to me of recent years) and consequently did no more than acknowledge to the publishers. I am sorry that this happened, but it is the sort of thing that will happen occasionally. I had meant to send him the last edition of my *Outlines* but was told at the post office that there was not much use in trying to send anything more than letters over to England at present. When it can be done with assurance that the book will reach him, I shall certainly be sending him a copy.

As to Mr. Hershey, you need not be troubled at all about talking with him. You will find him the easiest fellow in the world to talk to. He is not at all inclined to be a stickler for form or ceremony or anything of the sort. He comes of a Pennsylvania Mennonite family with whom pride is an abomination and simplicity in all things a creed.

Yours very truly,

*Ronald Sumner*



Law School of Harvard University

Cambridge 38, Mass.

3 January 1945

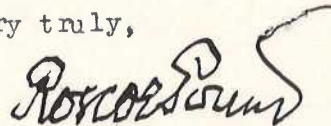
Professor Paul Sayre,  
State University of Iowa College of Law,  
Iowa City, Iowa

Dear Sayre:

I will write to Hershey that I will leave everything in the matter of the letters to you and to him to do what you think best. Perhaps this statement is a sufficient "kind of general approval for the use of the letters" such as you request.

With cordial regards

Yours very truly,

A handwritten signature in cursive script, appearing to read "Roscoe Pound". The signature is written in dark ink and is positioned to the right of the typed name "Yours very truly,".

Law School of Harvard University

Cambridge 38, Mass.

11 January 1945

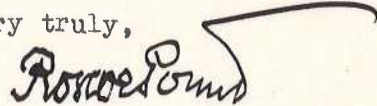
Professor Paul Sayre,  
University of Iowa, College of Law,  
Iowa City, Iowa

Dear Sayre:

Many thanks for your letter of the 6th. I am glad to know that your health is entirely what it should be at your age. Indeed you looked very well when you were in my office.

I appreciate very much what you are doing. You are succeeding quite beyond what one could have expected in these times. I presume the list of those who are writing which you enclose is not intended to be critically accurate with respect to the name and title of each author. I notice some mistakes in the spelling of names and some things of the sort which no doubt you already have attended to.

Yours very truly,

Roscoe Pound

— LABORATORY OF ECOLOGICAL RESEARCH

ALPINE LABORATORY, MANITOU SPRINGS, COLORADO  
(JUNE-SEPTEMBER)

COASTAL LABORATORY, SANTA BARBARA, CALIFORNIA  
(OCTOBER-MAY)

January 17 1945

Dear Professor Sayre :

I have some misgiving as to the usefulness of the enclosed material to you, particularly since it seems to be as much autobiography as biography.

For this reason I am forwarding with it my copy of "The Book of the Sem. Bot." in the hope that this may serve to eke out the account.

Very sincerely yours,

*Fredrick E. Clements*

## THE YOUNG COLLECTOR

Before he was fourteen, Pound had become an ardent and tireless field collector. To the admiring small boys of the neighborhood, he was a familiar sight striding across vacant lots with flying vasculum on his return to the campus from the nearby prairie. His first major interest seemed to be with insects, but this was later transferred to plants when he met Dr. Bessey for his first course in botany. At any rate, in emulation of his example Clements and several of his companions began assiduously to decimate the bug population of the prairie, and occasionally one would be bold enough to ask for a glimpse of his collection and to beg the name of some striking species. The collection itself was a gem, in extent, completeness and technique, being essentially a professional performance so far as the territory was concerned.

## THE SEM. BOT.

Within a year or two after coming to Nebraska, Dr. Bessey with his broad outlook, genial personality, and exceptional ability as a teacher had stimulated seven young men to continue into advanced courses. These were the "Original Seven" that the enthusiasm and leadership of Pound consolidated into the Botanical Seminar. Of these, five became professional botanists, Pound combining law and botany with rare success and being one of the first group to secure the coveted star in "American Men of Science".

No better proof of Pound's many-sided genius can be afforded than this unique organization without constitution or by-laws.

Although the Seminar owed much to Dr. Bessey indirectly, its actual origin and the brilliance of its performance through two decades were due to Pound's insight and perspective, as well as to his scientific cast of mind. This is attested by its course after he left the University, when it gradually lost momentum and finally ceased to exist. During its golden period it was the lode-star of students in the department of botany and related departments, in which its prestige and influence were greater than in any other scholarship society. What a rare combination of frolic and seriousness it was and how the former dropped away to remain embedded only in the ritual may readily be gathered from Pound's account of its history. Lord Wardens came and went with shifts in the departmental staff, but Pound remained the constant focus of the Sem. Bot. and the Botanical Survey.

Pound's wit and satire scintillated throughout this period and were exemplified in other respects than in the procedures of the Seminar. One of the most trenchant was a biological classification of the departments and professors of the University, the most devastating name being that of "Padlockus" for the department of Chemistry. Several years later, Clements found this designation still accurate when he attempted to secure permission to work overtime in the freshman laboratory.

When it is realized that this course was set by a youth of fifteen and was moving steadily toward accomplishment by the time of graduation at seventeen, it is evident that here was a creative mind, as sound as it was precocious.

#### THE BOTANICAL SURVEY

One of Dr. Bessey's great services to the West was fostering the early exploration of the plant resources of Nebraska and the adjoining states. It was in this connection that Pound and Smith set out in 1892 to explore the central sandhills of the state, an area of nearly 20,000 square miles and constituting one of the great grasslands of the world. With their provisions and equipment loaded on a sulky drawn by a patient mule yclept "Moses", they plodded through the heavy sand, making notes on the vegetation and collecting plants for the University Herbarium. Anyone who has trudged over the dunes of Lake Michigan or those at Cape Cod or Cape Henry will readily appreciate the physical exertion and endurance demanded by this trip.

Upon their return to Lincoln in the fall, the immediate outcome was the organization of the Botanical Survey of Nebraska, of which Pound became the director and the Sem. Bot. the working staff. Out of further exploration and the investigations connected with them developed a series of annual reports, the "Flora of Nebraska", and most ambitious of all, the "Phytogeography of Nebraska", the first book of its kind on the vegetation of North America. It is perhaps not too much to say that out of the latter developed a synthesis of the new field of dynamic ecology, which has since spread over the globe and has exerted a profound effect upon agriculture and forestry, and upon conservation in particular.

