

Willis Van Devanter Papers
A Finding Aid to the Collection in the Library of Congress



Manuscript Division, Library of Congress
Washington, D.C.
2010

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

Catalog Record: <https://lcn.loc.gov/mm82043950>

Additional search options available at: <https://hdl.loc.gov/loc.mss/eadmss.ms011229>

Prepared by Manuscript Division Staff
Revised by Maria Farmer

Finding aid encoded by Library of Congress Manuscript Division, 2011

Collection Summary

Title: Willis Van Devanter Papers

Span Dates: 1884-1941

ID No.: MSS43950

Creator: Van Devanter, Willis, 1859-1941

Extent: 17,000 items

Extent: 53 containers

Extent: 21.3 linear feet

Language: Collection material in English

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

LC Catalog record: <https://lccn.loc.gov/mm82043950>

Summary: Lawyer, jurist, and Supreme Court justice. Correspondence, letterbooks, legal records and briefs, speeches, lectures, and scrapbooks documenting Van Devanter's law practice in Wyoming, his involvement in Republican Party politics, and his service as associate justice of the Supreme Court.

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

Adams, Elmer B. (Elmer Bragg), 1842-1916--Correspondence.
Amidon, Charles Fremont, 1856-1937--Correspondence.
Brandeis, Louis Dembitz, 1856-1941--Correspondence.
Butler, Pierce, 1866-1939--Correspondence.
Campbell, A. C. (Archibald Colin)--Correspondence.
Carey, Joseph M. (Joseph Maull), 1845-1924--Correspondence.
Clark, Clarence D. (Clarence Don), 1851-1930--Correspondence.
Clarke, John H. (John Hessin), 1857-1945--Correspondence.
Day, William R. (William Rufus), 1849-1923--Correspondence.
Holmes, Oliver Wendell, Jr., 1841-1935--Correspondence.
Hook, William C. (William Cather), 1857-1921--Correspondence.
Hughes, Charles Evans, 1862-1948--Correspondence.
Kellogg, Frank B. (Frank Billings), 1856-1937--Correspondence.
Lacey, John W. (John Wesley), 1848-1936--Correspondence.
Mondell, Frank W. (Frank Wheeler), 1860-1939--Correspondence.
Philips, John Finis, 1834-1919--Correspondence.
Pollock, John C., 1857-1937--Correspondence.
Richards, William A. (William Alford), 1849-1912--Correspondence.
Riner, John A. (John Alden), 1850-1923--Correspondence.
Rooker, William Velpau, approximately 1860-1934--Correspondence.
Sanford, Edward Terry, 1865-1930--Correspondence.
Stone, Harlan Fiske, 1872-1946--Correspondence.
Taft, William H. (William Howard), 1857-1930--Correspondence.
Van Devanter, Willis, 1859-1941.
Walter, Luther M. (Luther Mason), 1877-1947--Correspondence.
Warren, Francis E. (Francis Emroy), 1844-1929--Correspondence.
Williams, Sylvester G.--Correspondence.

Organizations

Republican Party (U.S. : 1854-)
United States. Supreme Court.

Subjects

Constitutional law--United States.
Elections--United States--1896.
Indians of North America--Government relations.
Law--United States.
Practice of law--Wyoming--Cheyenne.
Public lands--West (U.S.)

Places

Wyoming--History.
Wyoming--Politics and government.

Occupations

Judges.
Justices, State--Wyoming.
Justices, U.S. Supreme Court.
Lawyers.

Provenance

The papers of Willis Van Devanter, lawyer, jurist, and Supreme Court justice, were given to the Library of Congress in 1980 by his son, Winslow B. Van Devanter.

Processing History

The papers of Willis Van Devanter were arranged and described in 1969 and 1983. The finding aid was revised in 2008.

Transfers

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

Copyright Status

The status of copyright in the unpublished writings of Willis Van Devanter is governed by the Copyright Law of the United States (Title 17, U.S.C.).

Access and Restrictions

The papers of Willis Van Devanter 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.

