Descriptive Summary
Languages: English
Contributing Institution: Special Collections & Archives, UC San Diego
9500 Gilman Drive
La Jolla 92093-0175
Title: Elisha Oscar Crosby Papers
Identifier/Call Number: MSS 0654
Physical Description: .4 Linear feet (1 archive box)
Date (inclusive): 1849 - 1895
Abstract: The Elisha Oscar Crosby Papers consist mainly of autobiographical essays, documents, and correspondence regarding an early (1849-1895) California pioneer, lawyer, politician, diplomat, and civil servant.
Scope and Content of Collection
The Elisha Oscar Crosby Papers document the life of an early (1849-1895) California pioneer, lawyer, politician, diplomat, and civil servant. Subjects include Crosby's reminiscences of his official life in early California, including his participation as a delegate at the constitutional convention that created the state; his duties as an election official for the Sacramento district; his services as a state senator from 1848 until 1852; his term as the United States resident minister to Guatemala; and his legal work regarding the land claims of Spanish-speaking Californios. Biographical materials include correspondence, personal family and financial papers, photographic portraits, newspaper clippings, and miscellaneous materials.

The papers are arranged in four series: 1) BIOGRAPHICAL MATERIALS, 2) PHOTOGRAPHS, 3) WRITINGS, and 4) ORIGINALS OF PRESERVATION PHOTOCOPIES.

Historical Background
Elisha Oscar (E.O.) Crosby was born on July 18, 1818, the second son of seven children born to a farming family in the upstate New York Finger Lakes district near what is now Ithaca. He studied law under several lawyers, including his uncle, A.G. Spaulding of Buffalo, and received his legal diploma on his twenty-fifth birthday. He then moved to New York City to practice with Abner Benedict doing admiralty (maritime) law at 27 Wall Street.

Crosby joined those responding to the news of gold in California, arriving in San Francisco, via Panama, on February 28, 1849, aboard the "California." Rather than mine gold, Crosby made money by exchanging currency for gold dust and then began to buy real estate in the Sacramento area, even purchasing land from Captain Sutter of Sutter's Fort fame. He laid out a town called Vernon, but this venture failed when winter floods made the tiny community an island and all the homeowners left. He also guided a delegation from the United States government that had come to investigate the stories of California gold.

In August of 1849, Crosby was elected a delegate to the California State Constitutional Convention convened in Monterey on September 1, 1849, and became the chair of the Finance Committee. He wrote an account of the Convention describing his fellow delegates and the constitution writing process. He unsuccessfully argued for an appointed state judiciary to achieve judicial independence. Crosby then became the election officer for the Sacramento District for the constitutional election that was held on November 13, 1849. The voters ratified the constitution and elected Crosby a state senator.

Crosby, at age 31, took up his position as a California senator in San Jose (Sacramento would become the capital, following Benicia, in 1854) and was elected chair of the judiciary Committee. As chair, he championed the adoption of English common law as the basic legal system of California while retaining what he viewed as some superior elements of Mexican law, including the concept we now know as "community property." The Committee also organized the first Supreme Court of California, as well as district courts, and divided California into counties.

He left the Senate in 1852 and went into private legal practice in San Francisco, specializing in defending Spanish-speaking Californios whose land grant titles were being challenged. He argued over one hundred such cases before the United States Land Claims Commission during its 1852-1856 tenure. Crosby would write that the United States Supreme Court "perpetrated the grossest outrages upon equity and common honesty" in its California land decisions in violation of the Treaty of Guadalupe Hidalgo (1848) which had guaranteed Californios the same rights as other California citizens.

In 1859, Crosby traveled to the East Coast to argue some of his land grant cases before the United States Supreme Court but stopped in Guatemala for several months. There he met and befriended the ruler and "president for life" of Guatemala, Rafael Carrera (1814-1865). This would prove auspicious, as in 1861, a newly-elected Abraham Lincoln appointed Crosby as resident minister to Guatemala. During his tenure (1861-1864), he also served as a presiding judge and umpire on a commission that successfully attempted to avert war between Great Britain and the Honduran government in a territorial
dispute. After finishing his Guatemala appointment, Crosby returned to the United States to Philadelphia. Then he went to Europe to attend the 1867 Exposition in Paris. After a brief residency in Fremont, Nebraska, where he helped to open the Fremont Opera House, Crosby returned to California in the early 1870s to spend his remaining years. Despite severe eye trouble, Crosby continued his law practice and served as a justice of the peace, judge of the police court, and as city recorder in Alameda. Crosby was a member of numerous organizations including the Society of California Pioneers, New York Ethnological Society, Knights Templar, Veteran Tippiecanoe Club, Free and Accepted Masons, Lincoln Grand Guard of Honor, and the Republican Party. Crosby died in Alameda on June 25, 1895, following a fall, at the age of seventy-seven. He was one of the last surviving members of the California constitutional convention. According to his obituary, he was survived by his wife and an only son, Edward Crosby.

