**NAME OF COLLECTION:**
Dana, Richard Henry, Jr., Legal Papers, 1844-1878

**LOCATION(S):**
Mss. boxes “D”

**SIZE OF COLLECTION:**
twenty-four boxes

**SOURCES OF INFORMATION ON COLLECTION:**

**SOURCE OF COLLECTION:**
Gift of Worcester Law Library, 1996

**COLLECTION DESCRIPTION:**
Richard Henry Dana (1815-1882) was born in Cambridge, Mass., on 1 August 1815, the son of Richard Henry Dana (1787-1879), an essayist and poet. Richard, Jr. entered Harvard College in 1831, but he left in 1834 and went to sea. His experiences became the subject of his book Two Years Before the Mast, published in 1840. Dana re-entered Harvard in 1836, and graduated in 1837. He studied law and was admitted to the bar in 1840. His book The Seaman's Friend (1841) was a manual of general and legal advice for sailors. In 1841 Dana married Sarah Watson (1814-1907) of Hartford Conn. and they had six children.

Dana first entered into practice in 1842 with his brother "Ned," Edward Trowbridge Dana (1818-1869). In 1848, this partnership was dissolved and Dana next entered into partnership with Francis Edward Parker (1821-1886). The majority of Dana's cases involved maritime disputes, and Dana frequently represented seamen who had been mistreated or deprived of their wages. He handled a wide variety of other legal work, however, including cases involving insurance claims, divorces, and occasional criminal trials. In 1851 Dana defended several men accused of participating in the rescue of Shadrach Minkins (1798-1875), a fugitive slave. Dana unsuccessfully argued for the release of Anthony Burns (1834-1862), another fugitive slave, in 1854.
Dana and Parker practiced law together until 1861, when Dana was appointed United States District Attorney for Massachusetts. Dana held this post from 1861 to 1866 and handled many cases arising from the Civil War, including several dealing with the assignment of prizes for captured Southern ships.

Dana returned to private practice in 1866, although he had carried on a few private cases during the war. In the same year, he was elected a representative in the Massachusetts legislature, where he served until 1868. In 1866 he also published a new edition of Henry Wheaton's *Elements of International Law*; he was subsequently sued for plagiarism by a previous editor of the work, William Beach Lawrence (1800-1881). Dana ran unsuccessfully for the U.S. Congress in 1868. He retired from legal practice in 1878, and died in Rome on 6 January 1882.

This collection consists of Dana's files for more than six hundred of his cases from about 1844 to 1878. The files generally include documents retained by Dana's office and contain a wide variety of materials. Most common are Dana's notes on his arguments and on the statements of witnesses, but other items such as statements, depositions, summonses, correspondence, receipts, and papers gathered as evidence are also present. Copies of printed briefs and points frequently accompany cases argued before the Massachusetts Supreme Judicial Court or federal courts. There are also some newspaper clippings pertaining to the cases.

The files were numbered in a roughly chronological sequence in Dana's office, and the collection is arranged in this same order. The numbers do not correspond to court docket numbers, and many numbers are absent. However, and it is not clear whether the missing numbers represent cases handled by Dana or by his partner, Francis E. Parker. There are no materials from Dana's involvement in the Anthony Burns rendition case in 1854, or from the plagiarism suit brought against Dana by William Beach Lawrence in 1866.

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801 1848 Adams et al. vs. Edwards (4 folders) patent on "Salamander" safe

**Box 2:**

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815 1849 United States vs. Thomas, Lewis murder of John McLelland

820 1848 Gallagher vs. Varney re James Gallagher, Jr., cabin boy
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927 1850 United States vs. Roberts
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929 1851 California claims vs. United States
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936 Sanderson, George, Estate

938 1849 Mowe et al. vs. Mckenzie
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942 1850 Stillings vs. Hale et al.
Sterling and Lancaster Rail Road construction

944 Damon et als. vs. Davis et al.
shipment of lumber

951 1851 Collins vs. Wheeler
provisions on voyage

953 1849 Barlow, Joseph
seaman's wages

954 1847 Mitchell, John
payment of taxes, town of Hull, Mass.

