

NINE TREASURES:

California Legal History Research in the Bancroft Library, University of California, Berkeley

BY WILLIAM BENEMANN*

The streets were filled with billows of acrid smoke and dust, and every time a dynamite charge was detonated the earth would tremble and the horses would shy and pull at their reins. For three horrifying days dozens of separate fires raged, consuming block after block of homes and businesses. Over 3,000 people were killed, nearly one hundred times that number were left homeless, and the entire northeast quadrant of San Francisco was reduced to blackened charcoal. Every major library in The City was damaged or utterly destroyed — except for one.

In April 1906, housed safely in a fireproof building at the corner of Valencia and Army Streets and therefore outside the burned zone, sat the newest acquisition of the University of California: the Bancroft Library. The library was the life's work of Hubert Howe Bancroft, who had arrived in San Francisco in 1852 as an eager young man of twenty with a shipment of books to sell. Four years later he opened his own bookstore, eventually assembling a specialized collection of books, manuscripts and pictorial items documenting the entire West Coast from Alaska to Panama, and from the Rockies to

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THE BANCROFT LIBRARY AT 1538 VALENCIA STREET,
SAN FRANCISCO, CIRCA 1890-1900.

*Courtesy of The Bancroft Library, University of California, Berkeley
(call no. BANC PIC 1905.11574-FR).*

the Pacific. At the core of his library was an unparalleled collection of Californiana, telling the story of the State from the very earliest period of its recorded history. Drawing on this superb collection, and augmenting it where needed by firsthand research, Hubert Howe Bancroft and his assistants over time produced a comprehensive thirty-nine volume history of the West.

On November 25, 1905, Bancroft sold his entire library to the University of California for a quarter of a million dollars, \$100,000 of which Bancroft would donate himself. Having narrowly escaped complete destruction in the 1906 Earthquake and Fire, the collection was finally moved out of San Francisco in early May and onto shelves and into cabinets on the third floor of California Hall on the Berkeley campus. The treasures were transported in prosaic moving vans by the Bekins Van Company.

Today the collection is housed in a newly-renovated, state of the art facility at the center of the Berkeley campus, and for over a century now the



HUBERT HOWE BANCROFT

Bancroft Library has carried on Hubert Howe Bancroft's compulsive drive to document the history and culture of the Pacific Coast. Because of this academic obsession, anyone engaged in California legal history research will find a cornucopia of both core documents and unusual ephemera, rare manuscripts and online digital files, vintage photographs and raspy tape recordings, the quirkily odd and the astonishingly unexpected. This article

will focus on nine diverse (and somewhat random) items that demonstrate the variety of riches that await the researcher in the Bancroft Library reading room. It will attempt to place those items in their historical context, to demonstrate why they are significant to the legal history of California, and to suggest similar material for further research in the Bancroft's collections.

1. IGNACIO EZQUER. *MEMORIAS DE COSAS PASADAS EN CALIFORNIA: SAN LUIS OBISPO, CALIFORNIA, APRIL 29, 1878.*¹

Realizing that a large portion of early California history was being lost as the elder *Californios* passed away, Hubert Howe Bancroft and his assistants traveled by carriage, stagecoach and horseback throughout the state conducting approximately 125 oral history interviews with Mexican and Anglo pioneers. The transcriptions of these interviews became known collectively as the Bancroft Dictations (or as the *Testimonios* or *Recuerdos*). While most of the dictations are in English, a few — such as that of Ignacio Ezquer — are in Spanish, and they provide eyewitness accounts of events in early California from the perspective of participants whose contributions would otherwise have been marginalized or entirely lost. They include first person narratives of some of the earliest governmental and legal landmarks in California history.

Ignacio Ezquer emigrated from Mexico in 1833 at the age of fifteen and settled in Alta California, eventually serving as Justice of the Peace in both Monterey and San Luis Obispo. In 1878 he was interviewed by Thomas Savage, one of Bancroft's research assistants. Savage wrote in an introductory statement, "The accompanying pages were taken down by me from [Ezquer's] lips in his own house in San Luis Obispo." Though hastily written as the old man spoke, with some deletions and insertions in the text, the narrative is still quite legible. (Scanned images of most of the Bancroft Dictations may be found on the University of California's website, called Calisphere.)

In his *recuerdo* the elderly Ezquer describes the secularization of the San Juan Capistrano Mission. He narrates in some detail the February 1845 revolt against the Mexican governor, Brigadier General Manuel

¹ Call no.: BANC MSS C-D 77.