Annual forays became a feature of the Survey, and in addition Pound led frequent field trips into eastern Nebraska, with mushrooms and other fungi as their chief objective. These yielded many additions to the flora of the state and a large number of new species and genera.

Such field work was now and then signalized by incidents of

a serio-comic nature. On a journey of several days into southern Nebraska, for which the Union Pacific Railroad had furnished the transportation, it was a near tragedy to discover that a subsidiary would not honor the passes. The purchase of tickets exhausted the treasury, and it required all of Pound's eloquence to persuade the hotel-keeper to wait for payment until the return to Lincoln. The three then set off for the work in the sandhills, mapping the terrain, making notes and collecting herbarium specimens. Some hours later, it was suddenly realized that the time for reaching the junction where the passes would be accepted was perilously short. There was nothing to do but make a dash for it, and Pound led off at a terrific pace. After a few miles, this caused one of the three to drop out. Pound and Clements kept on and reached the depot with five minutes to spare - only to learn that the train was an hour late. Needless to say, when their companion arrived a half-hour behind time, they had to endure his raillery over their undue concern about catching trains that were late.

#### THE PHYTOGEOGRAPHY OF NEBRASKA

By 1895, it had become evident that a detailed account of the vegetation of Nebraska would be of service to all the prairie states lying between the Missouri River and the Rocky Mountains. Accordingly, it was decided to publish such a book, and the manuscript was begun in the autumn of 1896. The writing was <sup>done</sup> at the Herbarium during the evenings of the next six months and was intended to serve as a joint thesis for the doctor's degree. No supporting courses were required at that day, but a minor was essential and it was further stipulated that this could not be in a cognate subject.

Evidently this provision was designed to prevent scientific students from becoming too highly specialized; the consequence was that Pound met the requirement with Roman Law and Clements with Romance Languages.

An antiquated regulation to the effect that University buildings were not open in the evening for individual workers below the rank of professor made it necessary to enter and leave by means of a high window, the latch of which was carefully checked every afternoon. Dr. Bessey and the night watchman were both fully aware of the arrangement, and this patent subterfuge finally led to dropping the rule, but too late in the year to be of service.

The two friends alternated in the major tasks of dictating and transcribing, pausing now and then to discuss a point, seek new inspiration, or to relax by whistling in unison snatches from favorite grand operas. At such times, Dr. Bessey would occasionally look in, to say that he knew the work was going well when the strains floated down the corridor. The writing occupied the major part of the school year, but was ultimately completed, examinations taken, and the writers were looking forward to Commencement as the reward of their labors.

Then a wholly unexpected blow fell when the Graduate Dean, who was also head of the department of Romance Languages, stated that Clements must take one more course in Advanced Spanish to meet the requirements for a minor. In vain Clements pointed out that this had not been nominated in the bond at the outset of the work, but he was adamant and pointed out that a few years hence it would make little difference whether the degree was obtained then or a year later. Pound was exasperated by all this and vowed if we could not take the degrees together, he would not go near Commencement.



He maintained this resolution throughout the remainder of the term, but on Commencement morning Clements proposed that they go to the theatre and look on. They stood leaning against the rail of the parquet circle as the candidates for degrees received their diplomas. Then Clements, who had been revolving arguments in his mind, said, "Yours in the first doctor's degree the University has granted. Everyone will be disappointed not to see you receive it. Won't you go ? " After a brief protest, Pound marched briskly down the aisle, crossed the traditional bridge over the orchestra pit and stood before the Chancellor.

The years of the Sem. Bot. record many other instances of Pound's unmatched loyalty to his friends, the Seminar and Department, and to the University. Equally outstanding was his generosity in all respects. Since the Seminar had no dues, the increasing costs, especially of publication, were met by Pound for nearly twenty years, until the University was finally able to take them over.

Law School of Harvard University

Cambridge 38, Mass.

26 January 1945

Professor Paul Sayre,  
University of Iowa College of Law,  
Iowa City, Iowa

Dear Sayre:

The errors in the list of authors about which I spoke in my letter of the 11th are, I think, with one exception, simply the usual clerical errors involved in copying any list. Walton H. Hamilton is listed as Walter. Ranyard West is put as Reynard. Professor Sorokin's first name is <sup>written</sup> Pitirin when it should be Pitirim. The name of Professor Hans J. Morgenthau is spelled Marganthau. Also I suppose Professor Recaséns Siches would think of his name as Recaséns rather than Siches. You know the double barrel system of Spanish names. The old way of putting it would have been Recaséns y Siches. Today they leave out the conjunction but the real name is the first of the couplet.

Also I notice that Hans Kelsen is put down as at the University of California. He is now in Washington. Professor Balogh's first name is Elemér and it should be Balogh, E. on the list instead of Balogh, S.

I return the extra copy with the clerical errors in the names noted thereon. You have been remarkably successful in obtaining an outstanding list of writers.

Yours very truly,



AUTHORS WHO HAVE AGREED TO TAKE PART IN THE VOLUME ON LEGAL PHILOSOPHY  
IN HONOR OF ROSCOE POUND

Cairns, Huntington  
National Gallery of Art  
Washington, D. C.

Capitant, René  
French Provisional Government  
Paris, France

Chroust, Anton-Hermann  
Cambridge, Mass.

Cossio, Carlos  
Univ. of Buenos Aires  
Argentina

Cowan, Thomas A.  
Univ. of Pennsylvania  
Philadelphia, Pa.

Frank, Jerome H.  
Judge, U. S. Circuit Court  
New York, New York

Franklin, Mitchell  
Tulane University  
New Orleans, Louisiana

Goodhart, A. L.  
University of Oxford  
Oxford, England

Gurvitch, Georges  
University of Strasbourg  
Strasbourg, France

Hall, Jerome  
University of Indiana  
Bloomington, Indiana

Eggleston, Sir Frederic W.  
Australian Minister to U. S.  
Washington, D. C.