These materials were collected by John B. Goodman, III, and were donated by him to UCSD Libraries in 1995.

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**Preferred Citation**
Elisha Oscar Crosby Papers, MSS 654. Special Collections & Archives, UC San Diego Library.

**Acquisition Information**
Acquired 2007.

**Digital Content**
This collection was digitized in 2016 for inclusion in the Adam Matthew subscription database Frontier Life: borderlands, settlement & colonial encounters. The documents are viewable in that resource when accessed from a UC San Diego IP address, or via any institution that subscribes to that resource.

**Subjects and Indexing Terms**
California -- History -- 19th century -- Sources
California -- Politics and government -- 19th century
California -- Gold discoveries
California. Constitutional Convention (1849)

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**BIOGRAPHICAL MATERIAL**

**Scope and Content of Series**
Series 1) BIOGRAPHICAL MATERIALS: Original correspondence and documents (both originals and photographic copies) from 1848 to 1891 regarding Crosby's official participation in the formation of a state government in California, as a lawyer representing land grant claimants, and in his later role as Alameda City Recorder. Included are newspaper clippings of interest to and about Crosby, including his obituary; handwritten legal documents reflecting his personal life including an 1872 legal separation document from a long-time female companion, an 1874 bankruptcy, and his membership and participation in numerous organizations including the Lincoln Grand Guard of Honor and the Masons; miscellaneous materials including a legal business card, his calling card when he was the minister to Guatemala, Pioneer banquet tickets, and family genealogical data. The files are arranged alphabetically by subject.

**Box 1, Folder 1**

**Board of Trustees of the City of Alameda 1890**

General note
Handwritten report listing the number and determination of cases (June-September) handled by the Recorder's Court, by Crosby in his official capacity as city recorder.
<table>
<thead>
<tr>
<th>Box, Folder</th>
<th>Description</th>
<th>Date</th>
<th>General Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1, 2</td>
<td>California State Assembly and Senate 1887</td>
<td>1887</td>
<td>Handwritten copies, certified with the seal of California, of the archived pages of 1850 legislative acts authorizing reimbursement to Crosby for seventeen hundred dollars he spent as prefect (election overseer) of Sacramento county during the constitutional election of 1849.</td>
</tr>
<tr>
<td>1, 3</td>
<td>Certificate of search regarding title of land 1878</td>
<td>1878</td>
<td>Two handwritten certificates of searches of Alameda county land records. The first confirmed Crosby's friend, Henry E. Robinson, as owner, and the second confirmed Crosby's clear title to his Alameda home. Includes receipt for payment by Stocker &amp; Schramm, Searchers of Records for Alameda County.</td>
</tr>
<tr>
<td>1, 4</td>
<td>Certified Copy of Schedule A - Elisha O. Crosby vs. his Creditors 1874</td>
<td>1874</td>
<td>Handwritten schedule of Crosby's indebtedness in connection with his bankruptcy, signed by the Clerk of the City and County of San Francisco.</td>
</tr>
<tr>
<td>1, 5</td>
<td>Contract of separation from Francis Ann Deer 1872</td>
<td>1872</td>
<td>Handwritten single-page document evidencing the agreement of Crosby and Deer to their separation after living together unmarried for &quot;many years.&quot; Signed by Crosby, Deer, and Deer's sister, Mary J. Field, as a witness. The document lists Crosby's then residence as Fremont, Nebraska.</td>
</tr>
<tr>
<td>1, 6</td>
<td>Free and Accepted Masons of California 1883</td>
<td>1883</td>
<td>Handwritten correspondence to H.T. Graves regarding dues for Lodge No. 10 in San Jose and San Francisco Chapter No. 1. Crosby noted that in 1883, the Masonic Veterans Association of the Pacific Coast elected Crosby an honorary member &quot;for his eminent services rendered to his country and to Masonry.&quot;</td>
</tr>
<tr>
<td>1, 7</td>
<td>Lincoln Grand Guard of Honor 1884</td>
<td>1884</td>
<td>Correspondence from Edwin A. Sherman, chairman of the executive committee of the National Guard Commandery, appointing Crosby to a committee in celebration of the seventy-fifth birthday of Abraham Lincoln. Includes a letter to Crosby explaining the organizations' policy of openness to all citizens regardless of race.</td>
</tr>
<tr>
<td>1, 8</td>
<td>Miscellaneous materials 1862 - 1891</td>
<td>1862-1891</td>
<td>Includes Crosby's calling card as United States resident minister to Guatemala, a professional business card, an American Legion membership card, tickets to Pioneer banquets, and a handwritten note regarding his siblings' and parents' birth information.</td>
</tr>
<tr>
<td>1, 9</td>
<td>Newspaper clippings 1869 - 1895</td>
<td>1869-1895</td>
<td>Includes articles of interest to and about Crosby including his obituary from the ALAMEDA ENCINAL, dated June 21, 1895. Other articles are from the ALAMEDA ARGUS, the SAN FRANCISCO CHRONICLE, and a Fremont, Nebraska newspaper article crediting Crosby as being instrumental in the opening of the Opera House there.</td>
</tr>
</tbody>
</table>
Box 1, Folder 10  Photographs of documents 1849 - 1851
General note
Includes appointment of Crosby as prefect of the Sacramento district (1849), an election notice signed by Crosby (1850), correspondence to Crosby to fill a vacant state assembly seat (1850), certificate of Crosby’s participation in the Committee of Vigilance of San Francisco (1850), Crosby’s admission to practice before the California Supreme Court (1851), and other official early California government proclamations.

