

BURIED TREASURES:

California Legal History Research at UC Hastings College of the Law Library

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Had it not been for a minor section in the California legislative act that created and funded the UC Hastings College of the Law,¹ this first legal academy west of the Missouri River might have been located in present-day Berkeley, rather than neighboring San Francisco. Founded out of need for a law school in the rapidly maturing American West — the then-nearest law school being nearly 2,000 miles away in Des Moines, Iowa — the school was a brand-new endeavor. As the newly created University of California did not have a research collection capable of supporting a law school, section 12 of the founding act compelled the Law Library Association of the City of San Francisco to provide UC Hastings students access to their library. Even though the college outgrew this library quickly, it cemented the close relationship that Hastings would share with the institutions in the Civic Center, leading to the 1901 residence of the college in the magnificent new City Hall of San Francisco. Five years later, after the great earthquake

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¹ “An Act to create ‘Hastings’ College of the Law’ in the University of the State of California” (Stats. 1878, ch. CCCLI, at p. 533), adopted March 26, 1878.

and resulting conflagration, the college, and nearly all documents and records of the first twenty-eight years would be ashes under the ruined dome of City Hall. In a fortunate twist of fate, one document survived.

The following years were characterized by recovery and rebuilding, with Special Collections at UC Hastings College of the Law Library being developed under the care of various librarians. Currently, portions of the collections are being added to our new Digital Repository. This article highlights some of the items that constitute our “buried treasures.”

1. THE UC HASTINGS ORIGINAL MINUTE BOOK

Removed from City Hall shortly before the earthquake, this book of minutes of the Board of Directors, the aforementioned sole document to survive the destruction of City Hall, reveals much about the administrative requirements of founding, staffing, and running a law school. Early entries deal with the appointments of deans and professors, the setting of salaries (\$300 for the first professor to be hired), establishment of curricula, and the number of lecture hours required of each professor. On January 10, 1879, the Board unanimously voted not to admit women to the college after considering the application of Clara Shortridge Foltz — who would promptly sue and gain admission with a ruling by the California Supreme Court.² The hiring of John Norton Pomeroy, who would later develop the “Pomeroy System” of instruction that was used at the college, is described.³ In 1878 Pomeroy accepted the position of professor of municipal law at Hastings College of the Law and was responsible for teaching most, if not all, of the students who studied at the college during its first four years. During this time Professor Pomeroy not only wrote a significant treatise on equity jurisprudence, he edited (with one of his sons) the West Coast Reporter, and contributed a number of essays and book reviews to this publication.

The minute book proved to be an important source of information for Thomas G. Barnes in the research and writing of his history of the college, *Hastings College of the Law: The First Century*.⁴

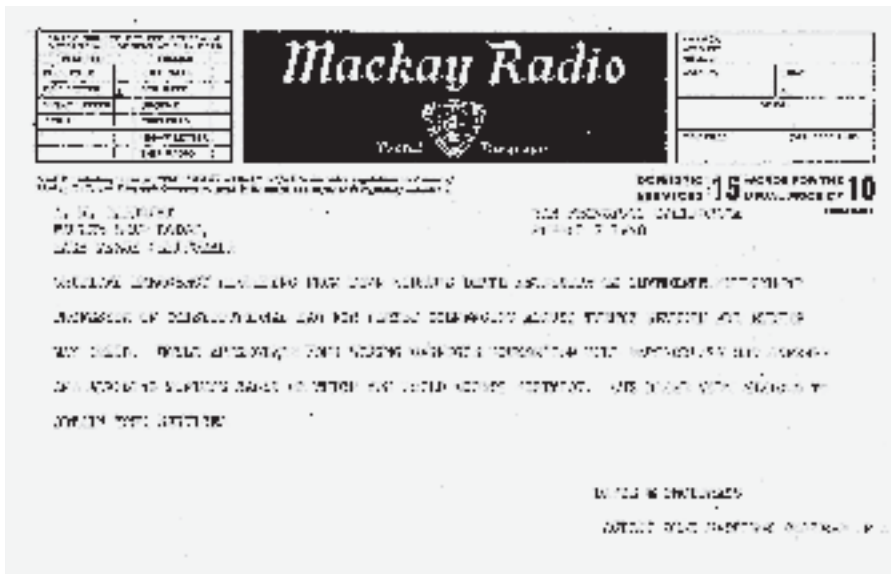
² Foltz v. Hoge, 54 Cal. 28 (1879).

³ Thomas Garden Barnes, *Hastings College of the Law: The First Century* (University of California, Hastings College of the Law Press, 1978), pp. 104–105.

⁴ Barnes, *op. cit.*

2. THE 65 CLUB COLLECTION

The 65 Club at UC Hastings was created out of crisis.⁵ On July 25, 1940, Dean William M. Simmons died unexpectedly from complications of surgery. Dean Simmons was not only the dean of the college, but he also taught three courses that were to begin in August of 1940. Acting Dean David E. Snodgrass, who subsequently served as dean from 1940 to 1963, did not have time to vet younger instructors and the college did not have a pension plan with which to attract them. At this time across the country, many colleges and universities had mandatory retirement at the age of 65. Not all prospective retirees were ready to retire.