Moore, Underhill  
Yale University  
New Haven, Conn.

Dickinson, John  
Univ. of Pennsylvania  
Philadelphia, Pa.

*Walton*  
✓ Hamilton, Walter H.  
Yale Law School  
New Haven, Conn.

Hooking, W. E.  
Harvard University  
Cambridge, Mass.

Mc Ilwain, C. H.  
Harvard University  
Cambridge, Mass.

Jaeger, Werner  
Harvard University  
Cambridge, Mass.

Kocourek, Albert  
Northwestern University  
Chicago, Illinois

Kelsen, Hans  
(Univ. of California  
Berkeley, California)  
*Washington D.C.*

Laserson, Max  
Carnegie Peace Foundation  
New York, New York  
*recasens siches, Luis*  
Siches, Luis Recasens  
Univ. of Mexico  
Mexico City

Stone, Julius  
Univ. of Sidney  
Sidney, Australia

Lundstedt, V.  
Univ. of Upsala  
Upsala, Sweden

*Ranzyard*  
West, Bernard  
Barrister  
Edinburgh, Scotland

Meyendorff, A.  
Univ. of London  
London, England

Williams, Glanville  
University of Cambridge  
Cambridge, England

Patterson, Edwin W.  
Columbia University  
New York, New York

*Pitirim*  
Sorokin, Pitirim  
Harvard University  
Cambridge, Mass.

Wright, Lord  
English Court of Appeals  
England

Timasheff, N. S.  
Fordham University  
New York, New York

Maritain, Jacques  
New School of Social  
Research - New York

Rheinstein, Max  
University of Chicago  
Chicago, Illinois

Llewellyn, Karl N.  
Columbia University  
New York, New York

*Morgenthau*  
Morgenthau, Hans J. 012  
University of Chicago  
Chicago, Illinois  
Silvink, Helen  
New York, New York

Mendizabal, Alfredo  
New School for Social  
Research - Edgemere  
Long Island, New York

*Et.*  
Balosh, A.  
University of Johannesburg  
Johannesburg, South Africa

Allen, Carlton K.  
University of Oxford  
Oxford, England

Radin, Max  
Univ. of California  
Berkeley, California

Jones, J. Walter  
Queens, College  
Oxford, England

Law School of Harvard University

Cambridge 38, Mass.

26 February 1945

Professor Paul Sayre,  
The State University of Iowa,  
College of Law,  
Iowa City, Iowa

Dear Mr. Sayre:

Professor Pound is lecturing in Indiana and will not return until the first of Next week when your letter will be brought to his attention.

Yours very truly,

*May M. McCarthey*  
Secretary to Professor Pound

Law School of Harvard University

Cambridge 38, Mass.

23 March 1945

Professor Paul Sayre,  
Law School, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

I have a letter from Elemer Balogh in which he says, "I have just received a letter from our mutual friend, Professor P.H. Winfield of Cambridge [England], that he has not yet received an invitation to contribute to the volume to be dedicated to you. He would be very glad to contribute to your volume. Please ask one of the members of the Committee to write to him."

I do not exactly like the idea of Balogh soliciting people to write, but in Winfield's case I am pretty sure the idea comes from Winfield and not from Balogh. Winfield has retired recently as Rouse-Ball Professor of English Law at Cambridge, England. He is a scholar of the first rank, a good friend of the Harvard Law School, and of mine as well, and would undoubtedly want to take part in such an enterprise. If you feel there is time you might write to Percy H. Winfield, Esq. 13 Cranmer Road, Cambridge, England.

I should like to have him feel that the suggestion comes from you and not from me. A number of years ago Winfield lectured here at the Harvard Law School on English Legal History, and part of his course was published in a book "The Chief Sources of English Legal History" which will give you some idea of the quality of his work.

With cordial regards

Yours very truly,

Roscoe Pound  
m

Law School of Harvard University

Cambridge 38, Mass.

2 April 1945

Professor Paul Sayre,  
Law School, State University of Iowa,  
Iowa City, Iowa

Dear Sayre:

Many thanks for your letter of March 26. I return Lord Wright's letter herewith. You certainly have a goodly list of papers already in hand — and indeed an excellent list as a whole.

Enclosed is a letter from Professor Martinez Paz of the University of Cordoba in Argentina. He seems to fear that his letter to you may have miscarried. Very likely communication between this country and Argentina is somewhat precarious. His letter came to me by air mail and very likely that is the only safe way to send letters to that part of the world today. At any rate you will know how to answer him. He is a man of very high standing in Argentina, and I have some personal acquaintance with him.

If you have been able to reach Winfield I shall be glad. He is an old friend and I know would have felt badly at being left out.

With cordial regards

Yours very truly,

*Roscoe Pound*

Law School of Harvard University  
Cambridge 38, Mass.

15 September 1945

Professor Paul L. Sayre,  
Law School, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

Since writing to you yesterday I think of two things to which I should have called your attention. One is in referring (I suppose) to Professor "Martinez Paz" you speak of him as "Paz." The South Americans have a curious way of dealing with names. In strict Spanish usage the name would be Martinez y Paz. The Mexicans and South Americans now leave out the conjunction and simply say Recasens Siches or Martinez Paz. The first of the two is the man's father's name and the second is his mother's name. If he is to be called by either of them alone it would have to be the first, but I suppose the correct usage is to use both.

Also I remember noticing that in two places at least you speak of "Puchta" and "Pufendorf." Puchta was a historical jurist of the middle of the nineteenth century, the successor of Savigny at Berlin. He was a thoroughgoing adherent of the jurisprudence of conceptions. Pufendorf was a natural law jurist of the seventeenth century and I have always thought a rather mechanical one. I do not think either of them are in any way in the line of descent of our present-day thinking. The revived natural law is anything but Pufendorfian, and when we get a revived historical jurisprudence I cannot conceive of it as in any line of descent from Puchta. Perhaps I misapprehend your idea in speaking of these two in conjunction and in connection with juristic thought of today, but if I misunderstand I suspect others will do the same.

