

John Marshall Harlan Papers
A Finding Aid to the Collection in the Library of Congress



Manuscript Division, Library of Congress
Washington, D.C.
2009

Contact information: <http://hdl.loc.gov/loc/mss/mss.contact>

Catalog Record: <https://lcn.loc.gov/mm75024943>

Additional search options available at: <https://hdl.loc.gov/loc/mss/eadmss.ms009290>

Prepared by Bert C. Shaposka, Anita L. Nolen, Joseph F. McKeever, and Audrey L. Walker

Finding aid encoded by Library of Congress Manuscript Division, 2009
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Collection Summary

Title: John Marshall Harlan Papers

Span Dates: 1810-1971

Bulk Dates: (bulk 1861-1911)

ID No.: MSS24943

Creator: Harlan, John Marshall, 1833-1911

Extent: 20,400 items

Extent: 49 containers plus 3 oversize

Extent: 21.2 linear feet

Extent: 34 microfilm reels

Language: Collection material in English

Location: Manuscript Division, Library of Congress, Washington, D.C.

LC Catalog record: <https://lccn.loc.gov/mm75024943>

Summary: Associate justice of the United States Supreme Court and lawyer and politician of Kentucky. Correspondence, legal and financial records, and other material relating to Harlan's career in law, politics, and the judiciary.

Selected Search Terms

The following terms have been used to index the description of this collection in the LC Catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically.

People

Blaine, James Gillespie, 1830-1893--Correspondence.

Bowman, J. B.--Correspondence.

Bristow, Benjamin Helm, 1832-1896--Correspondence.

Bristow, Benjamin Helm, 1832-1896.

Clay, Henry, 1777-1852--Correspondence.

Crittenden, John J. (John Jordan), 1787-1863--Correspondence.

Davis, David, 1815-1886--Correspondence.

Drane, George C.--Correspondence.

Finnell, John William, 1821-1888--Correspondence.

Goodloe, William Cassius, 1841-1889--Correspondence.

Grant, Ulysses S. (Ulysses Simpson), 1822-1885.

Gresham, Walter Quintin, 1832-1895--Correspondence.

Harlan family.

Harlan, James Shanklin, 1861-1927--Correspondence.

Harlan, James, 1800-1863. James Harlan papers. 1810-1863.

Harlan, John Marshall, 1833-1911.

Harlan, John Maynard, 1864-1934--Correspondence.

Harlan, Malvina Shanklin, 1838-1916--Correspondence.

Harlan, Richard D.--Correspondence.

Harrison, Benjamin, 1833-1901--Correspondence.

Hatchitt, James G.--Correspondence.

Hayes, Rutherford B., 1822-1893--Correspondence.

Newman, John E., 1819-1873.

Rodman, John, 1820-1886--Correspondence.

Stuart, Alexander H. H. (Alexander Hugh Holmes), 1807-1891--Correspondence.

Willson, Augustus Everett, 1846-1931--Correspondence.

Wilson, Bluford, -1909--Correspondence.

Organizations

George Washington University. Law School.

Republican Party (U.S. : 1854-)

United States. Army. Kentucky Infantry Regiment, 10th (1861-1864)

United States. Circuit Court (7th Circuit)
United States. Supreme Court.

Subjects

Bering Sea controversy.
Constitutional law--United States.
Elections--Louisiana--1877.
Elections--United States--1876.
Law--Study and teaching.
Law--United States.
Practice of law--Kentucky.
Presidents--United States--Election--1876.

Places

Kentucky--History--Civil War, 1861-1865.
Kentucky--Politics and government.
Kentucky--Social life and customs.
Louisiana--Politics and government--1865-1950.
Sealing--Law and legislation.
United States--History--Civil War, 1861-1865.
United States--Politics and government--1869-1877.
United States--Politics and government--19th century.

Occupations

Judges.
Justices, U.S. Supreme Court.
Lawyers.
Politicians.

