

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM**

(Type all entries complete applicable sections)

STATE:	Massachusetts
COUNTY:	Essex
FOR NPS USE ONLY	
ENTRY DATE	

1. NAME

COMMON:

AND/OR HISTORIC:
Oliver Wendell Holmes House

2. LOCATION

STREET AND NUMBER:
868 Hale Street (Beverly Farms)

CITY OR TOWN:
Beverly

CONGRESSIONAL DISTRICT:

STATE: Massachusetts CODE: COUNTY: Essex CODE:

3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input type="checkbox"/> District <input type="checkbox"/> Site <input type="checkbox"/> Object <input checked="" type="checkbox"/> Building <input type="checkbox"/> Structure <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Both	Public Acquisition: <input type="checkbox"/> In Process <input type="checkbox"/> Being Considered	<input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress	Yes: <input type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted <input checked="" type="checkbox"/> No
PRESENT USE (Check One or More as Appropriate)			
<input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Educational <input type="checkbox"/> Entertainment	<input type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum	<input type="checkbox"/> Park <input checked="" type="checkbox"/> Private Residence <input type="checkbox"/> Religious <input type="checkbox"/> Scientific	<input type="checkbox"/> Transportation <input type="checkbox"/> Other (Specify) _____ _____

4. OWNER OF PROPERTY

OWNER'S NAME:
Mrs. J. M. Chamberlain

STREET AND NUMBER:
868 Hale Street

CITY OR TOWN:
Beverly

STATE: Massachusetts CODE:

5. LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC.:
Registry of Deeds - Essex County Courthouse

STREET AND NUMBER:
32 Federal Street

CITY OR TOWN:
Salem

STATE: Massachusetts CODE:

6. REPRESENTATION IN EXISTING SURVEYS

TITLE OF SURVEY:

DATE OF SURVEY: Federal State County Local

DEPOSITORY FOR SURVEY RECORDS:

STREET AND NUMBER:

CITY OR TOWN: STATE: CODE:

SEE INSTRUCTIONS

STATE: COUNTY: ENTRY NUMBER: DATE: FOR NPS USE ONLY

7. DESCRIPTION

CONDITION	(Check One)					
	<input type="checkbox"/> Excellent	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Deteriorated	<input type="checkbox"/> Ruins	<input type="checkbox"/> Unexposed
	(Check One)			(Check One)		
	<input checked="" type="checkbox"/> Altered	<input type="checkbox"/> Unaltered	<input type="checkbox"/> Moved	<input checked="" type="checkbox"/> Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (if known) PHYSICAL APPEARANCE

Set against a backdrop of rugged granite outcroppings and dark foliage, the Holmes house overlooks the Atlantic shoreline from a secluded hillside lot on the landward side of Hale Street. The property has a 239-foot frontage along the street, although the dwelling is partially screened from view by dense shrubbery. A gravel drive curves up to the west side of the house, then, sweeping around to the rear, terminates at the cupolaed carriage house.

In its salient characteristics, the house is still the tall, unpretentious brown Victorian structure described by some of Holmes' biographers. The exterior is sheathed with clapboarding and walls are sheathed with clapboarding and shingles, with the wood trim painted white, while the steeply pitched gable roof is punctuated by three tall brick chimneys. A wide porch encircles the two-bay central portion of the two-and-a-half story structure. The porch itself may have been renewed on the later period of the Holmes occupancy, or even afterward, since a photograph taken about 1910 and now at the Beverly Historical Society indicates significant variation between the posts and balustrade of that period and those of today. A portion of the porch has also been enclosed, apparently since the house was sold at the time of Holmes's death. The fenestration of the facade, however, except for the removal of the louvered blinds, seems to remain unchanged. The principal doorway is at the west side of the porch, in the lateral wing which forms the middle portion of the house. The west side of this wing features a two-story bay window. The rear of the house consists of an unadorned service wing rising the full height of the house. The installation of sliding glass doors at the east rear, near the carriage house, is an inconspicuous contemporary intrusion.

Asa Obear Marshall built the house, on land inherited from his father, some time between 1875 and 1880. It was from Marshall's widow, Abbie, that Justice Holmes--already a longtime summer resident of Beverly Farms--purchased the house in 1909.

