

**Robert Dechert collection of litigation papers
regarding the ownership of the William Clark papers**

Ms. Coll. 1092

Finding aid prepared by Clémence Scouten.

Last updated on July 29, 2015.

University of Pennsylvania, Kislak Center for Special Collections, Rare Books and Manuscripts

2015 June 19

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Summary Information

Repository	University of Pennsylvania: Kislak Center for Special Collections, Rare Books and Manuscripts
Creator	Dechert, Robert
Title	Robert Dechert collection of litigation papers regarding the ownership of the William Clark papers
Call number	Ms. Coll. 1092
Date [inclusive]	1953-1960
Extent	0.6 linear feet (2 boxes)
Language	English
Abstract	The collection consists of correspondence, legal documents, and reference materials related to litigation in the U.S. District Court and U.S. Court of Appeals regarding the ownership of the William Clark papers. William Clark (1770-1838) led the 1803 to 1806 Lewis and Clark Expedition with Meriwether Lewis.

Cite as:

Robert Dechert collection of litigation papers regarding the ownership of the William Clark papers, 1953-1960, Ms. Coll. 1092, Kislak Center for Special Collections, Rare Books and Manuscripts, University of Pennsylvania

Biography/History

Robert Dechert (1895-1975) was a Philadelphia lawyer and collector of rare books who was interested in the "early days of the West." He appears to have taken great interest in the legal battle that occurred when some papers created by Captain William Clark, leader with Captain Meriwether Lewis of the Lewis and Clark Expedition, were found in a desk in Minnesota. He collected as much legal material as possible to document the case.

Following the death of Sophia V.H. Foster in 1952, Captain William Clark's original field notebooks about the Lewis and Clark expedition were found in the desk which had belonged to General John H. Hammond (successor to Clark as Superintendent of Indian Affairs following his death). According to a document in the collection, "on January 5, 1878, [Hammond] was instructed to close out the office of the Central Superintendency of Indian Affairs, the headquarters of which was then at Lawrence, Kansas," (Item 1-3 in box 1, folder 1) and this appears to be how Clark's papers came into Hammond's possession.

Representatives of the Minnesota State Historical Society authenticated the papers which date from 1803 to 1805 while assessing the material contained within the desk.

The U.S. Government brought suit against the descendants of Hammond, claiming the records were government property. Both Lewis and Clark were officers in the United States Army, and their expedition was authorized by the government with the stipulation that observations and notes were "to be rendered to the war-office for the purpose of having the calculations made concurrently by proper persons within the United States," (box 2, folder 4). The Hammond family and the Minnesota Historical Society, however, believed that the papers were Captain Clark's to deal with as he pleased and were not official records of the expedition.

In the Minneapolis Federal Court on October 1, 1956, Judge Gunnar H. Nordbye ruled that the United States government had no claim to the collection of field notes. This case was considered an important precedent in determining prime ownership of manuscripts and documents with a federal background. On November 19, 1957, the United States government appealed the decision, but the decision was upheld by the United States Court of Appeals on January 3, 1958. In 1959, the papers were given to Louis Starr, an heir of General John H. Hammond.

Scope and Contents

The collection consists of correspondence, legal documents, and reference materials related to litigation in the U.S. District Court and U.S. Court of Appeals regarding the ownership of the William Clark papers. The collection includes copies of most of the briefs filed in the U.S. District Court and U.S. Court of Appeals in connection with this litigation; clippings and articles about the set of manuscripts and the case; and correspondence between Dechert and various individuals interested in or involved with the case. The correspondence traces Dechert's efforts to collect as much material about the case as he could. The arrangement of the collection is based upon a numbering scheme that Dechert created. This

numbering scheme has been preserved--a few items were unnumbered by Dechert and are placed at the end of the collection

Administrative Information

University of Pennsylvania, Kislak Center for Special Collections, Rare Books and Manuscripts

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Finding aid prepared by Clémence Scouten.

Access Restrictions

This collection is open for research use.

Use Restrictions

Copyright restrictions may exist. For most library holdings, the Trustees of the University of Pennsylvania do not hold copyright. It is the responsibility of the requester to seek permission from the holder of the copyright to reproduce material from the Kislak Center for Special Collections, Rare Books and Manuscripts.

Source of Acquisition

Gift of Peter Dechert, June 1978.

Related Materials

Related Archival Materials note

At the University of Pennsylvania Archives and Records Center: Robert Dechert Family Papers
1798-1975 (bulk 1915-1972)

Controlled Access Headings

FORM/GENRE(S)

- Articles
- Clippings (information artifacts)
- Correspondence
- Legal documents

PERSONAL NAME(S)

- Clark, William, 1770-1838

SUBJECT(S)

- Archives--Law and legislation
- Courts--United States
- Law--United States--Cases
- Public records--Law and legislation--United States

Collection Inventory

	Box	Folder
I-*: Complaint in the Minnesota State Court that began the litigation, 1953 September 30.	1	1
I-**: Dechert's memorandum about gathering the papers relating to the case, 1957 October 14.	1	1
I-1: Initial brief filed in the United States District Court after the case was removed from the State Court, undated.	1	1
I-2: Brief for Minnesota Historical Society, a defendant, filed in the original proceeding in the United States District Court.	1	1
I-3: Brief for the Hammond defendants in the United States District Court, undated.	1	1
I-4: Appendix to Brief for the Hammond defendants in the United States	1	2

District Court, undated.

I-5: Note regarding the brief for the United States in the original District Court proceedings, undated.	1	2
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I-5: Brief for United States and Reply brief in the original District Court proceedings.	2	4
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I-6-7: Reply brief for the Hammond defendants in the United States District Court and addendum, circa 1956 March.	1	2
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I-8: Clippings regarding the judgement of the United States District Court, 1956 October.	1	2
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II-A: Brief for the United States in the United States Court of Appeals for the Eighth Circuit, undated.	1	3
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II-B and F: United States of America, Appellant on appeal from the United States District Court for the District of Minnesota, Third Division, in the	1	4
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United States Court of Appeals for the Eighth Circuit and letter regarding, undated.

II-C: Brief for the Appelles Hammond in the United States Court of Appeals for the Eighth Circuit, undated.	1	3
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II-D: Brief for Appellee First Trust Company of Saint Paul as Executor of the Last Will and Testament of Sphia V.H. Foster in the United States Court of Appeals for the Eighth Circuit, undated.	1	3
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II-E, Reply brief for the United States in the United States Court of Appeals for the Eighth Circuit, undated.	1	3
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II-G-Q: Letters and article regarding the litigation and case, 1955-1960.	1	5
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II-R-S: Articles relating to the litigation and case, 1956-1958.	1	6
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Articles relating to the case, 1955-1956.	2	3
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Dechert's catalogue of all Clark papers litigation, undated.	2	1
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Dechert's correspondence regarding the Clark papers litigation and case, 1957-1960.	2	2
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