Yours very truly,

*Robert Pound*

Law School of Harvard University  
Cambridge 38, Mass.

14 September 1945

Professor Paul Sayre,  
Law School, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

I have a number of suggestions to make to you about the copy of the proposed introduction. Evidently those from whom you received your information were not always accurate. There are a number of things that I must bring to your attention.

On page 2 as to Jimmie's lunch. Dean Briggs was there regularly, Arthur Hill was often there, and I have seen Professor Haskins there. Jimmie was an old institution really much better known and patronized than one might have suppose from the outside. He selected his materials very carefully, had the cooking done by women down at the Port, so that everything in the way of eatables was home cooked and strictly first class.

On page 3. District judges do not practice in Nebraska. The District Court was the court of general jurisdiction at law and in equity. It was not like the district courts here in Massachusetts which are really magistrates' courts. I am not sure, but I believe that county judges in some of the counties were thought of on the same basis as justices of the peace who could practice, but I am not sure of this and I do not think I ever heard of a county judge practicing.

Father did not come to Nebraska from Pennsylvania but from New York. The family originally had settled in New Jersey in the seventeenth century. Mother's family did not come to Lincoln. Father went back to New York and married her and brought her out to Nebraska in 1869. Nor is it true that her



Law School of Harvard University  
Cambridge 38, Mass.

P.S.,2

family had generally attended the Episcopal Church. Mother was brought up as a Universalist. Father's people were Hicksite (liberal) Quakers. In the severely fundamentalist Lincoln of the 70's, there was no place for them in church. I was sent for some years to a German Methodist Sunday School, but I often went with my sister Louise to the Episcopal Church. Later I joined the Swarthmore Monthly Meeting (not a Cambridge meeting as stated).

Also in the paragraph at the bottom of page 3, Olivia is four, not six, years younger than I. I was born in 1870 and she in 1874.

Page 4. I never went to high school. I went to the Latin School which down to the end of the 80's was the preparatory department of the state university. There were only a few high schools in the state at that time, and the university had to maintain what was called the Latin School from its organization through its first two decades.

Page 5. Your informant was not well posted on the circumstances of my going to the Harvard Law School. It is possible (although I never heard of it) that father had some vague expectation I might get credit for having read Blackstone, Coke on Littleton, and some other books nights in the year after graduation in which I was an assistant in the botanical laboratory at the University of Nebraska. At any rate, I saw at once that this was out of the question and that the thing to do was to take the first-year courses and sit in as much as I could in addition. My friend, Victor B. Woolley, afterwards United States Circuit Judge, who came to the Law School at the same time and could spend but one year, did the same. Also it is not true that my coming to the Harvard Law School involved a considerable strain on my father's finances. The summer after graduation from

Law School of Harvard University  
Cambridge 38, Mass.

P.S.,3

college I collected bills for a firm of lawyers, and for a short time sold tickets for the Burlington Railroad, and then in September, 1888, took an appointment as laboratory assistant at the University which I held for a year. I boarded and roomed at home and so had \$575 laid up to meet the expenses of the year at Harvard. In those days tuition was \$150 and board \$2.50 a week.

On page 5, also, in the paragraph next to the top of the page you speak of "the student R.O.T.C." There was no such thing as a R.O.T.C. in those days. I was, however, Captain in the Cadet Battalion.

Page 7. In connection with the story about the man who wanted a match, the incident happened on North Avenue which is now Massachusetts Avenue from Harvard Square to Arlington. The man who asked for the match was not a derelict. He was a man driving a coal wagon, walking behind the wagon clapping his hands to keep them warm. He called to the horses to stop and turned over to the sidewalk and asked me for a match. However, the story as you tell it is substantially the same. I do not know that the exact circumstances matters. But what I do want to suggest to you is that I am sure I did not use the word "guy" which as far as I recall was not in use in those days. I am sure that the word I used was "fellow."

Page 8. Jeremiah Smith was not on the law faculty in the school year 1889-90. He came in September, 1890, after I had left. About the middle of the page, I think you might add Italian where I am much more at home than I am in Spanish. Also, the last line of the page, I put it to you whether any one ever saw me wear an overcoat.

Law School of Harvard University  
Cambridge 38, Mass.

P.S.,4

Page 9, at the bottom of the page, you have already noticed the clerical error of Plaza Zoo for Plaza Toro.

There is no need for you to be troubled about clerical errors of this kind. I have had a long experience of typographical errors which have escaped my notice in spite of careful proof reading. I have a letter from Sri Frederick Pollock in which he hopes that I have not seen some typographical errors in his "For My Grandson." Errors in typewriting and in printing will escape the most vigilant and all that we can do is to read proof as carefully as we can and trust to the chapter of accidents.

Page 12. The great actress of the 80's was Modjeska. But I call your attention to this out of abundant caution as a typical plausible clerical error.

Page 15. The paragraph at the bottom of the page. I did not visit Hershey while at Cambridge. Until 1892, he lived with his father in Lebanon County, Pennsylvania and I visited there in the summer of 1891. As to the "Chaucerian" expeditions I might explain that the adjective refers to the man who said he liked dialect poetry except some he had seen written by a man named Chaucer who carried it too far. Hershey and I have always used "Chaucerian" with reference to anything which went too far.

Page 16, the middle paragraph. "Lord Pewterstick" is inaccurate. The title was "Pewterstock-in-Waiting" or "Pewterstick." The term "Pewterstick-in-Waiting" is taken from Thackeray but not from Yellowplush.

Page 20. Bridge was not played in Nebraska in 1895. We played whist or sometimes euchre.

Page 29, eight lines from the top of the page. Mr. Justice Holmes did

Law School of Harvard University  
Cambridge 38, Mass.

P.S.,5

not use the term "inarticulate major premise" in his Common Law. He first used the idea in his address "The Path of the Law" in 1897. See Holmes, Collected Papers, 181. He has used the phrase "intuition more subtle than any articulate major premise" in 1904 in *Lochner v. New York*, 198 U.S. 45, 76.

Pages 29-31. Jhering is curiously misspelled. I suspect your handwriting was too much for the copyist. It could be spelled either "Ih" or "Jh". I was told in Germany that the family preferred to consider it "I consonans."