Of the Holmes's life at the house, several vignettes are preserved in the extensive Holmes bibliography. The Justice and his wife usually arrived by rail in early June, preceded by their servants who came early to open up the house, and remained until October. Mrs. Holmes was especially fond of flowers and maintained formal beds of roses and cannas, petunias and marigolds beside the gravel drive.

The Beverly Farms dinner table was a gathering place for distinguished guests, but the Holmeses also enjoyed long solitary rambles over the countryside--especially to nearby West Beach, country drives, and, in the evening, reading or writing letters. Despite changes of ownership and further residential development along the North Shore, the house and its setting preserve much of the physical atmosphere of these years.

SEE INSTRUCTIONS

90

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- Pre-Columbian' 16th Century 18th Century 20th Century
 15th Century 17th Century 19th Century

SPECIFIC DATE(S) (If Applicable and Known) **1909-1935**

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- | | | | |
|---|--------------------------------------|---|--|
| <input type="checkbox"/> Aboriginal | <input type="checkbox"/> Education | <input checked="" type="checkbox"/> Political | <input type="checkbox"/> Urban Planning |
| <input type="checkbox"/> Prehistoric | <input type="checkbox"/> Engineering | <input type="checkbox"/> Religion/Phi- | <input type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Historic | <input type="checkbox"/> Industry | losophy | _____ |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Invention | <input type="checkbox"/> Science | _____ |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Landscape | <input type="checkbox"/> Sculpture | _____ |
| <input type="checkbox"/> Art | Architecture | <input checked="" type="checkbox"/> Social/Human- | _____ |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Literature | itarian | _____ |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Military | <input type="checkbox"/> Theater | _____ |
| <input type="checkbox"/> Conservation | <input type="checkbox"/> Music | <input type="checkbox"/> Transportation | _____ |

STATEMENT OF SIGNIFICANCE

To describe the greatness of Justice Oliver Wendell Holmes solely in juridical terms is confining. He is, indeed, acknowledged to be one of the finest legal minds this country has produced--Lord Haldane placed him second not even to Marshall; he introduced a whole new concept, broadly humanitarian and experiential, into the nature and usage of law. Wrote Arthur D. Hill, "he showed to all men that the law need not be a dreary competition of sordid interests."¹ But, unanimously, his biographers--Francis Biddle, Mark Howe, Catherine Drinker Bowen--declare the sum of the man to be greater than his measurable achievements; his grandeur in American life and law, they contend, was but a reflection of his stature as a human being, his genius for living--that quality which made him the Magnificent Yankee. "Holmes touched something deep in the imagination of the American people," says Biddle. "His position in American history is secure, and he will, I am inclined to think, take his place in the line of great men whose existence symbolizes for us what we cherish and find difficult to define."²

Beverly Farms, on the craggy North Shore some 30 miles above Boston, and the plain brown house purchased in 1909 to which Holmes and his wife returned year after year, was more than a part of their present; it symbolized, as well, something of their New England past. Beverly had been the summer residence of Dr. Holmes. In turn, for almost 35 years after the younger Holmes became a Justice of the Supreme Court, he divided his life between Washington and Beverly Farms. At times he missed the rigors of Washington there; but as often he was moved to write lyrically of his coastal retreat--"The sea its deepest blue--the quarries scaped omens of death...the roads through the foliage of June."³ The residents regarded him as a native, and the brougham in

¹Quoted in Francis Biddle, Mr. Justice Holmes (New York: Charles Scribner's and Sons, 1942), pp. 3-4.

²Ibid., p. 15.

³The elder Holmes's "small brown summer cottage under the jasmine-covered cliff," as Catherine Drinker Bowen described it, is not longer standing.