Box 1, Folder 11  Ward, A.H. 1891
General note
Handwritten correspondence detailing how Crosby became involved in the establishment of California government. Includes a glued-in newspaper clipping list of the California constitutional convention attendees and a biography of Crosby.

PHOTOGRAPHS
Scope and Content of Series
Series 2) PHOTOGRAPHS: Numerous formal portraits (1850-1890) in the carte-de-visite form (a 2 1/2” X 4” photograph on cardboard popular in the second half of the nineteenth century), as well as cabinet cards. One photograph shows Crosby as he appeared in 1863 while serving as resident minister in Guatemala. Included are photographs of a young man, most likely Crosby’s son, Edward, and other unidentified women and boys. The Series contains two tintype photographs of Crosby (ca. 1870-1880s) and a printed portrait that appeared as part of an unknown published work. Early California photographers represented include: E. Graybiel, I.M. Taber, Charles Lainer, G. Ball, Nash of San Francisco, Dames of Oakland, and Saunders of Ukiah City. The files are arranged in alphabetical order.

Box 1, Folder 12  Photographic portraits, Part 1 1850 - 1863
General note
Includes a 2 1/2” x 4” carte-de-visite formal portrait of Crosby with an annotation that it was taken approximately 1850. Includes a carte-de-visite portrait taken in Guatemala in 1863, as well as multiple copies of the original Guatemala photograph.

Box 1, Folder 13  Photographic portraits, Part 2 1864 - 1866
General note
Includes a 2 1/2” x 4” carte-de-visite portrait of Crosby in formal attire with a revenue stamp on the back. Also includes four copies of the same portrait dated 1872, and one copy dated 1892.

Box 1, Folder 14  Photographic portraits, Part 3
General note
cia. 1880-1890s. Includes two 4 1/4” x 6” cabinet card portraits of a mature Crosby in formal attire. One portrait is of Crosby at age 68 in July, 1886. The other portrait was part of a special series entitled, “Taber’s State Collection of Portraits of Representative Californians” that was presented to the State Library by photographer I.W. Taber. Included is Crosby’s autograph as “Judge Elisha O. Crosby” below the portrait.

Box 1, Folder 15  Photographic portraits - Crosby’s son
General note
Undated. Includes a 4 1/4” x 6” cabinet card of a young boy with tie and horseshoe-shaped pin, a cabinet card of a young unidentified boy in formal attire, a carte-de-visite portrait of two young men in suits, ties, and hankerchiefs in breast pockets, and a 4 1/4” x 6” cabinet card of a young man in a Zouave-style marching uniform with a bugle, tasseled helmet and sword. These may be portraits of Crosby’s son, Edward, and of a nephew.
PHOTOGRAPHS

Box 1, Folder 16  Photographic portraits - Miscellaneous
General note
Includes two 4 1/4" x 6" cabinet cards. One is a studio portrait of four women and one boy, possibly Crosby's son, Edward, and wife. Also is a portrait of a young man in a formal suit, identified as "Richard F. Dean," relationship unascertained.