Page 41, nine lines from the top. I took my sabbatical leave in 1921, not 1920. My wife was taken ill in Florence and was ill there for a month and then it seemed better that she should rest at Torquay for some weeks before my lectures at Cambridge. I did, however, go to Leyden and deliver the Visscher Lectures that spring.

Page 44. "The Need of a Sociological Jurisprudence" was delivered before the Section of Legal Education of the American Bar Association. But the year before I read my paper "The Causes of Public Dissatisfaction with the Administration of Justice" before the American Bar Association. This paper was reprinted in different legal periodicals eight times between 1906 and 1938. So far as I know the last reprint was in the *United States Law Review* in 1938 with an editorial headnote "An Analysis of Fundamentals, published in the *American Law Review* Thirty Years Ago but Strikingly Appropriate Today." I suppose that was the real beginning of my writing from the standpoint of sociological jurisprudence.

Now one thing about the introduction as a whole, which I merely suggest. It is entirely a matter of your personal good judgment. It has seemed to me that perhaps the introduction is much too long for a collection of essays.

Law School of Harvard University

Cambridge 38, Mass.

P.S., 6

It contains a good deal which is entirely appropriate in a biography, but those who read the essays might not be interested in the way in which baseball games were played in Cambridge in 1889, or in some of the details of my correspondence with my father and with Hershey. These things undoubtedly belong in a biography, but is there not a danger of falling down between an introduction to a collection of essays and a biography? If I might suggest, a short biographical statement, and then, if you like, a conversation at Jimmie's with respect to the teacher and the seminar (giving some such picture as you gave of the seminar in your review of my Outlines of Lectures on Jurisprudence) could be kept within the limits of an introduction and be entertaining and enlightening to the reader. I can see that you have gone about the matter of a biography in a most painstaking way, and that this first sketch gives promise of an admirable performance. But I have had a great deal of experience writing introductions and can assure you that it is a mistake to make them very long.

One thing more, I hope you will leave out what is said on page 17 about those (whoever they may be) who question my memory. I do not think it is worth noticing. Nor do I think that my memory at any time "played me false." Until after I was seventy. I have noticed that of late it has not responded so quickly as it used to. I have always made it a rule not to reply to attacks which have been made from time to time and my suggestion to you would be not to argue about them at all.

May I repeat that what you have done toward a biography shows that when it is done it will be a notable piece of work and I cannot but be much gratified by it.

But perhaps I am wrong in my judgment as to the introduction. It may be

Law School of Harvard University  
Cambridge 38, Mass.

P.S., 7

that interest in an intimate bit of biography would carry the essays rather than the essays carrying the introduction. I had not thought of this, having in mind the conventional Festschrift. Your judgment may be right, but at any rate I would say leave out the arguments as to my memory and things of that sort.

Yours very truly,

ROBERT BROWN

Law School of Harvard University  
Cambridge 38, Mass.

1 October 1945

Professor Paul Sayre,  
College of Law, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

I have never kept a diary. When I was in practice I kept an office diary but somewhere between Lincoln and Cambridge my office diaries got lost. There was little in them beyond the notes that a busy lawyer has to keep. After going permanently into teaching I began to keep what I have called a "log." It has a brief note of the day's doings and nothing more. I find it useful sometimes when I want to be sure exactly when it was that I addressed some bar association or delivered some lecture at a law school, or something of that sort. I do not think these little books would be of much use for any other purpose.

I suppose the letters you refer to in the last paragraph are those which I wrote to Professor Hohfeld when he was at work upon his papers on fundamental legal conceptions. Hohfeld and I discussed in a series of letters pretty much every detail of his theory and analysis. What he thought can be found in a book published after his death, and what I thought can be found in my article "Fifty Years of Jurisprudence." The correspondence is very long and I do not think would yield anything that is not to be found in his book and my article. I do not think I have written with any such fullness to any one but Hershey and Hohfeld, and the Hohfeld letters are purely concerned with his ideas about fundamental legal conceptions. I kept no copies of mine and what he did with them or what was done with them after his death I have no idea. I have his put away somewhere, but they are very long, are concerned simply with the details of his analysis and the only use that I can think of that

Law School of Harvard University  
Cambridge 38, Mass.

P.S., 2

could be made of them would be by somebody who thought it worth while to write up the development of his system.

In 1928 my eyes began to go bad, and I have had increasing trouble with them ever since. I long ago stopped writing long letters with pen and ink, and I am afraid the letters to Hershey are about the only ones which can be found anywhere beyond dictated letters in the everyday course of my work as a law teacher.

All that could be extracted from the "logs" would be the dates of my lectures at different universities here and in other lands and rough notes as to where I went and what I saw in travels abroad. If you think they would be of use to you I suppose I could dig them up and lend them to you. My recollection is that those which I have do not go back of 1921. The older ones were lost somewhere between 1908 and 1921.

Dean Landis has warned me that I must reserve the evening of the 27th. I take it that means something is to go on here at that time. If you are to be here I could turn the little books over to you and you could see whether there is anything you would want. But if you are not to be here, I suppose the best course would be to send them to you.

Miss McCarthy tells me that she has the correspondence at the time I was offered the Presidency of Wisconsin, and a collection of clippings, programs, and papers with respect to what I did in going round the world on the occasion of my sabbatical leave in 1937. I suppose somewhere also there is a folder of such material which accumulated when I was on sabbatical in Europe in 1921-22. I remember seeing also a folder of letters which I received at the time of my appointment as Dean. I think you had copies of the letters from Mr. Justice Holmes and Sir Frederick Pollock. I have also some interesting letters from



Law School of Harvard University  
Cambridge 38, Mass.

P.S.,3

Lord Haldane and others with respect to some of my books. If you will indicate what you will require I will have the material sent to you. If there were time, I think it would be much better if you could come here and pick out what you think you will need. But I will be governed by your convenience.