SEE INSTRUCTIONS

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Bent, Silas. Justice Oliver Wendell Holmes. New York: The Vanguard Press, 1932.
 Biddle, Francis B. Justice Holmes, Natural Law, and the Supreme Court. New York: Macmillan, 1961.
 _____ . Mr. Justice Holmes. New York: Charles Scribner's Sons, 1942.
 Bowen, Catherine Drinker. Yankee from Olympus. Boston: Little, Brown, 1944.
 Howe, Mark ed. Holmes-Laski Letters, 1916-1935. Cambridge; Harvard University Press, 1953.
 _____ , ed. Holmes-Pollock Letters, 1874-1932. Cambridge: Harvard

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			O R	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds		Degrees Minutes Seconds	Degrees Minutes Seconds	
NW	0 ' "	0 ' "		42° 33' 52"	70° 48' 24"	
NE	0 ' "	0 ' "				
SE	0 ' "	0 ' "				
SW	0 ' "	0 ' "				

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: **3 acres**

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE:
Robert Gamble, Historian; Chris Redburn, Assistant

ORGANIZATION: **Historic Sites Survey - National Park Service** DATE: **July 1972**

STREET AND NUMBER:
1100 L Street, N.W.

CITY OR TOWN: **Washington** STATE: **D.C.** CODE:

12. STATE LIAISON OFFICER CERTIFICATION **NATIONAL REGISTER VERIFICATION**

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National State Local

Name _____

Title _____

Date _____

I hereby certify that this property is included in the National Register.

 Director, Office of Archeology and Historic Preservation

Date _____

ATTEST:

 Keeper of The National Register

Date _____

SEE INSTRUCTIONS



**NATIONAL REGISTER OF HISTORIC PLACES
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STATE Massachusetts	
COUNTY Essex	
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Oliver Wendell Holmes House (Continuation Sheet)

(Number all entries)

7. Description (Continued) (1)

A year after Justice Holmes died, leaving his entire estate to the United States Government, the Beverly Farms House was acquired by Mrs. Henry Livingston Rowe (later Mrs. William A. Martin). It remained in her possession until 1970, when it became the home of Mrs. J. M. Chamberlain. Entrance to the house or grounds is prohibited.

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STATE	
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COUNTY	
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Oliver Wendell Holmes House

(Continuation Sheet)

(Number all entries)

8. Significance (Continued) (1)

which he and Mrs. Holmes regularly went driving was a familiar sight in the village. Holmes continued his painstaking case reviews at Beverly, with the aid of a Harvard Law student who served as his legal secretary. But he also found time to entertain a host of friends-- Justice Brandeis, Sir Frederick Pollock, Charles Evans Hughes, Senators Albert Beveridge and Henry Cabot Lodge. At Beverly Farms in July 1916, Holmes met Harold J. Laski, and thus began the famous correspondence between the two men which ended only with the Justice's death in 1935.

After Holmes died, the Beverly Farms property was sold and the furnishings dispersed. The exterior of the house, however, and its setting, remain largely unchanged, and today it stands as the only surviving structure directly and personally associated with the life of the "Yankee from Olympus."

Biography

The fact that Oliver Wendell Holmes was a child of fortune did not affect the ultimate simplicity in which he lived his life. One biographer has likened this life to an iceberg, and calls it "an amazing life, hardly annotated for the historian without creative imagination, so placid on the surface, so rich in background of tradition..."⁴ His father, Dr. Oliver Wendell Holmes, Sr., was already a well-known lyricist and wit, a friend of such intellectual luminaries as Emerson, Agassiz, Lowell, and Longfellow, when the future juror was born on March 8, 1841. The younger Holmes's education was that of Brahmin Boston--a thoroughly classical grounding, followed by four years at Harvard. It was while at Harvard that Holmes developed the healthy skepticism which became a basic element of his intellect for the rest of his life.

⁴Holmes to Harold J. Laski, 16 June 1928, in Mark DeWolfe Howe, The Holmes-Laski Letters, 1916-1935 (Cambridge: Harvard University Press 1953), p. 1066-67. In addition to the glimpses of life at Beverly Farms afforded by Holmes's published letters, several of his biographies have described his life there in detail. See especially Silas Bent, Justice Oliver Wendell Holmes (New York: The Vanguard Press, 1932), Chapter 17; and Edith Patterson Meyer, That Remarkable Man: Justice Oliver Wendell Holmes (Boston: Little, Brown, and Co., 1967); and Catherine Drinker Bowen, Yankee from Olympus (Boston: Little, Brown and Co., 1944).