Provenance

The papers of John Marshall Harlan, associate justice of the United States Supreme Court and lawyer and politician of Kentucky were given to the Library of Congress by his grandson, John Marshall Harlan, and Mrs. Roger A. Derby, in 1957, and as a bequest of his grandson in 1973-1975.

Processing History

Part I of the Harlan Papers was preliminarily arranged in 1957 and processed in 1973-1974. Part II was processed in 1977-1978. The finding aid was revised in 2009.

Additional Guides

In 1980, the Library published *John Marshall Harlan, a Register of His Papers in the Library of Congress*.

Transfers

Photographs have been transferred to the Prints and Photographs Division of the Library of Congress where they are identified as part of these papers.

Other Repositories

The University of Louisville Law School, Louisville, Ky., holds a collection of Marshall papers pertaining largely to his career in the Supreme Court.

Copyright Status

Copyright in the unpublished writings of John Marshall Harlan in these papers and in other collections of papers in the custody of the Library of Congress has been dedicated to the public. Copyright in the unpublished writings of Malvina Shanklin Harlan in these papers and in other collections in the custody of the Library of Congress is reserved. Consult reference staff in the Manuscript Division for further information.

Access and Restrictions

The John Marshall Harlan Papers are open to research. Researchers are advised to contact the Manuscript Reading Room prior to visiting. Many collections are stored off-site and advance notice is needed to retrieve these items for research use.

Microfilm

A microfilm edition of these papers is available on thirty-four reels. Consult a reference librarian in the Manuscript Division concerning availability for purchase or interlibrary loan. To promote preservation of the originals, researchers are required to consult the microfilm edition.

Preferred Citation

Researchers wishing to cite this collection should include the following information: Container or reel number, John Marshall Harlan Papers, Manuscript Division, Library of Congress, Washington, D.C.

Biographical Note

Date	Event
1833, June 1	Born, Boyle County, Ky.
1850	Graduated, Centre College, Danville, Ky. Studied law, Transylvania University, Lexington, Ky.
1853	Admitted to bar
1854-1856	City attorney, Frankfort, Ky.
1856	Married Malvina French Shanklin (1838-1916)
1858-1861	County judge, Franklin County, Ky.
1859	Defeated as candidate for seat in United States House of Representatives
1861-1863	Commanded Tenth Kentucky Volunteer Infantry in Union Army
1863	Resumed law practice, Frankfort, Ky.
1863-1867	Attorney general of Kentucky
1867	Began practice of law in Louisville, Ky.
1871, 1875	Defeated as Republican candidate for governor of Kentucky
1876	Supported candidacy of Benjamin Helm Bristow for Republican nomination for president; at Republican convention switched support to Rutherford B. Hayes
1877	Member, Louisiana commission to settle the disputed election of 1876
1877-1911	Associate justice, United States Supreme Court
1889-1910	Professor of constitutional law, George Washington University, Washington, D.C.

1892
1911, Oct. 14

United States representative in Bering Sea arbitration with Great Britain
Died, Washington, D.C.

Scope and Content Note

The papers of John Marshall Harlan (1833-1911) span the period 1810-1971, with the bulk of the material from 1861 to 1911. The collection consists of correspondence, subject files, speeches and writings, legal and financial records, and miscellaneous material organized in two parts. Part I contains seven series: [Family Correspondence](#); [General Correspondence](#); [Subject File](#); [Speeches, Writings, and, Related Material](#); [Legal File](#); [Financial Papers](#); and [Miscellany](#). Part II is arranged in [General Correspondence](#), [Subject File](#), [Speech File](#), [Legal File](#), [Financial Papers](#), [Miscellany](#), and [Papers of James Harlan \(1800-1863\)](#).

Most of the [family correspondence](#) in the Harlan Papers is found in Part I of the collection, although a few family letters are interfiled in the General Correspondence series of Part II. The majority of these letters were exchanged between Harlan and his wife, Malvina Shanklin Harlan; his sons, James S. Harlan, Richard D. Harlan, and John Maynard Harlan; and his brother-in-law, James G. Hatchitt.

