Inventory of the Supreme Court of California Records

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Preface
This inventory has been prepared to aid research in the records of the Supreme Court of California. As primary material for study of the history of California's highest court, this record group constitutes an important source for many areas of legal history. It is also an extraordinarily rich source—particularly the great case file section—on many aspects of the economic, social, and political development of the state. Perhaps no other record group in the State Archives, with the exception of the lower, trial court records, provides such a commentary on life and conditions in California over the whole span of the state's history since 1850.

The Supreme Court Record Group in the State Archives spans the period 1850-1965 and in volume totals in excess of 5,000 lineal feet. The State Archives has accessioned these records at irregular intervals over the past 50 years. Additional accessions are expected since the State Archives is the permanent repository of the court's records.

The inventory provides (1) a brief historical sketch of the court, (2) a description of the court's numbering systems, and, (3) an inventory of the records of the court now housed in the California State Archives. Lists of judges who have served on the Supreme Court are available in the master finding aid at the California State Archives.

Agency History
The 1849 California Constitution provided for a Supreme Court to consist of a Chief Justice and two Associate Justices, any two of whom would constitute a quorum. (Constitution of 1849, Art. VI, Sec. 2.) The justices were to be elected at a general
election for six year terms beginning January 1, 1850, provided, that the legislature shall, at its first meeting, elect a Chief Justice and two Associate Justices... by joint vote of both houses. (Art. VI, Sec. 3.) In accordance with this provision the legislature on December 22, 1850, elected S. C. Hastings as Chief Justice and Henry A. Lyons and Nathaniel Bennett as Associate Justices.

On February 14, 1850, the first legislature passed an act to organize the Supreme Court which incorporated the relevant provisions of the Constitution, specified the terms of the justices, and outlined the court's powers. (Stats. 1850, p. 57.) The Supreme Court was given appellate jurisdiction in all cases where the matter in dispute exceeds two hundred dollars; in all cases wherein the legality of any tax, toll, or impost, or municipal fine is in question; and in all criminal cases amounting to felony, on questions of law alone. (Sect. 7.) Original jurisdiction was limited to the power to issue writs of habeas corpus. The first court convened in San Francisco. Subsequent legislative amendments continued San Francisco as the principal seat. In 1854, the Supreme Court was authorized to sit only at the State Capital. (Stats. 1854, p. 25.) Owing to a lack of space in Sacramento, the 1854 court sat most of the year in San Jose. Not until February, 1855, did the court move to Sacramento.

In 1862, by constitutional amendment, the membership of the court was increased to a Chief Justice and four Associate Justices. The same law provided that the justices be elected at a special judicial election. (Stats. 1862, pp. 583-585.) The first such election was held in October, 1863; elected were Oscar L. Shafter, Lorenzo Sawyer, Silas W. Sanderson, John Curry, and A. L. Rhodes. (For early elections of Supreme Court justices, see California Blue Book, 1893, pp. 259-262.) Vacancies were to be filled by the Governor, the appointee holding office until the next judicial election. (Stats. 1863, p. 333, Sec. 4.) The new court was organized on January 2, 1864. The 1863 statute also specified there were to be four terms of the court during each calendar year-January, April, July, and October (Stats. 1863, p.334.)and that the court was to sit in the State Capital. By the early 1870's, as a result of the growing commercial importance of San Francisco, the court resumed sitting in San Francisco. This was formalized in 1874, the court holding January and July terms in San Francisco and April and October terms in Sacramento. (Stats. 1873-74, p.941.) In 1878 the court increased the number of its terms to six, the two additional terms sitting in Los Angeles. (Stats. 1877-78, p. 183.) The number of terms has gradually increased and annual sessions are now held at least four times each in San Francisco and Los Angeles and twice in Sacramento. The 1879 Constitution increased the number of justices to seven, at which number it has remained. In addition the court was empowered to sit either in department or in bank. The two departments, designated Department 1 and Department 2, were each composed of three Associate Justices. Each department had equal powers to hear and determine causes, subject to the provisions... in relation to the Court in bank. (Constitution of 1879, Art. VI, Sect. 2.) The use of departments allowed the court to handle the increasing work load.

In 1885 the legislature passed an act allowing the court to appoint three commissioners to assist the court in the performance of its duties. (Stats. 1885, pp. 101-102.) The number of commissioners was increased to five in 1889 and the court commissioner law was continued until 1905. Under amendment of Article VI, on November 8, 1904, the Supreme Court Commissioners were abolished. (Constitution of 1879, Art. VI, Sect. 25.) In their place were created three District Courts of Appeal.