TELEGRAM FROM ACTING DEAN DAVID E. SNODGRASS OF HASTINGS COLLEGE OF THE LAW TO A. M. CATHCART, RECENTLY RETIRED FROM STANFORD LAW SCHOOL, THEN VACATIONING AT FALLEN LEAF LODGE, LAKE TAHOE, AUGUST 7, 1940 —

“CRITICAL EMERGENCY RESULTING FROM DEAN SIMMONS DEATH NECESSITATES IMMEDIATE EMPLOYMENT PROFESSOR OF CONSTITUTIONAL LAW FOR PERIOD COMMENCING AUGUST TWENTY SEVENTH AND ENDING MAY TENTH. WOULD APPRECIATE YOUR WIRING CARNEGIE FOUNDATION FULL PARTICULARS OUR EXPENSE AND ADVISING MINIMUM BASIS ON WHICH YOU WOULD ACCEPT POSITION. OUR BOARD VERY ANXIOUS TO OBTAIN YOUR SERVICES.”

⁵ See “The 65 Club” at <http://library.uchastings.edu/research/special-collections/65-club.php> (accessed November 26, 2013).

APPENDIX:

MEMBERS OF THE 65 CLUB FACULTY

(Dates indicate the years in which each professor was associated with Hastings after reaching the age of 65. An asterisk indicates “visiting professor.”)

Ralph Aigler, 1955–1956	Everett Fraser, 1949–1964
Edward S. Bade, 1962–1963	George W. Goble, 1956–1963
Paul E. Basye, 1966–1985	Arthur J. Goldberg, 1974–1975
William W. Blume, 1963–1971	Leon Green, 1958–1959
George G. Bogert, 1949–1959	Milton D. Green, 1966–1978
Benjamin F. Boyer, 1969–1975	William G. Hale, 1949–1952
John S. Bradway, 1960–1965	Jerome Hall, 1970–1989
Millard S. Breckenridge, 1963–1965	Moffatt Hancock, 1976–1979
William E. Britton, 1954–1963	Albert J. Harno, 1958–1965
John U. Calkins, 1957–1959	Dan Fenno Henderson, 1992–2000
Richard V. Carpenter, 1967–1975	John B. Hurlbut, 1970–1975
Arthur M. Cathcart, 1940–1949	Adrian A. Kragen, 1974–1983
Elliot E. Cheatham, 1959–1960	Norman D. Lattin, 1963–1973
Albert Brooks Cox, 1951–1972	Julian H. Levi, 1980–1996
Judson A. Crane, 1954–1964	William B. Lockhart, 1977–1994
Stephen R. Curtis, 1964–1971	Ernest G. Lorenzen, 1948–1951
Miguel De Capriles, 1974–1981	James P. McBaine, 1952–1957
Augustin Derby, 1947–1952	Oliver L. McCaskill, 1946–1953
Edwin D. Dickinson, 1957–1959	Dudley O. McGovney, 1948–1949
Allison Dunham, 1979*	Orrin Kip McMurray, 1940–1941
Laurence H. Eldredge, 1971–1979	James A. MacLachlan, 1960–1963
Judson F. Falknor, 1966–1972	Joseph Warren Madden, 1961–1971
Merton L. Ferson, 1956–1961	Calvert Magruder, 1959–1960
William Ray Forrester, 1975–2001	Frederick J. Moreau, 1964–1973

Ralph A. Newman, 1964–1973	Lewis M. Simes, 1959–1972
Russell D. Niles, 1972–1985	Theodore A. Smedley, 1980–1984
Rudolph H. Nottelmann, 1961–1967	David E. Snodgrass, 1959–1963
Charles B. Nutting, 1974–1977	Roscoe T. Steffen, 1961–1973
George E. Osborne, 1958–1973	Julius Stone, 1974–1980
William B. Owens, 1953–1956	Frank R. Strong, 1973–1974*
Rollin M. Perkins, 1957–1973	Raymond Sullivan, 1977–1994
Harold G. Pickering, 1954–1963	Russell N. Sullivan, 1967–1978
Richard R. B. Powell, 1963–1973	Joseph M. Sweeney, 1988–1996
William L. Prosser, 1963–1972	Sheldon Tefft, 1969–1978
Max Radin, 1948–1949	Samuel D. Thurman, 1986–1992
John W. Richards, 1966–1968	Edward S. Thurston, 1943–1948
Stefan A. Riesenfeld, 1975–1999	Roger J. Traynor, 1971–1983
Rudolf B. Schlesinger, 1975–1994	Clarence M. Updegraff, 1964–1972
Louis B. Schwartz, 1984–1996	Chester G. Vernier, 1946–1949
Warren A. Seavey, 1961–1962	Harold E. Verrall, 1970–1978
Warren A. Shattuck, 1974–1995	Lawrence Vold, 1948–1965
Arthur H. Sherry, 1975–1985	John B. Waite, 1952–1955

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