As to the "Pewterstick-in-Waiting", Thackeray uses the term in many places I suppose to ridicule the Goldstick-in-Waiting, a not too important ceremonial functionary in England. I remember at the moment Thackeray's account of George IV at the theatre where he says "Pewtersticks surrounded the royal box." I will pull down some volumes of Thackeray and see if I cannot give you an exact citation. I suppose the idea is that a Pewterstick-in-Waiting is an attendant personage of less importance than a Goldstick-in-Waiting.

Yours very truly,

*Roscoe Pound*

Law School of Harvard University  
Cambridge 38, Mass.

15 October 1945

Professor Paul L. Sayre,  
College of Law, State University of Iowa,  
Iowa City, Iowa

Dear Sayre:

Many thanks for your letter of October 9. We have a term beginning Monday with a first-year class so large that it will have to be taught in two sections. In consequence, I shall have to be teaching nine hours a week until February and shall not have much time for anything else. Indeed things have piled up so in my office that it is going to be very hard to keep abreast until February. I am very glad, therefore, that you won't need anything from this end for some time to come.

There is one thing, however, that I ought to have written you about before. In my last letter I spoke to you about Thackeray as saying that when George IV went to the theatre "pewtersticks surrounded the royal box." After the letter had been mailed it occurred to me that it was beefeaters (that is to say, yeomen of the guard) who stood about the box. I have not looked this up but am confident that my more considered recollection after hurried dictation of the letter to you is right. I do not happen to have a set of Thackeray at hand, but as soon as I can get a chance will get hold of the exact reference to the pewtersticks.

Yours very truly,

*Robert Penn*

Law School of Harvard University

Cambridge 38, Mass.

16 November 1945

Professor Paul L. Sayre,  
Law School, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

Hershey's Baltimore residence is 1501 Terraces Road, Mt. Washington, Maryland. That house is the "castle" referred to in my letters. When he first came to the bar he lived on Druid Hill Avenue in Baltimore, but at the time of the walks in the terrain of campaigns of the Civil War, he had built him the house at Mount Washington.

As to the Civil War battlefields, Antietam would give you a good example. But we walked to the Antietam from Keedysville, Maryland, and then from the Antietam Field (a pretty long walk) to Harpers Ferry and then up the Shenandoah Valley.

The National Commission on Law Observance and Enforcement had a suite of rooms in the Tower Building, 14th and K Streets, Washington. I remember Newton Baker saying in an after dinner speech once that the way things were done was that I wrote everything, he signed everything, and Max Lowenthal objected to everything. But I am afraid I should not like to have that published. As a matter of fact, I generally did draw the first draft which was then debated and overhauled and sometimes sent back for me to rewrite and sometimes referred to a committee to revise. I think you can get the best statement about how we did things and what I had to do with the work of the Commission from Hon. Kenneth Mackintosh, Smith Tower, Seattle, Washington. Judge Mackintosh (formerly Chief Justice of Washington) occupied the same office room with me and we were pretty closely associated in the work of the Commission. The other two with whom I was

**Law School of Harvard University**  
**Cambridge 38, Mass.**

Prof. P.L.S.,2

most closely associated, Judge Kenyon and Mr. Loesch of Chicago are dead. But manuscripts of most of what was done (in my handwriting) are in the Law School library here, but I do not think it expedient to publish that fact. Mr. Wickersham did not care to have them get abroad and on his suggestion I took them and deposited them in the library here where some day they may be of use to the historian. You could see them here, if you like, but I do not think we should publish that they are in existence.

The Commission employed a good many experts who did a good deal of work for us which was published in our different reports by way of appendix or as special studies. If you have not access to a set of our reports I think I could send you from duplicates which I have at least a substantially full set of the unbound parts which afterwards appeared in a number of bound volumes.

The Commission was organized in a number of committees of which the most important was the Committee on Prohibition. That Committee took a great deal of testimony and it was my job to take down the testimony. Also I worked out an elaborate outline on prohibition which served as an index to the testimony, to everything which I could find in print on the subject, and any other material which was accessible. This outline was used in drawing up the report. I think some copies of it showing the different stages of its development are to be found in the material here in the law library.

As to the American-British Claims Arbitration, at the outset Dr. Nerinx, Sir Charles Fitzpatrick, and I agreed that we would try to sit as a court and if possible reach an agreement on each case, instead of having Sir Charles argue the British side and I the American to Dr. Nerinx and leave it to him to decide.

**Law School of Harvard University**  
**Cambridge 38, Mass.**

Prof. P. L. S., 3

The American agent did not like this and complained of it in his report. But I still think that is the right way to proceed. At any rate, the three of us agreed on every case. I wrote out the opinion of the tribunal in each case, and it was agreed to substantially as I had written it. The original manuscripts are here in the library, and I think you will find that hardly any changes (certainly none of any significance) were made. We met for hearings and argument in the Chamber of Commerce Building and had quite adequate office facilities in a nearby office building. As to my activities in foreign countries during my trips abroad, I have very full material in the way of clippings, programs, letters, invitations, etc. which could be put at your disposal, if you desire. My address as President of the Holdsworth Club at the University of Birmingham (1937) is in print. Also my address the same year before the Society of Public Teachers of Law at their annual meeting in London is in print. But a lecture which I delivered at the University of London on May 19, 1939, entitled "Recent Movements in Jurisprudence - The Quest of Objectivity" and one which I delivered at Oxford on May 21 the same year "Recent Movements in Jurisprudence: The Quest of a Canon of Values" have not been published. I sent the manuscripts to some one at the University of London who wanted to arrange for their publication and learned afterwards that the manuscripts had been mislaid or lost. Unhappily I had kept no copies so that they have never appeared in print.

By reference to my "log" I could find out the time and place of other lectures at Cambridge, at Oxford, at Munich, at Leyden, at Auckland, New Zealand, and at Bangkok. I suppose there are others which do not occur to me. The lecture at Leyden was published in the Bibliotheca Visseriana. Also I delivered a lecture at the University of Tokyo on Feb. 20, 1937, afterward published in

Law School of Harvard University

Cambridge 38, Mass.