Since 1905 the basic structure of the Supreme Court has remained unchanged. As the highest court of record, the court has original jurisdiction in habeas corpus proceedings and proceedings for extraordinary relief in the nature of mandamus, prohibition, and certiorari. The court has appellate jurisdiction only in cases involving the death penalty. All other appeals from the Superior Court are taken to the Court of Appeal. The court can transfer to itself, on petition or on its own motion, a cause in a Court of Appeal; it can transfer a cause from itself to a Court of Appeal or from one Court of Appeal or division to another. (Constitution of 1879, as amended in 1966.) The court also admits applicants to the bar who have been judged qualified by the Committee of Bar Examiners of the State Bar. It also passes upon disciplinary recommendations of the Board of Governors of the State Bar.

The Court’s Numbering Systems

An understanding of the organization of the Supreme Court RG requires a knowledge of the court’s numbering systems. Since 1895 the court has maintained three offices-San Francisco, Los Angeles, and Sacramento. (NOTE: The term office is used for lack of some other more definitive term applicable to the entire time period described below.) In 1895 each office created a separate series of filings for civil cases, using the prefixes SF, LA, and Sac. At the time of the preparation of this inventory this system is still employed. In criminal matters all cases, regardless of office, uniformly bear the prefix Crim. For the period prior to 1895 the numbering system is less well-ordered. Essentially, the older numbering system involves two series: numbers 1-4182 (1850-63), which includes both civil and criminal actions, and numbers 1-21201 (1864-1895). This series also contains both civil and criminal actions. The latter numbering system is complicated by the fact that at different dates blocks of numbers were set aside to distinguish between civil and criminal actions and between the records
of the three offices. From 1864-71, civil and criminal actions were carried as in the earlier series. Thereafter, numbers 10000-11000 (1872-84) and 20001-21201 (1884-95) were reserved for criminal actions. Numbers 1-16036 (1864-95), omitting 10000-11000, pertain to San Francisco (1864-95), Sacramento (1864-93), and Los Angeles (1871-93) civil actions. Numbers 18000-18399 (1893-95) pertain to Sacramento civil actions and numbers 19000-19592 (1893-95) to Los Angeles civil actions. For the early 1870’s duplicate entries on all civil actions are found in the Sacramento and San Francisco Registers of Action.

Further complicating an understanding of the numbering system, a W.P.A. project in the middle 1930’s indexed some 30,800 Supreme Court cases (1850-ca.1935) and in doing so ignored the original court numbers and assigned new numbers in their place. For an explanation of the W.P.A. index, see entry 1.

This inventory also includes a description of minute books, registers of actions, judgments, opinions, and other records created and preserved as a part of the Supreme Court’s official records.

**Index to the Records of the Supreme Court**

**Scope and Content Note**

Except for the W.P.A. index described in entry 1, all indexes are described with the series to which they pertain.

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1. **W.P.A. Index. 1850-ca.1935**

   **Physical Description:** 6 volumes.

   **Scope and Content Note**

   In the mid or late 1930’s a W.P.A. Historical Records Survey project indexed 30,800 case files, both civil and criminal, of the California Supreme Court now filed in the State Archives. Each case was indexed by plaintiff and defendant. The index contains the original case numbers and a new set of numbers devised by the W.P.A. team. For reference purposes the W.P.A. numbering system is the relevant one, for the case files are arranged in the stacks in accordance with that plan. The W.P.A. index includes the following series: San Francisco (and Sacramento) numbers 1-4182 (1850-63); old series numbers 1-16036 (1864-95), and SF1-SF13000 (1895-1928); Sacramento old series numbers 18000-18399 (1893-95); Criminal old series numbers 10000-11000 (1872-84) and 20000-20201 (1884-95), and; Crim 1-Crim 3060 (1895-1930). The seven series total 37,482 case file references. The discrepancy between this figure and the 30,800 figure cited above results from several factors: case files lost or misplaced prior to their deposit in the State Archives; duplicate W.P.A. number entries; and case files returned to lower courts for retrial or other action.

   All other cases are controlled by shelf lists or by other means described in the several entries below.

   **Case Files**

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2. **Civil Case Files, San Francisco Office 1850-1960.**

   **Physical Description:** 40,616 case files.

   **Scope and Content Note**

   Civil case files for the San Francisco office are organized into three subseries: numbers 1-4182 (1850-63); old series numbers 1-16036 (1864-95), and; SF1-SF20398 (1895-1960). All civil cases, through SF13000 (1928) are indexed by plaintiff and defendant as described in entry 1. Until 1895 criminal cases were included in the general numbering systems and are also controlled by the index cited above. See also entry 5 below. The remaining civil cases, SF13001-SF20398 (1928-60), are filed numerically and controlled by a shelf list which includes the last names of litigants.
3. Civil Case Files, Sacramento Office. 1871-1933.