The General Correspondence series in Parts I and II contain information relating to Harlan's legal practice in Kentucky in the early 1870s when he was in partnership with Benjamin Helm Bristow and John Newman, and to his political activities in Kentucky during 1876. Especially significant for information about the Ulysses S. Grant administration are letters from Bristow written between 1867 and 1877. In 1876 Harlan advocated Bristow's candidacy for the Republican presidential nomination and placed his name before the convention in Cincinnati in June of that year. Correspondence relating to Bristow's candidacy and the subsequent election of Rutherford B. Hayes is primarily with local political figures in Kentucky.

Also in the General Correspondence series of both parts are letters concerning Harlan's appointment to the Supreme Court. [Part I correspondence](#) contains letters written by Henry Clay to Harlan's father, James, from 1841 to 1850. Other correspondents of prominence in the first part include James Gillespie Blaine, J. J. Crittenden, David Davis, Walter Quintin Gresham, Benjamin Harrison, Rutherford B. Hayes, and Augustus Everett Willson. Frequent or prominent [correspondents in Part II](#) include J. B. Bowman, George C. Drane, John William Finnell, William Cassius Goodloe, John Rodman, and Bluford Wilson.

After the presidential election of 1876 Harlan was appointed a member of the electoral commission established by Congress to settle the disputed results in Louisiana. Documents relating to the election and to his later role as American representative in the Bering Sea arbitration in 1892-1893 can be found in the [Subject File](#) series of Part I. Material in this series also relates to his service with the 10th Kentucky Volunteer Infantry during the Civil War and to his tenure as professor of law at the George Washington University Law School. Further information about his career can also be gleaned from the materials accumulated by his namesake and grandson, John Marshall Harlan (1899-1971).

The [Legal File](#) in Part I treats Harlan's law career from its beginning through his years on the Supreme Court, including cases in which he was attorney or judge. In the [Legal File](#) of Part II are contracts, notes, receipts, and a few briefs relating to cases or clients.

Copies of memoirs of John Marshall Harlan recalling events dating back to the 1850s constitute most of the [Speeches, Writings, and Related Material](#) series of Part I. In the [Miscellany](#) of Part I are his "One Day Diary" for August 21, 1877, notebooks, biographical material, photocopies of Harlan family papers collected from other repositories by Alan F. Westin, Harlan's biographer, and Richard D. Harlan's nine-volume compilation of Justice Harlan's published Supreme Court opinions. Included in the [Miscellany](#) of Part II is a letter from Harlan to his son, Richard, written in July 1911, describing the relationship between Henry Clay and James Harlan prior to the Civil War and explaining John Marshall Harlan's connection with events bearing on Kentucky's position during the Civil War. This segment also contains a small group of financial papers belonging to Harlan's brother, James Harlan, Jr.

The papers of his father, [James Harlan](#), in Part II of the collection, span the years 1810-1863, and are primarily financial, but include a few legal items. They also contain certificates relating to James Harlan's election to the United States House of Representatives in 1835 and 1837, his appointment by Millard Fillmore as one of the commissioners to ascertain and settle private claims in California in 1851, his commission to prepare an abridged and simplified civil and criminal code

of practice for the Commonwealth of Kentucky in 1850, his appointments and elections as attorney general of Kentucky in 1850, 1851, and 1855, and his appointment as secretary of state of Kentucky in 1841. His most prominent correspondent is Alexander H. H. Stuart, secretary of the interior from 1850 to 1853.

