



A. I. Clark and family

[ca. 1900]



Judges' Chambers,

Hobart.

4 October 1902

My dear Judge,

The heading of
this letter is untrue.
I am writing it in Sydney
N.S. Wales, where I am
staying for a few days
on my way to America.
I leave here in two days
for San Francisco where
I shall stay about a

week, and then proceed
to Boston, and afterwards
visit New York and
Washington. Only a
week before I left home
I received my American
papers in which I saw
the announcement of
your appointment to the
bench of the Supreme Court
at Washington. Tender
my hearty congratulations
to you upon the event.

Boston will never seem
quite the same again to me
when I think of it without
you in it, but I hope

after my return home
to have another bond
of association with
Washington. I did not
know that I would be
able to take a holiday this
year until a month
ago, and I did not have
an opportunity to write
to you by the last mail.
This letter will go in the
same steamer in which
I travel, but it will
reach you some days
before I leave San Fran-
cisco, and I shall be glad
if you will send a
telegram to me at the

Occidental Hotel saying
where you will be during
the last half of November
and the first half of December.
I suggest a telegram because
I am doubtful if a letter
in reply to this would reach
San Francisco before I com-
mence my journey eastward.
I am bringing my eldest
daughter with me to see the
land I love so much.

Hoping to see you soon
I am

Very sincerely yours

A. Inglis Clark



Judges' Chambers,

Hobart.

7 Sept 1905

My dear Judge,

I have been looking forward for some time past to the pleasure of writing to you again, and I would have realized my anticipation of it before today, if I had felt that I had anything to say to you that was worth your attention. I do not know that I am in that happy position today, but

at least I have an excuse
for reminding you of my
existence in the fact that
I am sending to you
with a copy of the second
edition of my book on
Australian Constitutional
Law which was published
in Melbourne last month.
It contains a new chapter
on the Limits of the Federal
Powers of the Commonwealth
and the States, and several
of the other chapters have
been more or less re-written.
I do not expect you to bur-
den yourself with a perusal
of the book, but I wish you
to place it alongside of your
copy of the first edition,
so that if any curious
person inquires

ereafter tempted to look at
them he, or perhaps it would
be more correct for me to say
I, may have the advantage
of knowing that he is reading
my revised Observations
on the subject about which
he is making inquiry.

I have read with much
pleasure your judgment
in the case of Lockner v.
State of New York, and
I am very pleased to see
Harlan and you on the
same side. I always
read his judgments on
questions of constitutional
law with great interest,
and I feel uncomfortable
when you and he differ.
Our High Court is making

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of knowing that he is reading
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and I feel uncomfortable
when you and he differ.
Our High Court is making

great havoc of many of
judgments of the Supreme
Courts of the States, and
some of the Judges of the
State Courts have been
foolish enough to express
their chagrin in carping
criticism of the decisions
which have reversed
their own. Unfortunately
I trace something like a
kink in return in a
late judgment of the
Chief Justice of the Wash-
ington Court. His critics are
waiting very anxiously
for the judgment of the
Privy Council in a case
in which leave to appeal
has been granted.

2.



Judges' Chambers,

Hobart.

I am sending to the Harvard Law Review an article which I expect to appear in November or December. It was suggested to me by six cases which I heard together without a jury in Launceston last year. It will not contain anything that will prove profitable to you either for "instruction" or "correction" or "reproof" in that sense.

"righteousness" which the
Law attempts to establish
among men; but as an
attempt to explain the
grounds of my decision
to myself it may
provide a few minutes
amusement to you.

I have a boy settled
in Boston for a time.
He is an architect and
is acquiring experience
in the office of Shepley
Purtan & Coolidge.
He will probably
visit Washington before
he returns to America.

and if he does so I shall
request him to call on
you.

My wife and daughter
send their kind re-
membrances to Mrs. Holmes
and to yourself and

Very sincerely Yours

L. Douglass Clark

Judges, Chambers.

NOV 26 1901

My dear Chief Justice,

I have postponed the writing of this reply to your last letter to me until I had a copy of my book to send to you. The publication of it was delayed by various causes for a period of three months beyond the date at which I expected it

to appear. But I am pleased
to be able to say that the
wearisome work of cor-
recting proof sheets and
compiling index &c has
come to an end, and
I am sending a copy of
the book to you with
this letter.

The Federal Judiciary Bill
has not yet been introduced
into the Federal Parliament,
so that I have nothing to
report to you about the
Federal Bench. There
are abundant indications

of work for the High Court
as soon as the Judges are
appointed.

The people of Australia
were all greatly shocked
to hear of the assassination
of President McKinley,
and they hope that the
American people will
take effective steps to put
down the propaganda of
anarchism.