Physical Description: 350+ linear feet.

Scope and Content Note

Civil case files for the Sacramento office consist of the old series numbers (1873-93) interfiled with the San Francisco office files described in entry 2, old series numbers 18000-18399 (1893-95), and a new series, Sac1-Sac4807 (1895-1933). Old series files are controlled by the index cited in entry 1. Sac1-Sac4807 files are arranged numerically. No index or shelf list is available (1970) except as such references are available through the California Reports. Records for the period 1933-present, are maintained by the court in Sacramento.


Physical Description: 1078 linear feet.

Scope and Content Note

Civil case files for the Los Angeles office consist of old series numbers 3745-21115 (1873-95) and a new series, LA1-LA15996 (1895-1936). Neither series is indexed and control is by shelf lists as prepared by the Clerk of the Court. Records for the period subsequent to 1936, LA15997-LA28000, are maintained by the court in Los Angeles.


Physical Description: 9,823+ case files.

Scope and Content Note

Criminal cases for the period 1850-72 are interfiled with the civil files described in entry 2. After 1872 civil and criminal proceedings were numbered separately. Criminal cases for the years 1872-95, were given numbers within the ranges 10000-11000 (1872-84) and 20000-21201 (1884-95). Beginning in February, 1895, all criminal cases, whether originating in the San Francisco, Sacramento or Los Angeles offices, were filed separately and numbered Crim 1, etc. This system is still employed (1970). Criminal cases through Crim 3060 (1930) are controlled by the index described in entry 1. Crim 3061-Crim 8621 (1930-65) are filed numerically and controlled by a shelf list prepared by the Clerk of the Court.

Individual case files vary widely in content. The most frequently found filings are appeal briefs, transcripts on appeal, appellants' and respondents' points and authorities and reply briefs, motions, affidavits, stipulations, exhibits, and opinions. The transcripts on appeal are usually the most important documents for general research purposes.

Bound Records of the Supreme Court

Inventory of the Supreme Court of California Records

Physical Description: 137 volumes.

Scope and Content Note
Minute books were not kept uniformly for each of the three Supreme Court offices. Depending on the period, minutes were either kept collectively, 1850-80, 1911-present (1970), or by office and department, 1880-1911. In many cases there is overlapping and duplication of dates and entries. For purposes of clarity this inventory breaks the minute books into subseries with annotations where necessary.

Volumes A-G, San Francisco and Sacramento offices (1850-63). Each volume has a separate index and there is a cumulative index for the entire thirteen year period.

Physical Description: 15 volumes.

Volumes 1-14A, San Francisco and Sacramento offices. (1864-January 17, 1882). Each volume has a separate index. Entries for the Los Angeles office are found in volume 14A.

Physical Description: 30 volumes.


Physical Description: 9 volumes.

Volumes 20-22, San Francisco office. (December 15, 1890-December 11, 1907). No indexes.

Physical Description: 3 volumes.

Departments 1 and 2, San Francisco office. (January 15, 1880-November 6, 1905). Based on the information available this subseries is incomplete, lacking some minute books and indexes.

Physical Description: 6 volumes.


Physical Description: 10 volumes.

Departments 1 and 2, Los Angeles office. (December 22, 1890-April 15, 1909). No indexes.

Physical Description: 2 volumes.

Departments 1 and 2, all offices. (April 11, 1906-June 29, 1911). No indexes.

Physical Description: 2 volumes.

In Bank, all offices. (December 24, 1890-June 30, 1911). No indexes.

Physical Description: 6 volumes.

Miscellaneous unidentified indexes.

Physical Description: 6 volumes.

Volumes 1-48, all offices. (July 1, 1911-December 31, 1958). No indexes.

Physical Description: 48 volumes.

Scope and Content Note
Minute books, as a whole, consist of chronological entries and reflect the day to day activities of the court. Scattered throughout the minute books are rules, orders, and other actions taken by the court relative to the court’s operations. Such entries are generally not indexed and therefore difficult to find.

7. Registers of Actions, Civil. 1850-1966

Physical Description: 244 volumes.