Preferred Citation

Researchers wishing to cite this collection should include the following information: Container number, Willis Van Devanter Papers, Manuscript Division, Library of Congress, Washington, D.C.

Biographical Note

Date	Event
1859, Apr. 17	Born, Marion, Ind.

1875-1878	Attended Indiana Asbury University, Greencastle, Ind.
1881	Bachelor of laws, Cincinnati Law School, Cincinnati, Ohio
1881-1884	Practiced law in Marion, Ind.
1883	Married Dellice Burhans
1884	Moved to Cheyenne, Wyo.
1886	Commissioner to revise Wyoming statutes
1887-1888	City attorney, Cheyenne, Wyo.
1888	Member, Wyoming territorial legislature
1889-1890	Chief justice, territorial supreme court of Wyoming
1892-1894	Chairman, Republican State Committee of Wyoming
1896-1900	Member, Republican National Committee
1897-1903	Assistant attorney general assigned to the Department of the Interior
1898-1903	Professor, Columbian University, Washington, D.C.
1903-1910	U.S. court judge, 8th Judicial Circuit
1910-1937	Associate justice, U.S. Supreme Court
1941, Feb. 8	Died, Washington, D.C

Scope and Content Note

The papers of Willis Van Devanter (1859-1941) span the years 1884-1941, and consist of interspersed family and personal correspondence, bound volumes of records and briefs, a few speeches and lectures, and scrapbooks of newspaper clippings. The bulk of the collection is composed of letters sent and received by Van Devanter, including nearly sixty letterbooks of outgoing correspondence. Also in the papers is a substantial file of letters received. Additionally, a special correspondence file contains numerous personal letters from Van Devanter's friend and patron, Wyoming Senator Francis E. Warren. Other topical material in the special correspondence consists chiefly of mail received by Van Devanter on his appointment and retirement from the Supreme Court of the United States. The collection is arranged in four series: [Letterbooks](#), [Personal Correspondence](#), [Special Correspondence](#), and [Miscellany](#).

Nominated by fellow Cincinnati Law School alumnus William H. Taft to the United States Supreme Court in 1910, Van Devanter's legal expertise had been honed in the frontier environs of Cheyenne, Wyoming. During the 1920s, his abilities as a negotiator elicited the praise of Taft and other justices on the bench who appreciated his legal precision and courtroom thoroughness. In the 1930s, however, Van Devanter's conservatism put him at odds with the New Deal programs of Franklin D. Roosevelt. In 1937, he resigned his seat. By then he had spent approximately forty years in federal service, including six as assistant attorney general in the Department of Interior and seven more as a judge on the Circuit Court of Appeals for the Eighth District.

Main topics in the early portion of the papers, which begin with his move to Cheyenne from Marion, Indiana, feature legal developments in Wyoming during its territorial and early statehood period, Republican Party politics, and western land policy. Between 1884 and 1897, Van Devanter served as territorial legislator, city attorney of Cheyenne, chairman of the Republican State Committee, chief justice of the territorial supreme court of Wyoming, and a private lawyer whose practice included clients such as the Union Pacific Railroad. All of these aspects are touched on to a greater or lesser degree in the personal correspondence, especially in the letterpress copies of his outgoing mail. Van Devanter's correspondence with Senator Warren is a most valuable file for this period through 1910, as the two maintained a long relationship exchanging ideas and information about a wide spectrum of political, legal, and economic developments. Besides Warren, other leading Wyoming politicians whose names appear in this collection are Joseph M. Carey, Clarence D. Clark, Frank W. Mondell, and William A. Richards. There is also a large amount of correspondence with newspaper editors and leaders of the Wyoming community interested in the advancement of their private and public interests and concerns.

Another major Wyoming correspondent, John W. Lacey, a law partner, had accompanied Van Devanter to Cheyenne in 1884 to become chief justice of the territorial supreme court. Lacey was married to Van Devanter's sister, and he remained important in Wyoming legal and political circles long after his brother-in-law's departure for Washington. The letters between them, like correspondence from other Van Devanter relatives, are interspersed throughout the letterbook series and the personal correspondence of mail received.