955 1843 Sproul, Capt. Francis and Schooner "Mars"
fish contract

955 1850 Williams vs. Leckie
assault on the high seas

956 Commonwealth vs. Thayer
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960 Binney vs. Stanley et al.
purchase of ship "Averrow"

962 Hughes vs. Thompson
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963 Potter vs. Ames
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967 Bayley vs. Damon (3 folders)
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Box 4:
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Commonwealth vs. Coburn (in folder with:)

Gould vs. Souther

United States vs. Hinding

Nichols vs. Simmons

United States vs. Snow

Jenkins vs. Fisher

Wiggin vs. Ackerburgh (3 folders)

payment for shipment of tobacco

1851  Williams vs. Jordan

mistreatment of seaman

1852  Ford vs. King

carriage accident

Rand vs. Mather (3 folders)

debt for house painting

1854  Boston Manufacturers' Mutual Fire Insurance Co.

incorporation of insurance company

1857  Lovett et al. vs. Cutter et al.

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1850  Bolton vs. Gould

seaman's wages

Jenkins vs. Fisher

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1026 1852 Petition of N. Perkins et al.
ownership of lumber in Maine

1027 1850 Essex Rail Road Company Remonstrance
railroad service to Wilmington, Mass.

1028 1851 Burditt vs. Zify [?]
seaman's wages

1035 1851 United States vs. C.G. Davis
fugitive slave (Shadrack)

1038 1851 Wyman vs. Hopkins
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1043 Grundy vs. Tuck
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1052 1853 Mystic River Corp. (4 folders)
proposal to fill Charlestown Flats

1053 1851 Scheckell vs. Jackson
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1057 1851 Thorne et als. vs. Angier
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1060 United States vs. David Harding
mistreatment of seaman

1061 1851 United States vs. Hayden, Lewis
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1062 United States vs. Morris (3 folders)
fugitive slave (Shadrack)

1076 1851 Pool vs. Gott
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1077 1851 Furst vs. German Charitable Society
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1078 1852 Guyonmarho vs. Stevens
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1084 1852  Campbell vs. Savage  
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1094 1853  Bigelow vs. Wood  
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1097 1851  Robinson, Mary, vs. William Robinson  
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1099 1853  Brown vs. Gordon  
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1103 1851  Sieberlich vs. Beck  
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1105 1852  Zipcy vs. Thompson  
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1109 1851  Ryckmas vs. Moering  
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1110 1852  Boyd vs. Dabney  
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1113 1850  Quiner [?] vs. Gregory  
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1114 1852  Sprague vs. Fessenden  
mistreatment of seaman

1122  Ruhan vs. Gray  
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1125 1851  Choate vs. Skolfield  
loss of cargo—ship "George Skolfield"

1127 1852  Millay vs. Brackett  
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1130 1851  Rollins et al. vs. Vandeford et al.  
seaman's wages

1135 1852  French vs. French  
contested will

1136  Underwood vs. Field  
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1137 1851 United States vs. Lincoln
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1138 1851 Merriam vs. Jacobs
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1141 1851 Phillips et als. vs Carruth
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1142 1854 Clemow vs. Prescott
injury by Groton Artillery Company

1147 1852 King vs. Wood
debt--rent

1150 Stevens vs. Hodson
fraud in sale of land

1151 1852 Stone v. Carter

1154 1852 Hare, Robert H. (2 folders)
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1155 1858 Tatham vs. Pinto
contract--ship's cargo

1162 1852 Kimball vs. Merrill et al.
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1167 1852 Ship "Masconomo"
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1172 1852 United States vs. Miller
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1173 1852 Bark "Missouri" (2 folders)
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1176 Shattuck, Dr. George
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1178 Gray, John C.
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1179 1852 Hastings, Mary A.
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1180  1852  New England Mutual Life Office
        regulation of insurance companies