Scope and Content Note
The Registers, as in other entries, are arranged into several subseries. Volumes 0, 00, and A-H (1850-63) include case numbers 1-4182 and pertain to the San Francisco and Sacramento offices. Volumes 1-21 (1864-83, 1895) include case numbers 1-9500 and 16000-16036. Each of these Registers has a separate index. Volumes 2 and 20 and the index to volume 20 are missing. Registers for case numbers 9501-15999 are filed with the Sacramento office Registers. See below. Volumes 21-69 include case numbers SF1-SF19500 (February, 1895-1957). There are indexes only for volumes 21-42.


Separate Registers for the Los Angeles office were first kept in 1892. Volumes 27-81 cover the entire period from 1892-1966. Old series case numbers 19000-19590 (1892-95) are listed in volumes 27-28. Beginning with case number 19591 in volume 28 the cases were renumbered as LA1, etc. Volumes 28-81 list case numbers LA1-LA27000 (1895-1966). Separate indexes are filed with volumes 27-34.

Entries in Registers are by case numbers and contain the names of litigants and a chronological history of each case, including date of appeal, court of origin, filing of affidavits and motions, court actions and final disposition, and court fees.

8. Register of Actions, Criminal. 1872-1964

Physical Description: 31 volumes.

Scope and Content Note
Criminal Registers were first kept separately in 1872, probably in keeping with the system employed by lower courts. Volumes 1, 1A, and 1-3 (5 volumes) include case numbers 10000-11000 (1872-84) and 20001-21201 (1884-95). Rather than change the existing numbering system, criminal cases were assigned blocks of numbers. Each volume has a separate index. In 1895 all criminal cases were filed separately and numbered Crim 1, etc. Criminal Registers 3-19 include case numbers Crim 1-Crim 8300 (1895-1964). Only volumes 3-8 have indexes and the index to Register 7 is missing. Renumbering as Crim 1 commenced with old series number 21202.

Entries in Registers are by case number and contain the names of litigants and a chronology of the proceedings of each case, including date of appeal, court of origin, filing of affidavits and motions, court actions and final disposition, and court fees.

Physical Description: 33 volumes.

Scope and Content Note

The series is incomplete and covers only a portion of the period through 1885. Volumes A-E (1885-1862), are entirely in longhand. Only Volume C has an index. The remainder of the series consists of variously labeled volumes described as follows: A, Oct., 1868-May, 1872; 1, Jan., 1869-Jan., 1878; 2, June, 1872-Oct., 1875; 1B, July 1874-July 1875; 2B, July, 1875-July, 1876; index, Original Processes, Vol. 1, San Francisco (case numbers 7321-8838); 1, District Court Dismissals, Jan., 1869-April, 1878; 1, County and Probate Court Dismissals, Jan., 1869-April, 1878; Probate Court, July, 1874-Nov., 1881; District Court Dismissals, July, 1874-April, 1879; Dismissals, July, 1874-Nov., 1884; 3-6, 1875-85; County Court, July, 1874-Nov., 1879; Municipal and Criminal Court, Jan., 1875-Nov., 1879. Indexes for which there are no judgment books include volumes 3 and 4 (case numbers 4800-9000) and Index to Dismissals (case numbers 6200-7600).

Items followed by asterisks (*) indicate the presence of separate indexes.

Judgment books consist of standardized entries listing names of litigants, case numbers, courts from which appealed, decisions, and final disposition.


Physical Description: 9 volumes.

Scope and Content Note

Volumes marked C-K. Only Volume C is indexed. All entries are in longhand and vary in length from a few sentences to several pages. The justice writing the opinion is named, as are the concurring justices. This series duplicates, in part, the original opinions filed with the case files and a portion of those described in entry 11.

[For published opinions of the Supreme Court, see California Reports, 1850-1934; 2d Series, 1934-69; 3d Series, 1969-. NOTE: the manuscript opinions file in the State Archives, entry 11, contains many opinions that were not published in California Reports.]

In addition to the bound opinions, and the unbound opinions described in entry 11, the record group includes nine scrapbooks (1863-64, 1876-81) containing opinions of the court and miscellaneous newspaper clippings from California newspapers and the legal press. Volume 2 contains 1864 opinions of the Nevada Supreme Court. Also included are two publications: California Decisions, Volumes 1-9 (December, 1890-December 1895), and; the San Francisco Legal News, volume 1, no. 9-Volume VII, no. 51 (March 7, 1892-December 29, 1893).


Physical Description: 61½ cubic feet.

Scope and Content Note

Opinions for civil case numbers 4-19592 (1864-95) are filed in numerical order and include all opinions written in the three court offices. After 1895 each office maintained separate files and distinguished their records by the use of the prefixes SF, Sac., and LA. The series includes:

San Francisco office (and Sacramento through 1893), opinions of civil case numbers 4-9999, 11001-16035 (1864-95), and SF1-SF1673 (1895-98). Opinions of civil case numbers SF1674-SF20398 (1898-1960) are physically filed with the case files.