Beginning in 1896, Van Devanter sat for four years on the Republican National Committee. His work on behalf of William McKinley, for whom he traveled across the state on horseback in the campaign of 1896, plus his federal appointments prior to being named associate justice of the Supreme Court in 1910, are reflected in the correspondence kept from these years and after. Students of the judiciary will be particularly interested in the extensive communications between Van Devanter and other federal judges, especially those on the Eighth Circuit Court. Prominent among the jurists who confided in him are Elmer B. Adams, John C. Pollock, John A. Riner, and Walter R. Sanborn. Other major correspondents include several from the Department of Interior, where Van Devanter, as a specialist in public lands and Indian affairs, built on his already acquired knowledge of these fields. Some of the letter writers who stand out in the collection as a whole are Charles F. Amidon, A. C. Campbell, William C. Hook, Frank B. Kellogg, John F. Phillips, William V. Rooker, Luther M. Walter, and Sylvester G. Williams.

The Van Devanter Papers for his Supreme Court years, while not extensive in holdings relating directly to his duties on the bench, include a fair amount of correspondence between him and other justices. The most frequent writers were chief justices William H. Taft, Charles Evans Hughes, and Harlan Fiske Stone. Other correspondents include Louis Dembitz Brandeis, Pierce Butler, John H. Clark, William R. Day, Oliver Wendell Holmes, and Edward Terry Sanford. Numerous justices exchanged social and personal pleasantries with Van Devanter, but most of their letters concern procedural matters. With the principal exception of the turn-of-the-century bound records and briefs, substantive case materials from the Court of Appeals for the Eighth Circuit and the Supreme Court are largely absent from these papers. As a whole, however, the correspondence in this collection contributes significantly to understanding Van Devanter's social and legal connections, his handling of cases, and his views on the law and the Constitution.

Arrangement of the Papers

This collection is arranged in four series:

- [Letterbooks, 1885-1941](#)
- [Personal Correspondence, 1884-1941](#)
- [Special Correspondence, 1890-1941](#)
- [Miscellany](#)

Description of Series

Container	Series
BOX 1-20	<p><u>Letterbooks, 1885-1941</u></p> <p>Bound volumes of letterpress copies of letters sent by Van Devanter, including to family members.</p> <p>Arranged chronologically within numbered volumes and alphabetically indexed. Most, but not all, of the volumes are in chronological order. Some overlap each other in the time span covered.</p>
BOX 21-39	<p><u>Personal Correspondence, 1884-1941</u></p> <p>Primarily letters received by Van Devanter, including from family members, with individual and attached newspaper clippings, legal briefs, and a variety of other materials.</p> <p>Arranged chronologically by year and alphabetically therein by name of sender.</p>
BOX 40-44	<p><u>Special Correspondence, 1890-1941</u></p> <p>Letters received by Van Devanter from Francis E. Warren. Also, topical correspondence regarding Van Devanter's appointment and retirement from the U.S. Supreme Court, and letters received on the death of his wife.</p> <p>Warren's letters are chronologically arranged. The topical correspondence is arranged by subject and alphabetically therein by name of sender.</p>
BOX 44-53	<p><u>Miscellany</u></p> <p>Lectures and speeches by Van Devanter, bound copies of legal briefs and records, and scrapbooks of newspaper clippings and printed matter.</p> <p>Arranged according to type of material.</p>