Organization of the Papers

The collection is arranged in two parts composed of fourteen series:

Part I:

- [Family Correspondence, 1846-1930](#)
- [General Correspondence, 1816-1911](#)
- [Subject File, 1861-1971](#)
- [Speeches, Writings, and Related Material, 1890-1911](#)
- [Legal File, 1854-1913](#)
- [Financial Papers, 1810-1908](#)
- [Miscellany, 1835-1971](#)

Part II:

- [General Correspondence, 1834-1930](#)
- [Subject File, 1877-1907](#)
- [Speech File, 1891-1907](#)
- [Legal File, 1832-1888](#)
- [Financial Papers, 1840-1907](#)
- [Miscellany](#)
- [Papers of James Harlan \(1800-1863\), 1810-1863](#)

Description of Series

Container	Series
BOX 1 REEL 1	<p><u>Part I: Family Correspondence, 1846-1930</u></p> <p>Letters received and copies of letters sent to and from members of the Harlan family. Arranged chronologically.</p>
BOX 2-5 REEL 2-5	<p><u>Part I: General Correspondence, 1816-1911</u></p> <p>Letters received and copies of letters sent. Arranged chronologically.</p>
BOX 6-10 REEL 5-8	<p><u>Part I: Subject File, 1861-1971</u></p> <p>Correspondence, memoranda, financial papers, printed matter, and miscellaneous material. Arranged alphabetically by subject.</p>
BOX 11 REEL 8	<p><u>Part I: Speeches, Writings, and Related Material, 1890-1911</u></p> <p>Typewritten and printed copies of speeches, reminiscences, and lectures by Harlan. Arranged alphabetically by title or topic.</p>
BOX 12-21 REEL 9-13	<p><u>Part I: Legal File, 1854-1913</u></p> <p>Correspondence, briefs, affidavits, memoranda, and printed matter relating to cases in which Harlan had an interest. Arranged chronologically.</p>
BOX 22 REEL 13	<p><u>Part I: Financial Papers, 1810-1908</u></p> <p>Invoices, receipts, accounts, ledgers, contracts, and routine financial correspondence. Arranged alphabetically.</p>
BOX 23-32 REEL 13-16	<p><u>Part I: Miscellany, 1835-1971</u></p> <p>Typewritten manuscripts, calling cards, commissions, correspondence, diaries, bibliographical and genealogical material, newspaper clippings and printed matter, including Harlan's Supreme Court opinions. Arranged alphabetically by type of material or topic.</p>
BOX 33-39 REEL 17-23	<p><u>Part II: General Correspondence, 1834-1930</u></p> <p>Letters received and copies of letters sent. Arranged chronologically.</p>
BOX 40 REEL 24	<p><u>Part II: Subject File, 1877-1907</u></p> <p>Correspondence, clippings, account book, canceled checks, and printed matter. Arranged alphabetically by subject.</p>
BOX 40 REEL 24	<p><u>Part II: Speech File, 1891-1907</u></p> <p>Speeches. Arranged by chronologically.</p>
BOX 40-43 REEL 24-26	<p><u>Part II: Legal File, 1832-1888</u></p> <p>Correspondence, briefs, contracts, notes and bills and receipts. Arranged alphabetically by name of client or case with miscellaneous material organized by topic or type of material at the end of the file.</p>

BOX 43-48 REEL 26-31 Part II: Financial Papers, 1840-1907

Correspondence, bills and receipts, bankbooks, bank notes, canceled checks and insurance, real estate, and tax records.

Arranged alphabetically by type of material and therein chronologically.

BOX 49-50 REEL 32 Part II: Miscellany

Biographical and genealogical material, miscellaneous notes and manuscripts, financial records belonging to James Harlan, Jr., and items relating to other members of the Harlan family.

Arranged by alphabetically by subject or type of material.

BOX 51-52 REEL 33-34 Part II: Papers of James Harlan (1800-1863), 1810-1863

Papers of John Marshall Harlan's father, including letters received, legal papers relating to clients, bills and receipts, canceled checks, deeds, bank notes, and certificates and commissions.

Arranged by type of material and therein chronologically.