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE	Massachusetts	
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Oliver Wendell Holmes House (Continuation Sheet)

(Number all entries)

8. Significance (Continued) (2)

Graduated in 1861, he entered the Massachusetts 20th Volunteers, and was wounded three times on the battlefields of Virginia before his commission expired in 1864, and he returned to Boston. He entered Harvard Law School, but soon felt stymied by the oppressive atmosphere of legal orthodoxy there-an orthodoxy which defined the common law as a perfect set of principles needing only to be discovered and applied to particular legal problems. He was unable to tolerate such rigidity, and left before receiving his degree. For a short time he practiced law privately, then took an extended vacation in Europe.

In 1867, he was admitted to the Massachusetts bar and began working for the firm of Chandler, Shattuck, and Thayer. He married Fanny Dixwell in 1872, and the following year, when only 32, he published a new edition of Kent's "Commentaries." He also became coeditor of the "American Law Review."

The publication of his most famous book, "The Common Law," in 1881, solidified his growing legal reputation. The work challenged the basic tenets of formal jurisprudence and argued that the law is a developmental body or rules derived from experience. To Holmes, the basic values and attitudes of a particular society lay at the source of its laws, not a fundamentally unchangeable core of natural law. Today this point forms the underlying assumption of our judicial system; at that time, it was heretical.

After the appearance of this book, Holmes joined the faculty at the law school he had left in dismay several years before. He was not an academician at heart, however, and in 1883, he became a judge on the Massachusetts Supreme Court.

His record at the State level attracted President Theodore Roosevelt, and, mistakenly believing that he had found a "liberal" of his own cut, Roosevelt offered Holmes a position on the U.S. Supreme Court in 1902. Holmes's acceptance prefaced the long final chapter of his life, a chapter which would see popular esteem for him would grow until, toward the end, he would become something of a folk hero for many Americans. In this national arena, where judiciary arbiters were called upon to define the limits of government, Holmes advocated judicial restraint. It was his view that the court should allow as great a variance in legal interpretation as the most basic tenets of the Constitution would permit. Amid the court's prevailing conservatism, his eloquent minority opinions earned him fame as "The Great Dissenter." It was, as students of Holmes point out, a dissent of affirmation, of passionate idealism derived from

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(Number all entries)

8. Significance (Continued) (3)

"instincts [that] sought the meaning of life, searched for unity, and for a chance for interstellar generalities."⁵ His presence itself expressed his philosophy. One admirer spoke of his "glowing, human, noble personality;"⁶ another recalled that "his conversation and bearing were like a rare music that lingers in one's memory."⁷ In grief, too, he lived out his philosophy; "We've had our share," he wrote at the death of his wife in 1929. "For 60 years she made life poetry to me."

In 1932, bowing to his age, he resigned from the court, and three years later, in March of 1935, he died at his Washington home. His own words, describing the power of the thinker, fittingly summarized his contribution: that "a hundred years after he is dead...men who never heard of him will be moving to the measure of his thought."⁸

⁵Biddle, p. 9.

⁶Edith P. Meyer, That Remarkable Man: Justice Oliver Wendell Holmes (Boston: Little, Brown, and Co., 1967), p. 179.

⁷Morris Cohen, quoted in Biddle, p. 2.

⁸Quoted in Meyer, p. 179.

59

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM**

STATE Massachusetts	
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ENTRY NUMBER	DATE

Oliver Wendell Holmes House (Continuation Sheet)

(Number all entries)

9. Major Bibliographical References (Continued) (1)

University Press, 1941.
 _____ . Justice Oliver Wendell Holmes. Cambridge: Belknap Press
 of Harvard, 1957.
 Konefsky, Samuel J. The Legacy of Holmes and Brandeis. New York:
 Macmillan, 1956.
 Lavery, Emmet. The Magnificent Yankee. New York: French, 1945, 1946.
 Meyer, Edith P. That Remarkable Man: Justice Oliver Wendell Holmes.
 Boston: Little, Brown, 1967.