Container List

Container	Contents
BOX 1-20	Letterbooks, 1885-1941 Bound volumes of letterpress copies of letters sent by Van Devanter, including to family members. Arranged chronologically within numbered volumes and alphabetically indexed. Most, but not all, of the volumes are in chronological order. Some overlap each other in the time span covered.
BOX 1	1885, Apr. 12-1886, Oct. 12
BOX 1	1886, Oct. 13-1889, Aug. 3
BOX 1	1889, Aug. 7-1895, Dec. 10
BOX 2	1899, July 1-1902, June 30
BOX 2	1892, Sept. 15-1893, Feb. 27
BOX 3	1894, Aug. 4-Sept. 20
BOX 3	1895, Dec. 11-1897, Feb. 8
BOX 4	1897, Feb. 9-Oct. 18
BOX 4	1897, Mar. 24-Nov. 10
BOX 4	1897, Nov. 6-1899, June 30
BOX 5	1897, Dec. 15-1902, Feb. 24
BOX 5	1902, July 1-1903, Aug. 14
BOX 5	1903, Aug. 17-1904, June 30
BOX 6	1904, July 1-1905, June 29
BOX 6	1905, July 1-1906, Mar. 30
BOX 6	1906, Apr. 1-1907, July 28
BOX 7	1907, July 29-1908, Oct. 30
BOX 7	1908, Nov. 2-1909, Nov. 10
BOX 7	1909, Nov. 10-1910, Jan. 31
BOX 8	1910, Jan. 29-June 15
BOX 8	1910, June 16-Dec. 31
BOX 8	1911, Jan. 1-June 27 (includes item of July 1, 1911)
BOX 9	1911, June 27-Nov. 28
BOX 9	1911, Nov. 30-1913, Mar. 17
BOX 9	1913, Mar. 18-1914, June 30
BOX 10	1914, June 30-1915, May 13
BOX 10	1915, May 14-1916, Apr. 3
BOX 10	1916, Apr. 4-1917, Mar. 24
BOX 11	1917, Mar. 26-1918, Mar. 16
BOX 11	1918, Mar. 16-1919, Feb. 7
BOX 11	1919, Feb. 8-1920, Jan. 31
BOX 12	1920, Jan. 31-Dec. 7
BOX 12	1920, Dec. 9-1922, Apr. 1
BOX 12	1922, Apr. 3-1923, Mar. 27
BOX 13	1923, Mar. 27-1924, June 1

Letterbooks, 1885-1941

Container	Contents
BOX 13	1924, June 2-1925, Mar. 24
BOX 13	1925, Mar. 25-1926, Apr. 9
BOX 14	1926, Apr. 6-1927, Mar. 30
BOX 14	1927, Mar. 31-Dec. 8
BOX 14	1927, Dec. 8-1928, June 12
BOX 15	1928, June 12-1929, Feb. 12
BOX 15	1929, Feb. 12-Oct. 15
BOX 15	1929, Oct. 21-1930, May 1
BOX 16	1930, May 1-1931, Feb. 9
BOX 16	1931, Feb. 9-June 9
BOX 16	1931, June 10-1932, Apr. 21
BOX 17	1932, Apr. 21-Dec. 19
BOX 17	1932, Dec. 20-1933, Mar. 28
BOX 17	1933, Mar. 29-1934, Feb. 23
BOX 18	1934, Feb. 23-June 16
BOX 18	1934, June 16-Nov. 5
BOX 18	1935, May 29-Nov. 16
BOX 19	1935, Nov. 16-1936, Feb. 21
BOX 19	1936, Feb. 24-Nov. 30
BOX 19	1936, Nov. 30-1937, May 10
BOX 20	1937, May 10-Aug. 12
BOX 20	1937, Aug. 12 -1938, June 6
BOX 20	1938, June 7-1939, Apr. 29
BOX 20	1939, May 1-1941, Feb. 8
BOX 21-39	Personal Correspondence, 1884-1941 Primarily letters received by Van Devanter, including from family members, with individual and attached newspaper clippings, legal briefs, and a variety of other materials. Arranged chronologically by year and alphabetically therein by name of sender.
BOX 21	1884-1890 (3 folders)
BOX 21	1897 (4 folders)
BOX 21	1898
BOX 21	A-F
BOX 22	G-Z (3 folders)
BOX 22	1899-1900 (6 folders)
BOX 23	1901-1902 (4 folders)
BOX 23	1903
BOX 23	A-L (2 folders)
BOX 24	M-Z (3 folders)
BOX 24	1904
BOX 24	A-P (2 folders)