1185  1852  Trow vs. Derby
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1195  1851  Trefethan
        debts of an insolvent

1201  1852  Robinson vs. Flint
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1202  1852  Schooner "Mary"
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1203  Crowell et als. vs. Stickney et als.
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1209  1852  Edwards vs. Hopkins
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1211  Commonwealth vs. McKie, James
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1213  1852  Legel vs. Greg
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1216  McLaughlin vs. Callahan
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1219  1851  Perkins vs. Easton et al.
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1224  1853  Hamline et al. vs. Swett et als.
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1226  1852  Gervoier vs. Martin
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1229  1852  Easton vs. Roberts
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1230  1852  Commonwealth vs. C.C. Richardson
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1234 Taylor et al. vs. Moody et al.
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1235 1857 Eaton vs. Mellus et al. (2 folders)
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1237 1852 Adams, Rev. Henry W.
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1242 1853 Stanwood vs. Carnahan
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1248 1851 Roberts vs. Palmer
1249 Roberts vs. Wiggan
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1251 1853 Stillings et al. vs. Dow
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1252 1854 Attorney General vs. Federal Street Church (5 folders)
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1257 1854 White vs. Braintree, Mass. (5 folders)
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1261 1853 Union Bank of New London vs. Crowell
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1264 Habicht vs. Binney
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1265 1853 Foye vs. Leckie
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1268 1852 Warren et al. vs. Ezekiel
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1270 1853 S. French vs. C. French
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1271 1852 United States vs. Wright
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1272 1851 Henry vs. Smith
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1273  1852  Commonwealth vs. Porter

1274  Malcolm vs. Malcolm
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1277  Ward, assignee, vs. Whitwell et al.
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1283  Guild, Dr., and Montague vs. Coolidge
1284  mortgage

1286  Winsor vs. Sampson et al.
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1287  Ward et als. vs. Gray et al.

1289  1853  Orsten[?]
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1290  Harrington vs. Magee
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1291  1853  Dascomb vs. Barry et al.
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1296  1852  Nelson vs. Richardson et al.
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1301  Southborough (Mass.) road case
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1304  1851  Swett vs. Willis, et al.
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1305  1854  "Sarah Jane"

1315  1855  Merrifield vs. Jones
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1318  Dodge vs. Union Mutual Life Insurance Co.
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1330  1853  Commonwealth vs. Fernandez
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1331  1853  Emerson vs. Kellum et al.
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1335 1853 Marion vs. Moody
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1340 1853 Midgley vs. Gay et al.
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1342 1856 Pease, Jr., vs. Upton
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1345 1853 Sprague et als. vs. Skillings

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1348 1853 Cook, Ellis, Estate
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1351 1853 Jones et als. vs. Oliver et als.

1353 1853 Eames et al. vs. First Parish of North Bridgewater
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1358 1853 Crowningshield et als. vs. Crowningshield
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1359 1853 Jackson & French vs. Phillips
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1361 1854 Stillings, administrrix, vs. Lewis
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1363 1853 Schooner "Cornelia"
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1364 1854 United States (Smith, complainant) vs. Dunton
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1365 1854 Commonwealth vs. Dempster, David (2 folders)
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1366 1854 Wheatley vs. Hotchkiss (2 folders)
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1367 1854 United States (Wheatley, complainant) vs. Hotchkiss
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1372 1854 Spinney vs. Mohawk Valley Farmer's Insurance Co.
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1378 1854 Bark "Laura," Wm. Thomas, owner (2 folders)
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1380 1854 Redman vs. Nelson
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1382 1856 Brown vs. Duchesne
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1383 1853 Lee vs. Cleland
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1384 1853 Grant vs. Blanchard et al.

1387 1853 Lee vs. Cleland
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1390 1852 Standish, Sarah
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1401 1854  Merchant vs. Redding et al.
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1403 1855  United States vs. Cohen
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1409 1854  Heard vs. Rogers
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1410 1854  Goff vs. Hallett
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1411 1854  Long vs. Mandon et al.