Sacramento office opinions of civil case numbers 18000-18457 (1893-95) and Sac1-Sac6000 (1895-1950).

Los Angeles office opinions of civil case numbers 19000-19592 (1892-95) and LA1-LA14500 (1895-1936).

Scope and Content Note
Part of this series is in longhand and part typescript. Opinions for the period 1864-68 duplicate a portion of the records described in entry 10. All opinions are signed by the justice who wrote the opinion and by the concurring justices.


Physical Description: 1½ cubic feet.

Scope and Content Note
From 1872-95, in an attempt to distinguish between civil and criminal proceedings, criminal filings were assigned blocks of numbers within the existing numbering system. Opinions within the numbers 10000-11000 (1872-85) and 20000-20201 (1885-95) are physically filed with the civil opinions described in entry 11. Prior to 1872 criminal opinions were either filed with the case files (1850-63) or are intermixed with entry 11 (1864-72). Beginning with criminal case number 20202 all criminal cases were renumbered as Crim 1, etc. Crim 1-Crim 8621 (1895-1965) opinions are filed with the case files.

Part of this series is in longhand and part typescript. Opinions for the period 1864-68 duplicate a portion of the records described in entry 10. All opinions are signed by the justice who wrote the opinion and by the concurring justices.

Miscellaneous Records of The Court


Physical Description: 23 volumes.

Scope and Content Note
Stats. 1877-78, p. 1002, authorized the Clerk of the Supreme Court to make a general analytical index of all Supreme Court cases. The analytical indexes, labeled A-Z, largely abstracted from the Registers of Action, are arranged roughly alphabetically by name of plaintiff and numerically by case number within each volume. For each entry the following information is provided: case number; book of entry (Register); title of case (litigants); court and county of original jurisdiction; counsel for plaintiff and defendant; dates of original filing, submission, and judgment; opinion (who wrote it); dates of petition for rehearing action on petition, reargument, judgment rendered or rehearing judgment; opinion (who wrote it); date remittur issued; volume and page in California Reports, and; miscellaneous comments. Volumes S, X, and Z are missing.


Physical Description: 155 volumes.

Scope and Content Note
A broken series listing cases heard by court term. Individual volumes vary in content from handwritten, alphabetical listings to printed calendars including title of causes, attorneys, and remarks.
15. Clerks Correspondence. 1901-27.

   Physical Description: 4 cubic feet.
   Scope and Content Note
   Letters received, primarily requests for copies of court documents, changes in court calendars, or information. Two files (1923-26) contain lists of records shipped and received. One letter book has only the first four pages used, all dated July 11, 1905.


   Physical Description: 16 volumes.
   Scope and Content Note
   Daily notations of filings, actions, and orders. Manifolds were kept by each of the offices and copies exchanged. From these, entries were made in the Registers of Action. This system is still employed (1970).

   San Francisco: 1887-1928 (broken series).
   Sacramento: 1925-1928 (broken series).


   Physical Description: 14 volumes.
   Scope and Content Note
   Miscellaneous receipt and account books used by the Clerks of the Court. Volumes are variously labeled as cash books, journals, ledgers, or receipt books. About half of the volumes are identified as to office and two have separate indexes. Also filed with this entry are two volumes, labeled, Dismissal Certificates (Sacramento), 1878-82 and, Extension of Time on Transcript, Vol. 1, #1-500 (1906-13).


   Physical Description: 6 volumes.
   Scope and Content Note
   Volumes 1-2 (1850-1904) constitute a master list of all attorneys certified to practice before the Supreme Court during that period. Entries are chronological and include dates of admission, whether admitted by license or examination, by who proposed, and, occasional references to suspension or disbarment. Similar volumes are available for each of the District Courts of Appeal (1905-22). A final volume, Bar Misc. Register, Nos. 2201-2700 (1954-61) includes a chronological list of applicants and suspended attorneys. [In the Secretary of State RG are folders of original applications and certificates (1875-95) to practice law before the Supreme Court. In addition, there are six folders of applications and certificates (1905-15) to practice before the 3rd District Court of Appeal.]


   Physical Description: 4 cubic feet.
   Scope and Content Note
   Stipulations are filed alphabetically by plaintiff. These appear to be Clerk's Office copies and may duplicate filings with the case files. The majority of the stipulations are dated post 1900 and pertain to extensions of time for filings.