Container List

Available on microfilm. Shelf no. 17,179

Container	Contents
BOX 1 REEL 1	Part I: Family Correspondence, 1846-1930 Letters received and copies of letters sent to and from members of the Harlan family. Arranged chronologically.
BOX 1 REEL 1	1846, 1862, 1867-1870 1871-1875 1876-1878 1880-1881 Jan.-July 1882 Aug.-Dec. 1882 1883 1884-1886 1887, 1889 1890 1891 1892-1893 1894-1896 1899 1900-1901, 1903 1910-1911 1915-1917, 1930 Undated and fragments
BOX 2-5 REEL 2-5	Part I: General Correspondence, 1816-1911 Letters received and copies of letters sent. Arranged chronologically.
BOX 2 REEL 2	James Harlan Papers 1816, 1835, 1841, 1847-1851, 1855 1857-1859 1860-1862 1863-1865 1866-1867 1868-1869 1870 Jan.-July Aug.-Dec. 1871 Jan.-Aug. Sept.-Dec. 1872

Part I: General Correspondence, 1816-1911

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BOX 4 REEL 3-4	1876 1-15 May 17-31 May 1-9 June 10-27 June July Aug.-Dec. 1877 Jan.-Mar. 3-11 Apr. 12 Apr.-June July-Aug. Sept. 1-17 Oct. 18-31 Oct. Nov.-Dec.
BOX 5 REEL 5	1878-1879 1880-1881 1884-1887 1888-1889 1890-1891 1892-1894 1895-1896, 1898 1900, 1903-1904, 1906-1907, 1909 1910-1911 Undated and fragments
BOX 6-10 REEL 5-8	Part I: Subject File, 1861-1971 Correspondence, memoranda, financial papers, printed matter, and miscellaneous material. Arranged alphabetically by subject.
BOX 6 REEL 5-6	Bering Sea arbitration, 1892-1893 Correspondence Material on fur seals Convention drafts and notes

Part I: Subject File, 1861-1971

Container

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	Newspaper clippings
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	1909-1910, undated
	George Washington University Law School, Washington, D.C.
	Correspondence, 1910-1911
	Constitutional law course
BOX 7 REEL 6	Harlan, John Marshall (1833-1911)
	Correspondence of his grandson, John Marshall Harlan (1899-1971)
	1954-1963
	1964-1971
	Papers at the Library of Congress, correspondence, 1955-1958
	Papers at the University of Louisville Law School, Louisville, Ky., correspondence, 1941-1947
	“Kentuckians” dinner, 23 Dec. 1907
	Correspondence
	Scrapbook
BOX 8 REEL 6-7	Kentucky Insurance Co.
	Aug.-Dec. 1866
	Jan.-Feb. 1867
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	May-June 1867
	Louisiana commission (Electoral Commission), 1877
	Affidavits and notes
	Printed matter
	Murray Bay Protestant Church
	Correspondence
	1902, 1905-1906
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	Financial reports, 1900, 1905-1906, undated
	Miscellaneous
BOX oversize 9 REEL 7	Tenth Kentucky Volunteer Infantry
	Muster rolls, returns
BOX 10 REEL 8	Correspondence, 1861-1895
	Invoices and accounts of clothing and camp equipage
	Invoices, receipts, and accounts of ordnance and ordnance stores
	Statements and certificates
	Woods, William A., affair, 1887-1890
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Part I: Subject File, 1861-1971

Container	Contents
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Mar.
Aug.
1890
Jan.
Sept.-Oct.
Undated

BOX 11 REEL 8

Part I: Speeches, Writings, and Related Material, 1890-1911

Typewritten and printed copies of speeches, reminiscences, and lectures by Harlan.
Arranged alphabetically by title or topic.