Prof. P.L.S.,4

the Yale Law Journal as well as both in English and Japanese at Tokyo. Likewise both in 1934 and 1937, but especially in 1937, I delivered a number of lectures in China. I remember two delivered before the Law Schools of Chinese Universities. But it would take a good deal of looking into my log to get the details.

As to the Latin School about which I wrote, it was a preparatory department of the State University which had to be maintained for many years because for a long time there were very few good high schools in the state. I must have attended the Latin School in the years 1882-1883 and 1883-1884, because I was a freshman in 1884 and took my bachelor's degree in June, 1888. I went to the Latin School from my mother's instruction, having had no other teachers than my mother and a lawyer who taught me mathematics until I went to the Latin School. If I had access to old catalogues of the University of Nebraska I could give exact dates but I left all such material in Lincoln in 1907 and do not know what has become of it. I suppose if one went to the registrar's office at the University of Nebraska he could get hold of the old catalogues. I did not go to the High School in Lincoln. At that time the instruction in the Latin School preparatory to the University was considered very much better.

Why can't I lend you (send you by express) the material which I have in the office in the way of clippings, letters/<sup>with</sup> reference to the Presidency of the University of Wisconsin, bar association programs, and the material as to my trips abroad of which I spoke, let you look the material over and use it as you like and return it to me at your leisure. Then if there is still something you may want to know I can probably dig it up out of my log. I will send this by express.

As to the program, at the dinner every one spoke of it with enthusiasm.

Law School of Harvard University  
Cambridge 38, Mass.

Prof. P.L.S.,5

I suppose you noticed, however, that von Mehren was credited with a Doctor's degree. His degree is LL.B. and he is secretary to Judge Magruder, United States Circuit Judge for the First Circuit.

With cordial regards

Yours very truly,

*Roscoe Pound*

Law School of Harvard University  
Cambridge 38, Mass.

5th December 1945

Professor Paul Sayre,  
University of Iowa Law School,  
Iowa City, Iowa

Dear Sayre:

I am afraid you can get very little idea of the Lincoln of the 80's from Lincoln as you see it now. At the time I was an undergraduate it did not extend east of 18th street or south of A street or north of V street or west of 16th street and only along the north side of R about as far as 18th. We used to refer to the "transantelope regions" as to the few who lived on the east side of that creek which at that time was a real water course. The old standpipe on F street was not put up until about 1883, and there was very little south of it for a long time. The city now extends practically to the state penitentiary, but as I remember it as a young man we counted it three miles out. There was a boom about 1887, 1888, and 1889, and a great deal of building on north 14th street and southeast of the city. Then came the depression in 1893 and most of that part was abandoned. Largely it was subject to mortgages held in the east, and unless those who took under foreclosure held on for a good many years they probably got nothing out of the property. The only two buildings of any size were the Richards Block of four stories and the Burr Block of six. The old sandstone state house was replaced by a limestone building which gradually crumbled. A better one was put up in the late 80's which was superseded by the magnificent building which now stands there. Looking at that building you could hardly realize the sort of thing which it replaced. The old campus and University was 12 acres (all which the Commissioners who laid out the city of Lincoln thought necessary



**Law School of Harvard University**

**Cambridge 38, Mass.**

P.S., 2

for a University - I believe that one of the Commissioners considered that a University was simply a building) was unfenced, and the northwestern three acres were simply virgin prairie. The northeast 3 acres were drill ground for the University cadets until Nebraska Hall was built. The armory originally was in the basement of University Hall under the front steps. The student publication (called the Hesperian Student) was in the southeast corner room in the basement of University Hall. The lower floor of the chapel wing was used for a museum and a large room in the southeast corner of the first floor was used for a library. You can see things were relatively primitive. And yet there were some excellent teachers: George E. Woodberry, afterwards at Columbia, later Charles E. Bennett, afterwards at Cornell, George E. Howard, afterwards at Stanford and the University of Chicago, J. Irving Manatt, afterwards Professor of Greek at Brown, and a number of others of that stamp. The most important student activities were the literary societies and debating clubs which occupied the large end rooms on the east and west end of the third floor of University Hall. I was a member of the Union Society, and was President of it in my senior year. What seemed to me at the time my chief achievement was that I was Captain of Company A of the University Cadets in my senior year and won the intercompany competition in June. That does not look so big now but it looked very big at the time.

Yours very truly,

*Robertson*

Law School of Harvard University  
Cambridge 38, Mass.

2 January 1946

Professor Paul L. Sayre,  
Law School, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

On my return from addressing the State Bar Association at Lincoln, Nebraska, I find your two letters. The arrangements you have made with the Oxford University Press seem to me all that could be desired and indeed very generous. I appreciate more than I can tell you all that you have been doing and are doing in this matter.

Yours very truly,

*Rokos Purn*

Law School of Harvard University

Cambridge 38, Mass.

10 January 1946

Professor Paul Sayre,  
Law School, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

I am obliged by your letter of January 3 and the enclosed copies of the letters of Mr. Vaudrin. The statement of Mr. Vaudrin in the two letters seems to me eminently satisfactory. I do not see how you could have made better arrangements.

You may tell him that if I am related in any way to Ezra Pound it is a very distant relationship. There are three Pound families in this country. I am descended from a John Pound who was a pioneer in what was known as West Jersey and died about 1675. If Ezra Pound is among his descendants we may have a common ancestor seven generations back. But I do not find his name in either of the two genealogies of the descendants of John Pound which I have.

Yours very truly,

*Royce Pound*

Law School of Harvard University  
Cambridge 38, Mass.

22 January 1946

Professor Paul L. Sayre,  
Law School, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

The genealogy of the Pound family to which I belong is to be found in the genealogy of the Shotwell family by A. M. Shotwell, and in the genealogy of the Pound-Kester family. I do not remember the name of the author of that. My father's aunt married one of the Shotwells and consequently the Shotwell genealogy includes the genealogy of the author's mother. Also the genealogy of Judge Kester, formerly Circuit Judge in Chicago, was made to include the genealogy of the Pound ancestors of (as I recall) his mother.