1414  Leeman vs. Williams
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1415 1854  Whitmore vs. Fifield et al.
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1418 1854  United States vs. Mack, Hunt
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1421 1854  Leupp et als. vs. Hill et al.

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1425 1854 Steamer "Osprey"  
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1427  Schooner "Saxe Gotha" (3 folders)  
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1428 1854 Nickerson vs. Crowell  
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1429 1854 Brig "Margaret"  
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1431 1854 Denison vs. Pinkham  
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1433 1854 Commonwealth vs. Morton et al.  
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1435 1854 Burgess vs. Burgess et al.  
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1442 1854 David Sears (3 folders)  
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1452 1854 U.S. vs. McDonald, James  
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1455 1854 Simpson and Salter vs Hall  
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1459 1854 Rollins vs. Huston  
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1463 1855 Townsend et al. vs. Norwood
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1512 1855 U.S. vs. Salmon
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1520 Stetson et al. vs. Exchange Bank

1525 1854 Choate admin. vs. Howard
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1527 1853 Watts vs. Ventris et al. (2 folders)
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1589 1856  Lamb et al. vs. Parkman (2 folders)
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1592 1856  Cunningham vs. Baker
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1834 1857 Whiston, William
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  ownership of trunk

64 1874 Rand et al. vs. Sanger et al.
  estate settlement

65 1874 Rand et al. vs. Hubbell et al.
  stock dividend

66 1874 Spring et al. vs. Blanchard
  payment for ship's cargo--bark "Olivia Davis"

68 1875 Phelps vs. Bowles (3 folders)
  libel published in "Springfield Republican"

69 1874 Healey, Mark, petition re Boston, Hartford and Erie Rail Road
  payment of mortgage

70 1873 Stevens vs. Appleton
bill of complaint--bankruptcy

71 1874  Brig "Surprise"
    loss of ship's cargo

72 1876  Wood, Clark B., petitioner
    land taken by City of Boston

73 1875  Campbell vs. Johnson
    destruction of goods on consignment

74 1876  Freeborn et al. vs. Baker et al.
    payment for repairs to brig "Ocean Bell"

80 1876  Rice, Sarah M. vs. John Coolidge
    libel (adultery)

81 1876  Gaffield vs. Tucker

82 1876  Mills vs. Bellamy (3 folders)
    debt

86 1878  Belmont vs. Thayer et al.
    investment in Eastern Kentucky Railway Company

88 1874  Parker vs. Whelpley
    sale of brig "Henry Perkins"

Box 22:

Unnumbered Cases, 1851-1878

1851  Taylor vs. Edson
    dispute over vote for moderator, Trinity Church, Bridgewater, Mass.

1851  Booth vs. Booth
    divorce

1853  Round Hill vs. Frost

1855  Grant, P., et als., steamer "Hermann"
    ship collision

1855  United States vs. Hopkins et als.

1855  Defendants' answers, various cases ca. 1855
1855  Roback, Dr. Charles W.  
collection of debts

1856  Victor & Duckwitz vs. bark "Nelson"


1856  Ladd vs. McKinney  
fee in sale of land

contract--bill of exchange

1857  Holton, John, Estate

1857  McGlynn vs. Bartlett  
dept for construction

1857  Whitney vs. Roberts  
contract--promissory note

1858  Ivins, Richard et al. vs. William F. Conants et als.  
bill of exchange from captain of bark "Oak Hill"

1858  Gibson, Easton and Frink vs. Gray  
protested note

1859  Fearing et al. vs. Estate of Thatcher  
debt

1860  Lawrence, Abbott  
estate--bequest to Harvard College

1861  brig "Clover"

1861  Croucher vs. Oakman  
contract--seaman's wages

Box 23:

1861-68 Misc. U.S. District Attorney business

1861  (U.S.) Brander, John  
cotton stored in Boston

1861  (U.S.) Seizure of Tobacco of Fisher & others  
tobacco seized as contraband
Richard Henry Dana, Jr., Legal Papers, 1844-1878     Collection Description (cont.)