I suppose that you
had a good time in
England. I often wish
that Australia was a

near to California as Mas-
sachusetts is to England.
I should then see Boston
every three or four years,
and would probably
be preparing now for a
journey there early next
year. But I must bow to
the geographical configura-
tion of the earth and all its
consequences and wait in
patience until my time to
cross the Pacific Ocean again
arrives. My wife sends
her kindest remembrances to
Miss Holmes and yourself.

Yours
Ever sincerely Yours
R. Dyer Clark.

C4/C211(4)



Judges' Chambers,

Hobart. 3 Nov^r 1899

My dear Chief Justice,

It is now nearly two months since I received an American newspaper containing an announcement of your appointment to the office of Chief Justice of Massachusetts. Since then I have been twice on circuit and have been compelled to

postpone all my private correspondence until I found myself settled at home again for a few weeks, otherwise I should have sent my congratulations to you by an earlier mail.

I have not anything new in my own life to tell you. I often wish that you were much nearer to me than you are so that I might

discuss a point of law
with you. A short
time ago I differed from
my colleagues on a
question relating to the
distribution of the assets
of a deceased insolvent
who left personal property
in several colonies in
which there was a con-
flict of laws. I found
several American
decisions in support
of my opinion but we
could not discover

any English authority
directly on the point.

Got any time you
delivers a judgment
on a point of common
law in which you think
I would be interested I shall
be glad to receive a copy of it
if it is reported in a form
convenient for transmission
by post.

My wife wishes me to con-
vey to you her congratulations
and we both desire you to
convey our kind remem-
brances to Mrs Holmes.

I am
Yours sincerely
H. Inglis Clark



Attorney General's Office,
Hobart.

27 January 1872

My dear Judge Holmes,

I wish to thank you very much for the copy of your "Speeches" which reached me about six weeks since, also for the two numbers of the Harvard Law Review containing your articles on Agency. I became a subscriber to the Review when I visited Harvard fifteen months ago, but I had not received my copy of the number containing your second article when the copy you sent to me arrived, and I was very pleased to find that your remembrance of me had supplied my loss.

The perusal of the Speeches has given me very much pleasure and has vividly revived the memory of the very delightful time I spent in your company in Boston. Whether that short period of personal

intercourse warrants one or not in regarding myself as included in the "Jew friends" for whom those "chance utterances of faith and doubt" were printed, I shall always have a place among those "who will care to keep them".

Your book on the Common Law continues with renewed charm to supply me with an annual course of instruction in first principles, and the whole substance of a lecture I delivered to a local association of Law Students last Autumn was taken from it and Maine's Ancient Law.

We had an extra amount of litigation in our little colony during the past year, and my numerous engagements in our Supreme Court combined with my parliamentary duties have delayed the writing of this letter beyond the time when the arrival of your gifts ought to have been acknowledged by me.

Last July the directors of one of our local banks brought up a very glowing report of the financial condition of the institution and

recommended the distribution of a larger dividend than any that the shareholders had previously received. The dividend was paid and a month afterwards the bank stopped payment, and it has since gone into liquidation. A number of persons who bought shares in the bank on the strength of the last report of the directors have commenced actions against them for deceit and the counsel retained in the several cases are diligently studying and discussing the case of *Peck v Derry*. Some of the plaintiffs were shareholders in the bank at the time they were induced by the report of the directors to purchase the shares in regard to which they are suing; and the question has been raised whether such plaintiffs have not a good cause of action against the directors, irrespective of fraud, for a breach of their legal duty to furnish the shareholders with a faithful and correct statement of the financial condition of the bank. The dictum of Lord Lindley in *Lowe v Bouverie* (L.R. N.S. Vol III ch p 100) that "where there is a legal obligation on the part of the defendant towards the plaintiff to give

him correct information "the case of Derry v Peek does not apply, would seem to indicate that the directors would be liable on that ground, but it is very doubtful whether the legal obligation of the directors exists towards the separate shareholders in respect to any other shares than those they held at the time the report was brought up.

If you feel that I have talked too much shop in this letter, I must remind you that you complained that we had not talked enough shop the night I dined with you at Young's Hotel in Boston and so I thought that I would make up now for my omission on that occasion.

With kind remembrances and in the hope of meeting you again either in America or Australia

I am

Very sincerely yours

A. Duglis Clark

c4/c211(6)



Adams House,
No. 553 Washington Street.

Boston, ~~4~~ 6 Oct. 1890

Dear Sir,

My admiration of
your book on the Common
Law induced me to apply to my
friend Mr. Moncure Conway
for a letter of introduction to you,
and he not having the pleasure
of knowing you personally
gave me a letter to your father
informing him that I was
desirous of taking advantage
of my visit to America to
see you, but subsequently
met Mr. Allen of the New
York Bar who gave me the

enclosed letter to you, and
I shall be pleased to call
on you at any time at
which it may be convenient
for you to see me

I am

Yours sincerely
A. Sybilis Clark

His Honor

Judge Holmes

Supreme Court

Boston