BOX 11 REEL 8

“Battle of Hartsville”
“Blaine and Burchard's Rum, Romanism and Rebellion”
“Civil War-1864, My Father's Death and My Resignation as Colonel of the Tenth Kentucky Infantry, 2 Mar. 1863, and Election on the Union Ticket as Attorney General of Kentucky, in Aug. 1863”
“Civil War of 1861, the Union Cause in Kentucky, Some incidents that occurred in That State”
“Editorial Published in the *Western Citizen* of Paris, Kentucky, Friday morning, 10 June 1859, Commenting upon the Views Expressed by Harlan and Simms, Candidates for Congress in Joint Debate”
Foreword by Harlan to “The Union Cause in Kentucky, 1860-1865”
“John Marshall Harlan”
“The Know-Nothing Organization, My First Appearance as a Public Speaker and Participation in the Presidential Campaign of 1856.”
Lectures on constitutional law given by Harlan at the George Washington University, Washington, D.C., 1897-1898
“March from Mississippi into Kentucky”
“Mrs. James G. Blaine and President Harrison”
“My Appointment as Adjutant General of Kentucky and My First Meeting with James G. Blaine”
“My Pursuit of Gen. John H. Morgan's Troops When They Made a Raid into Kentucky in Dec. 1862 and the Skirmish between his Men and Mine at Johnson's Ferry on the Rolling Fork of Salt River”
“Raid by Morgan's Men on Frankfort, Kentucky, in the Fall of 1864”
“Some experiences as a Captain of Home Guards—the Crittenden Union Zouaves of Louisville, Kentucky, in 1861, Ammunition Carried to Sherman on Muldraugh's Hill”
Speeches by Harlan, 1890-1907, undated

Part I: Speeches, Writings, and Related Material, 1890-1911

Container

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“The Union Cause in Kentucky in 1861 and the Raising of a Regiment by Me for the Volunteer Infantry Service, Some Incidents in that Service”

BOX 12-21 REEL 9-13 **Part I: Legal File, 1854-1913**

Correspondence, briefs, affidavits, memoranda, and printed matter relating to cases in which Harlan had an interest.

Arranged chronologically.

BOX 12 REEL 9

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1854-1858, Apperson v. Ford
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circa 1857, Gibson v. Trustees of Hopkinsville
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Sullivan v. Harlan
1863-1869, Metcalfe v. Wilson
1864
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1866-1869, Mayhall v. Hieronymus
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(1 folder)
(1 folder)

**BOX 13
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(1 folder)

**BOX 14
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Part I: Legal File, 1854-1913

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	Kentucky Pneumatic Gas Co.
	Louisville City RR Co. v. City of Louisville
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	1874-1877, Grey, Ben
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Part I: Legal File, 1854-1913

Container

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BOX 18 REEL 11	1871
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	1886, Mystic case
	1887, Illinois Lake Front case
BOX 19 REEL 12	1888, United States v. Coy
	1889, Hervey v. Illinois Midland Railway Co.
	1890, Caldwell v. Texas
	1892, Waupoose v. Wisconsin
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	Commonwealth v. Hannah
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Part I: Legal File, 1854-1913

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BOX 22 REEL 13	Part I: Financial Papers, 1810-1908 Invoices, receipts, accounts, ledgers, contracts, and routine financial correspondence. Arranged alphabetically.
BOX 22 REEL 13	Accounts with companies and individuals Contracts Memorandum, 1874 Ledger of Harlan and Wilson, 1874-1878 Louisville Commercial Co. Miscellaneous receipts and notes Miscellaneous financial papers Mortgages Postage account book, 1897-1908 Routine correspondence Taxes
BOX 23-32 REEL 13-16	Part I: Miscellany, 1835-1971 Typewritten manuscripts, calling cards, commissions, correspondence, diaries, bibliographical and genealogical material, newspaper clippings and printed matter, including Harlan's Supreme Court opinions. Arranged alphabetically by type of material or topic.
BOX 23 REEL 13-14	Articles about Harlan, typescripts Biographical material Calling cards and programs Commission as captain in the Crittenden Union Zouaves Commonplace book and list of cases appealed, 1849, 1854 Diaries Diary notebooks, 1875, 1885, 1889 One Day Diary, 21 Aug. 1877
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Part I: Miscellany, 1835-1971

Container	Contents
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BOX 26 REEL 15	(1 folder)
	Judicial centennial banquet Recipe book
BOX 27 REEL 16	Scrapbook Shanklin, John, estate "Some Memories of a Long Life, 1854-1911," by Malvina Shanklin Harlan
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BOX 34 REEL 17-18	1865 1866 1867 1868 1869 Jan.-Mar.

Part II: General Correspondence, 1834-1930

Container	Contents
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