Box 1, Folder 17  Printed portraits
General note
Undated. Includes two copies of a printed formal portrait of Crosby and his signature, on pages torn from an unknown work. The portrait is signed by an artist named Gray.

Box 1, Folder 18  Tintype photographic portraits
General note
c. 1870-1880s. Includes two small tintype portraits of a mature Crosby: one in a plain suit and one in an elegant suit and pin. Includes the original paper envelopes the tintypes were kept in.

WRITINGS

Scope and Content of Series
Series 3) WRITINGS: Predominately handwritten autobiographical essays by Crosby regarding a variety of subjects, including his voyage to California via Panama; his early participation in the affairs of the forty-niner gold prospectors; the formation of state government and the constitutional convention; his legal work representing Spanish-speaking Californio landowners before the federal commission created to deal with those claims; his longtime friend and fellow California pioneer and politician, Henry E. Robinson; his experiences in 1860 Washington and his appointment and subsequent mission to Guatemala (1861-1864); other California-related subjects, and an engraved case used to hold his writings. The files are arranged in alphabetical order by title.

Box 1, Folder 19  1849 Election Returns
General note
Undated, handwritten list of votes from the Sacramento district where Crosby was the election official. Includes returns from Sacramento, Green Valley, Weaverville, Mormon Island, and various ranches.

Box 1, Folder 20  Capital Removal: Some Early Day Reminiscences by One of the Actors at the Time the State Capital was . .
General note
Located at San Jose," 1893. Crosby's comments in a letter to the editor of the ALAMEDA EVENING TELEGRAM, March 15.

Box 1, Folder 21  Death in the Air: Fatal Effects of the Climate of Guatemala - Americans Resting in Unmarked Graves 1895
General note
Article by Crosby printed in the ALAMEDA DAILY NEWS, February 16.

Box 1, Folder 22  First Discovery of Gold 1893
General note
Handwritten draft of a letter dated October 27, to the president of the Society of California Pioneers, describing the first gold found at Sutter's Mill. Includes fifteen six by nine inch pages.
<table>
<thead>
<tr>
<th>Box 1, Folder 23</th>
<th><strong>Great Seal of the State of California</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General note</strong></td>
<td>Undated, handwritten manuscript describing why Minerva is a symbol on the seal. Handwritten in pencil on ten sheets of writing paper.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Box 1, Folder 24</th>
<th><strong>Letters Which Portray the Life and Experiences of H.E. Robinson 1880 - 1881</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General note</strong></td>
<td>Handwritten letters to the sister of Crosby's deceased, longtime friend, Henry E. Robinson. Robinson was a fellow California pioneer, a representative to the constitutional convention, and a member of the first three legislatures. Included are two letters to Mr. Roberts and a handwritten draft of Crosby's account of Robinson's parentage and early life.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Box 1, Folder 25</th>
<th><strong>Organizing a State Government in 1849</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General note</strong></td>
<td>Undated, handwritten draft of Crosby's memories of the California constitutional convention. Fourteen pages written in pencil on yellow legal-size paper.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Box 1, Folder 26</th>
<th><strong>Reminiscences of E.O. Crosby</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General note</strong></td>
<td>Includes three draft manuscripts of autobiographical essays. One copy is handwritten in pencil on twenty-nine legal-size sheets and describes Crosby's involvement in the birth of the California state government. The second is a typescript in two sections, one describing Crosby's early life and passage to California via Panama. The other, annotated &quot;taken by dictation August 12, 1887,&quot; describes Crosby's trip back to the east coast in 1859 via Guatemala, the election of and his meeting President Abraham Lincoln, and the circumstances surrounding his appointment as minister to Guatemala in 1861. These essays, along with other material, were posthumously published in 1945 as MEMOIRS OF EILISHA OSCAR CROSBY: REMINISCENCES OF CALIFORNIA AND GUATEMALA FROM 1849 TO 1864, edited by Charles Albro Barker in association with the Huntington Library.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Box 1, Folder 27</th>
<th><strong>Writings case titled, &quot;Original Manuscripts of Elisha Oscar Crosby&quot;</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General note</strong></td>
<td>Undated. Includes a hardbound case with an internal folder. Case has gold engraved titles of some of Crosby's writings identified on the front and a tipped-in photograph of Crosby and another man, possibly his friend Henry E. Robinson, mounted on mules, on the inner notebook.</td>
</tr>
</tbody>
</table>

**ORIGINALS OF PRESERVATION PHOTOCOPIES**

| Box 1, Folder 28 | **Originals of preservation photocopying** |