1861  Price, William, Estate  
      use of bequest--Price lectures

1861  (U.S.) United States vs. Cochran, Asa F.  
      seizure of bark "Revolution"

1861  (U.S.) Gale, Capt. and "C.D. Pearce"  
      permission to send Gales from Virginia to Boston

1862  Brown et al. vs. Brigham  
      mortgage payments made with illegal liquor

1862  (U.S) Capen's case  
      payment to postmaster

1862  Hathaway vs. Jones  
      seaman's wages

1862  (U.S.) Hopkins, Charles W.  
      estate--legacies to people in the South

1862  (U.S.) Rulings of Judge Sprague...respecting prize money

1862  (U.S.) Wallace, Mary  
      claim for pay of John Wallace, deceased seaman

Box 24:


1863  Davenport, Benjamin, Estate  
      confiscation

1863  Ship "Invincible"  
      shipment of whale oil

1864  Ship "Ann Washburn"  
      proceeds of cargo

1864  (U.S.) Burgwyn, Mrs., estate  
      estate in North Carolina

1864  Dumain, H.F. (Commonwealth vs. Ann Gwynne)  
      child custody

1864  Gwynn vs. Bowles, et al.  
      libel printed in "Springfield Republican"

1864  (U.S.) Kelly, Zeno
petition for pardon--slaving voyage

1864 (U.S.) Light-boat cases against Treasury dept.

1864 (U.S.) Schooner "M. O"Neil"
prize for captured ship

1864 (U.S.) Parker, Erastus O.
petition for pardon--mail theft

1865 (U.S.) Lathrop, Henry
oath of allegiance

1865 Lowell vs. Ritchie and Pierce
collection of duty

1865 Towne vs. Smith
debt

1865 (U.S.) Williams, J.D. and M. (6 folders)
payment of duty on imported champaigne

1865 (U.S.) Turner, Commodore
Prizes for steamers "Aries" and "Cherokee"

1866 Harford vs. Union[?] Railway Co.

1866 Smith, Robert W. vs. Mutual Life Insurance Co.
insurance claim

1866 French Case

1867 Grover and Baker Sewing Machine Co. vs. McCarthy
tax on sewing machines

1867 (U.S.) Haswell, Julius F.
photographs of Treasury Dept. receipts

1868 Charles River National Bank vs. J. W. Davis
forged check

1868 Parkhurst vs. Gloucester Mutual Fishing Insurance Co.
insurance claim--schooner "James Sayward"

1868 United States vs. Smith, Charles H. (2 folders)
fraud at State National Bank of Boston

1869 (U.S.) Barnes, John S.
claim for prize money, ships "Scotia" and "Mary Ann"
1869  Bramhall, W.T. vs. Sun Mutual Insurance Co.
      insurance claim--ship "George Washington"

1869  Howe et al. vs. City of Cambridge et al.

1869  Phelps vs. Phelps
      divorce

1869  Richardson, Mary et al. vs. Sarah S. Brackett et al.
      estate--dispute re mortgage deed

1869  Seventh National Bank of Philadelphia vs. Chicopee Bank of
      Springfield
      bill of exchange

1869  (U.S.) Temple, Capt. William
      claim for prizes

1872  Commonwealth vs. Town of Gloucester
      construction of wharf

1873  Farlow et al. vs. Sterns et al. (2 folders)
      loss of cargo of ice

1873  Osborn vs. Osborn
      estate settlement

1874  Brig "Surprise," Thomas Scott, master
      protest

1874  Ship "Henry Perkins"
      mortgage

1875  Episcopal City Mission vs. William Appleton et als.
      gift of land

1872-1878  Louisiana Mutual Insurance Co. vs. Nickerson (3 folders)
           New Orleans Mutual Insurance Co. vs. Nickerson
           claim on brig "Concordia"

1878  "Protest against Notary Public's Taking and Extending Ships' Protest"