Personal Correspondence, 1884-1941

Container	Contents
-----------	----------

BOX 25	Q-Z (2 folders)
BOX 25	1905 (3 folders)
BOX 26	1906-1907 (6 folders)
BOX 27	1908-1909 (6 folders)
BOX 28	1910 (3 folders)
BOX 28	1911
BOX 28	A-H (2 folders)
BOX 29	I-Z (4 folders)
BOX 29	1912 (2 folders)
BOX 30	1913-1915 (6 folders)
BOX 31	1916-1920 (9 folders)
BOX 32	1921-1923 (6 folders)
BOX 33	1924-1926 (6 folders)
BOX 34	1927 (4 folders)
BOX 34	1928
BOX 34	A-L (2 folders)
BOX 35	M-Z (3 folders)
BOX 35	1929 (4 folders)
BOX 36	1930-1933 (5 folders)
BOX 37	1934 (3 folders)
BOX 37	1935
BOX 37	A-K (2 folders)
BOX 38	L-Z (2 folders)
BOX 38	1936-1938 (4 folders)
BOX 39	1939-1941 (3 folders)

Personal Correspondence, 1884-1941

Container	Contents
BOX 39	Unsigned and undated (3 folders)
BOX 40-44	Special Correspondence, 1890-1941 Letters received by Van Devanter from Francis E. Warren. Also, topical correspondence regarding Van Devanter's appointment and retirement from the U.S. Supreme Court, and letters received on the death of his wife. Warren's letters are chronologically arranged. The topical correspondence is arranged by subject and alphabetically therein by name of sender.
BOX 40	Letters from Francis E. Warren
BOX 40	1890-1897 (5 folders)
BOX 41	1898-1909 (12 folders)
BOX 42	1910-1924, n.d. (3 folders)
BOX 42	Topical file
BOX 42	Death of Dellice Burhans Van Devanter (wife), 1934
BOX 42	Letters of condolence (3 folders)
BOX 42	Telegrams of condolence
BOX 43	Supreme Court
BOX 43	Appointment, 1910-1911
BOX 43	Letters of support, 1910
BOX 43	Letters of congratulations
BOX 43	1910
BOX 43	A-V (9 folders)
BOX 44	W-Z
BOX 44	1911
BOX 44	Retirement, 1937 (4 folders)
BOX 44-53	Miscellany Lectures and speeches by Van Devanter, bound copies of legal briefs and records, and scrapbooks of newspaper clippings and printed matter. Arranged according to type of material.
BOX 44	Speeches
BOX 44	Address before bar association of 11th Indiana District, 1930
BOX 44	Columbian University, Washington, D.C., lectures
BOX 45	Records and briefs
BOX 45	Ward v. Race Horse
BOX 45	Brown v. Hitchcock (Bliss)
BOX 45	Maese v. Hermann
BOX 45	Henrickson v. Bradley
BOX 45	Boske v. Comingore
BOX 45	French-Glenn Live Stock Co. v. Springer

Miscellany

Container Contents

BOX 45	Bradfield v. Roberts
BOX 45	United States ex rel. Bernardin v. Duell
BOX 45	United States ex rel. Wedderburn v. Bliss
BOX 45	Minnesota v. Hitchcock
BOX 46	Kansas v. Colorado (3 vols.)
BOX 47	(2 vols.)
BOX 48	Lone Wolf v. Hitchcock
BOX 48	Kirwan v. Murphy
BOX 48	United States <i>ex rel.</i> West v. Hichcock
BOX 48	United States <i>ex rel.</i> Cox v. Hitchcock
BOX 48	Morris v. Hitchcock
BOX 48	United States <i>ex rel.</i> Phillips v. Ware
BOX 48	Champion v. Ames
BOX 48	Insular cases
BOX 49	Humbird and Weyerhauser v. Avery (Act of July 1, 1898)
BOX 49	Nelson v. Northern Pacific Railway Co.
BOX 49	Northern Railway Co. v. Soderberg
BOX 49	United States v. Rickert
BOX 49	Cosmos Exploration Co. v. Gray Eagle Oil Co.
BOX 49	Riverside Oil Co. v. Hitchcock
BOX 50	United States Northern Securities Co.
BOX 51	United States v. Burton (1 vol.)
BOX 52	(1 vol.)
BOX 52	Nelson v. United States
BOX 53	Scrapbooks (3 vols.)