

CALIFORNIA LEGAL HISTORY MANUSCRIPTS IN THE HUNTINGTON LIBRARY:

An Update

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INTRODUCTION

The Huntington Library in San Marino, California, is one of the two primary repositories of California history manuscripts, along with UC Berkeley's Bancroft Library.¹ A key component of the Huntington collection is its materials on California legal history, which have been used for numerous scholarly publications.² In 1989, the Huntington published

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¹ See John C. Parish, *California Books and Manuscripts in the Huntington Library*, 7 HUNTINGTON LIBR. BULL. 1 (1935); Archibald Hanna, *Western Americana Collectors and Collections*, 2 W. HIST. Q. 401 (1971).

² See GORDON M. BAKKEN, *PRACTICING LAW IN FRONTIER CALIFORNIA* (1991); MIROSLAVA CHÁVEZ-GARCÍA, *NEGOTIATING CONQUEST: GENDER AND POWER IN CALIFORNIA, 1770s TO 1880s* (2004); DAVID J. LANGUM, *LAW AND COMMUNITY ON THE*

California Legal History Manuscripts in the Huntington Library: A Guide, compiled and edited by legal historian Gordon M. Bakken (hereinafter *Guide*). The current essay updates the *Guide* by including materials catalogued or acquired since its production, as well as some that were omitted due to the definition of “legal history” it employed.

Before discussing specific materials, a few words regarding the role of legal historical theory and organization are in order. A recent study of legal history’s disciplinary development divides the field into “classical,” “liberal,” and “critical” approaches.³ The first focuses on the intellectual history of doctrine and institutions, the second emphasizes the integration of law with society and the economy, and the third asserts law’s contingency and inconsistency over time.⁴ Assuming that scholars applying such different methodologies may conduct research in the Huntington, I did not want to restrict excessively the parameters of legal historical materials, and have thus attempted to capture as broad a range of sources as might conceivably be useful.

In terms of organization, the *Guide* categorized manuscripts into twenty-six subject areas, with additional subdivisions, and summarized the collections in alphabetical order. Many of the categories were extremely narrow, and some then-extant collections were omitted, such as the Frank Latta materials, because they were “not specifically law related.”⁵ In the interests of inclusiveness, as well as of providing latitude for a wider use of documents, I have created six groupings: Business Enterprises, Courts and Judges, Government Offices, Land, Natural Resources (mining, oil, and water), and Law Firms and Lawyers. Each entry includes a brief description of the person(s) or institution generating the manuscripts, the types of materials included, their quantity, and whether there is a finding aid. It should be noted that a number of these collections are only semi-catalogued; for further information the researcher should consult one of the Huntington’s superlative curators.

MEXICAN CALIFORNIA FRONTIER: ANGLO-AMERICAN EXPATRIATES AND THE CLASH OF LEGAL TRADITIONS, 1821–1846 (1987); JOHN PHILLIP REID, *LAW FOR THE ELEPHANT: PROPERTY AND SOCIAL BEHAVIOR ON THE OVERLAND TRAIL* (1997). See also the author’s modest contribution to this literature, Peter L. Reich, *Dismantling the Pueblo: Hispanic Municipal Land Rights in California Since 1850*, 45 *AMER. J. LEGAL HIST.* 353 (2001).

³ Jonathan Rose, *Studying the Past: The Nature and Development of Legal History as an Academic Discipline*, 31 *J. LEGAL HIST.* 101, 117 (2010).

⁴ *Id.* at 118, 120, 121.

⁵ *GUIDE* at 2.