

John Marshall Harlan Papers

A Finding Aid to the Collection in the Library of Congress

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Manuscript Division, Library of
Congress

Washington, D.C.

2009

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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; 49 containers plus 3 oversize; 21.2 linear feet; 34 microfilm reels

Language: Collection material in English

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

Abstract: 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 Library's online catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically therein.

Personal Names

Bristow, Benjamin Helm, 1832-1896.

Harlan, James, 1800-1863.

Harlan, John Marshall, 1833-1911.

Newman, John.

Organizations

George Washington University. Law School.

Republican Party (U.S. : 1854-)

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

Subjects

Bering Sea controversy.

Elections--Louisiana--1877.

Elections--United States--1876.

Practice of law--Kentucky.

Presidents--United States--Nomination.

Locations

Kentucky--History--Civil War, 1861-1865.

Kentucky--Politics and government.

Kentucky--Social life and customs.

Occupations

Jurists.

Lawyers.

Politicians.

Administrative Information

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

<i>Date</i>	<i>Event</i>
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	United States representative in Bering Sea arbitration with Great Britain
1911, Oct. 14	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

<i>Container</i>	<i>Series</i>
BOX 1 REEL 1	<u>Part I: Family Correspondence, 1846-1930</u> Letters received and copies of letters sent to and from members of the Harlan family. Arranged chronologically.
BOX 2-5 REEL 2-5	<u>Part I: General Correspondence, 1816-1911</u> Letters received and copies of letters sent. Arranged chronologically.
BOX 6-10 REEL 5-8	<u>Part I: Subject File, 1861-1971</u> Correspondence, memoranda, financial papers, printed matter, and miscellaneous material. Arranged alphabetically by subject.
BOX 11 REEL 8	<u>Part I: Speeches, Writings, and Related Material, 1890-1911</u> Typewritten and printed copies of speeches, reminiscences, and lectures by Harlan. Arranged alphabetically by title or topic.
BOX 12-21 REEL 9-13	<u>Part I: Legal File, 1854-1913</u> Correspondence, briefs, affidavits, memoranda, and printed matter relating to cases in which Harlan had an interest. Arranged chronologically.
BOX 22 REEL 13	<u>Part I: Financial Papers, 1810-1908</u> Invoices, receipts, accounts, ledgers, contracts, and routine financial correspondence. Arranged alphabetically.
BOX 23-32 REEL 13-16	<u>Part I: Miscellany, 1835-1971</u> 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 33-39 REEL 17-23	<u>Part II: General Correspondence, 1834-1930</u> Letters received and copies of letters sent. Arranged chronologically.
BOX 40	<u>Part II: Subject File, 1877-1907</u>

REEL 24

Correspondence, clippings, account book, canceled checks, and printed matter.
Arranged alphabetically by subject.

BOX 40
REEL 24

Part II: Speech File, 1891-1907

Speeches.
Arranged by chronologically.

BOX 40-43
REEL 24-26

Part II: Legal File, 1832-1888

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.

BOX 43-48
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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.

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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
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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

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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.

Part I: General Correspondence, 1816-1911

<i>Container</i>	<i>Contents</i>
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BOX 4 REEL 3-4	1876
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BOX 5 REEL 5	1878-1879
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	Undated and fragments
BOX 6-10	Part I: Subject File, 1861-1971

Part I: Subject File, 1861-1971

Container

Contents

REEL 5-8

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
Printed copy of the convention
Harlan's commission
Newspaper clippings

Garfield Memorial Hospital

1907

1908

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

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Papers at the Library of Congress, correspondence, 1955-1958

Papers at the University of Louisville Law School, Louisville, Ky.,
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"Kentuckians" dinner, 23 Dec. 1907

Correspondence

Scrapbook

BOX 8

REEL 6-7

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Part I: Subject File, 1861-1971

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	Typewritten and printed copies of speeches, reminiscences, and lectures by Harlan.
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	"Civil War of 1861, the Union Cause in Kentucky, Some incidents that occurred in That State"
	"Editorial Published in the <i>Western Citizen</i> 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"
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	"The Know-Nothing Organization, My First Appearance as a Public Speaker and Participation in the Presidential Campaign of 1856."

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"My Appointment as Adjutant General of Kentucky and My First Meeting with James G. Blaine"
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"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
"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.

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(1 folder)

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(1 folder)

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Part I: Legal File, 1854-1913

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Part I: Financial Papers, 1810-1908

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	Recipe book
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Part I: Miscellany, 1835-1971

<i>Container</i>	<i>Contents</i>
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BOX 33-39 REEL 17-23	Part II: General Correspondence, 1834-1930 Letters received and copies of letters sent. Arranged chronologically.
BOX 33 REEL 17	1834-1835, 1837-1838 1842-1846 1852-1857, 1859 1860-1862 1863 Jan.-Apr. May-June July-Sept. Oct.-Dec.
BOX 34 REEL 17-18	1865 1866 1867 1868 1869 Jan.-Mar. Apr.-June July-Aug. Sept.-Oct. Nov.-Dec.
BOX 35 REEL 18	1870, Jan.-Dec. (12 folders)
BOX 36 REEL 19-20	1871 Jan.-Mar. (3 folders) Apr.-May June-July

Part II: General Correspondence, 1834-1930

Container

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Part II: General Correspondence, 1834-1930

Container

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