As to Judge Cuthbert Pound, you will find the details in the Shotwell genealogy. I remember that my father and John E. Pound of Rockport, N.Y., in whose office Judge Cuthbert Pound studied always addressed each other as Cousin Stephen and Cousin John. I think it likely that Judge Cuthbert Pound's father and my father were second cousins. At any rate, Judge Cuthbert Pound and I always assumed that we were somewhat remote cousins and I think the Shotwell genealogy will probably indicate as much. I have not the book at hand and never took the pains to look into the matter exactly. My mother was very much interested in such things and could have told you, but as I say you can find it all in print. I do not think that the descendants of John Pound in eight generations attained any marked distinction. They were Quaker farmers, fearing God and doing their duty as they saw it in their walk of life. The only striking events that I know of are that one of father's forebears took a prominent part in treaties with the Indians after the Revolution (this will be found as I remember

Law School of Harvard University  
Cambridge 38, Mass.

P.L.S., 2

in the Shotwell genealogy in connection with Joseph Moore) and that my grandfather operated a terminal station of the underground railway on his farm at Lake Ontario before the Civil War. Also you will see in the Shotwell genealogy that one of my Pound ancestors of the time of the Revolution was fined heavily for not taking an oath of allegiance to King George, and then when the Continental troops took possession was fined for refusing to take an oath of allegiance to the "state of New Jersey so-called." In other words, he was an obstinate Quaker and would not take oaths even under strong compulsion. So far as I know, the only person of marked distinction in my pedigree is Richard Hartshorn who was a person of some importance in the government of colonial New Jersey.

Yours very truly,

*Robert Penn*

*I will look up the titles and dates of the Shotwell and Pound Koster genealogies and write you further. Also I think I can find some other references which I will send.*

Law School of Harvard University  
Cambridge 38, Mass.

24 January 1946

Professor Paul L. Sayre,  
College of Law, University of Iowa,  
Iowa City, Iowa

Dear Sayre:

I have found the material about which I wrote you the other day. The title page of the Shotwell genealogy reads:

Annals/of/ Our Colonial Ancestors/ and their  
descendants; /or/ Our Quaker forefathers and  
their posterity

Compiled by Ambrose M. Shotwell/ of Concord,  
Jackson Co., Mich./ 1895-7/ Printed for the  
author by / Robert Smith & Co., Printers and Binders,/  
Lansing, Mich.

The Pound genealogy in this book begins with John Pound (1) died 1690, and the line followed is John (1), John (2), died 1752, Elijah (3) born 1712, Samuel (4) 1745-1826, Hugh (5) 1773-1863, Nathan King (6) 1798-1882, Stephen Bosworth (7) 1833-1911. The Pound-Kester genealogy has the following title page:

The Pound and Kester Families/ containing/ an account of the  
ancestry of John Pound/ (born in 1735) and William  
Kester (born in 1733)/and a genealogical record of/  
all their descendants and other/ family historical  
matter/ compiled by/ John E. Hunt/ Chicago/  
Regan Printing House/ 1904

This book begins with John (4) born in 1735, son of Thomas (3) 1708-1758,

Law School of Harvard University

Cambridge 38, Mass.

P.L.S., 2

son of John (2) died 1752, son of John (1) died 1690.

Also I find some pretty full genealogical material in Virkus, Abridged Compendium of American Genealogy. Volume 1, p. 195, under my name gives the line of descent from John Pound, and p. 196 under the name of my sister Louise the line from Richard Hartshorn. Volume 2, p. 378, gives my mother's line from John Lippett and from Lawrence Southwick. Volume 4, p. 434, gives mother's line from James Mathewson, and volume 5, p. 432, mother's line from Chad Brown, the two latter pioneers of Rhode Island.

Yours very truly,

*Robert Pound*

部政行法司  
MINISTRY OF JUSTICE.  
NAN KING, CHINA

October 16, 1947.

Dear Sayre:

Your letter of the 7th has just come, nine days (or rather eight because of the Data line) on the way. Not quite so quick work as with mine of September 30 to you. But mail from China goes by the Chinese planes which fly once a week and mine happened to catch a plane at once.

I am most distressed by your having to put up so much of your own money. I had hoped that if I was able to pull off a big job here which would capture the public fancy you could then publish in the regular way.

Now as to the Chinese job. Don't use anything from the American newspapers. I have not been able, with all the care I could exercise, to make <sup>even</sup> my friends at home understand what the job here is. The country has been filled with false ideas of the Chinese situation. The average American thinks that reconstruction in China means turning the country over night into an imitation America. So I am supposed to be putting American law and legal institutions and an American court system into effect here, rewriting the laws and all that sort of thing. Not at all. They have very good codes here. But they had hardly more than been framed when the Japanese came in, and had a little time to be put in effect. There are many well trained and able lawyers here. But judges, law teachers, practitioners, and officials of the Ministry of Justice have had the greatest diversity of training - in England, Scotland, France, Germany, Japan (very good law school in Tokyo before the last war) and the United States. Hence the interpretation and application of the codes, the everyday work of the courts, indeed the whole administration of justice, needs unifying. Surveys and conferences to find out the exact details of the situation, a Chinese juristic center after the manner of the American Law Institute, to bring out a seven volume Institutes of Chinese Law, somewhat like our American Restatements, an organized and unified legal education,



and organization of the practising profession - such is my main program. Many other points are of subordinate importance. It will take time. But, as Isaiah put it, let him that believeth not make haste. At least I shall try to get out two volumes by October, 1948 and hope two or at most three years will get things on a firm basis on which they can go forward gradually but assuredly. When that has been achieved I shall go back.

I enclose my first report on legal education in China and my two reports for 1947. Please return them when you are through with them. Miss McCarthy, who is in my office during my absence can perhaps find my reports for 1946. There are only copies in Chinese here.

May I suggest that you write Dr. C. L. Yang at the Ministry of Justice? He can give you full information as to what I am doing here.

Yours ever,

R. P.

P.S. I must send the reports in  
a separate envelope.

SEEING

Sent to Paul Sayre to give  
him some idea of hard  
business

Lincoln



*Presented by*  
**Gold & Co.**  
**LINCOLN, NEBR.**

**Written for The Nebraska State Journal**  
**By Anne Longman**