



Guide to the Charles Doe Papers, 1841-1957

Administrative Information

Title and Dates:

Charles Doe Papers, 1841-1957

Repository:

New Hampshire Historical Society

30 Park Street

Concord, NH 03301

603-228-6688

<http://www.nhhistory.org/>

Collection Number:

1984.066, 1986- 036 (m), 1988-033 (m), 1983-031 (m), 1984-080 (A), 2001.003, 2014.085

Author of Finding Aid:

Mary Ann Gunderson

Creator:

Doe, Charles, 1830-1896

Language:

The materials in this collection are in English.

Extent:

12 boxes and 3 folders

Abstract:

The Charles Doe Papers, 1841-1957 at the New Hampshire Historical Society document Charles Doe's career as student, Assistant Clerk of the State Senate, County Solicitor, Associate Justice and Chief Justice of the Supreme Judicial Court of New Hampshire. The collection includes correspondence, accounts, case notes, and draft opinions.

Access and Use

Acquisition Information and Provenance:

The majority of the collection arrived with accession 1984.066, but there are several other accessions which comprise the entire Charles Doe Papers. The accession numbers are: 1986.036 (m), 1988.033 (m), 1983.031 (m), 2001.003, and 1984.080 (a), 1986-036 (m) was a gift of Richard Upton, 1986. The acquisition of 1984.066 was made possible by personal contributions from Richard Upton, Justice David Souter, and Chief Justice John King. 2014.085 was purchased from Resser – Thorner Auction House in October 2014. The remaining accessions were either purchased or lack original provenance information.

Processing Information:

Mary Ann Gundersen processed the collection in September 1984. The processing of the collection was made possible by personal contributions from Richard Upton, Justice David Souter, and Chief Justice John King. The finding aid was updated by Sarah Galligan, November 2013, to follow the standards set-forth by *Describing Archives: A Content Standard*.

Access Restrictions:

Available for research.

Location:

The collection is housed at the New Hampshire Historical Society in Concord, New Hampshire.

Physical Characteristics and Technical Requirements:

No special physical characteristics or technical requirements exist for this collection.

Copyright/Conditions Governing Use:

For permission to reproduce or publish materials from this collection, please contact the New Hampshire Historical Society. Researchers are responsible for following all copyright and intellectual property laws.

Preferred Citation:

Item title, Charles Doe Papers, [Accession number]. New Hampshire Historical Society, Concord, NH. Date Accessed.

Collection Overview

Biographical Information/ Administrative Information:

Charles Doe was born on April 11, 1830 in Derry, NH to Joseph and Mary Bodewell (Ricker) Doe. He soon after moved to Somersworth (now Rollinsford), NH. In 1841, Doe attended Berwick Academy in South Berwick, ME. He briefly attended Andover Academy in Andover, MA in 1845 before moving on to Harvard University in Cambridge, MA. Doe transferred to Dartmouth College in Hanover, NH, where he

graduated in 1849. Between 1849 and 1854, he worked in the law office of Daniel M. Christie of Dover, NH, as assistant clerk of the New Hampshire State Senate and attended Harvard Law School in Cambridge, MA. From 1853 to 1856, Doe served as Strafford County Solicitor.

In 1859, Doe changed his party affiliation from Democrat to Republican. On September 23, 1859, Doe was appointed Associate Justice of the Supreme Court of New Hampshire. He married Edith Haven, daughter of George Wallis Haven of Portsmouth, NH in 1865. The New Hampshire judicial branch was reorganized between 1874 and 1876, and Doe was not reappointed to the Supreme Court. Then, in 1876, Doe was appointed as Chief Justice of the New Hampshire Supreme Court. Doe held that position until his death on March 9, 1896 in Rollinsford, NH.

Chief Justice Doe was a nationally recognized juror and at one time was recommended for a seat on the United States Supreme Court. During his career on the bench, he was recognized for his innovation in the field of legal procedure and evidence. Judge Doe has also received special note for his decisions concerning mental disorders. His decisions in *Boardman v. Woodman*, *State v. Pike*, and *State v. Jones* set important precedents for cases involving insanity and established by the New Hampshire Doctrine, which rejected the use of tests to determine the sanity of a witness, thus leaving the jury to decide the issue based on the facts involved in the case.

Collection Scope and Content Note:

The Charles Doe Papers at the New Hampshire Historical Society cover the period from 1841 to 1957 documenting Charles Doe's career as a student, Assistant Clerk of the State Senate, County Solicitor, Associate Justice, and Chief Justice of the Supreme Judicial Court of New Hampshire.

The collection consists of correspondence, arranged chronologically and volumes of case notes, drafts of opinions, and accounts. The correspondence begins in 1841 with letters received by Doe from his school friends. Later correspondents include Samuel D. Bell, Ira Perley, William E. Chandler, John Parker Hale, Henry W. Blair, John G. Palfrey, and Jeremiah Smith. Both personal and business correspondence is present throughout the collection. A printed name index appears with the collection (only relates to accession 1984.066). The volumes within the collection include Doe's notebooks recording his expenses while in school. Four volumes are from Doe's law practice in Dover, NH. Two volumes are the account books of Charles Doe and his father, Joseph Doe. The remaining volumes are case notes and drafts of opinions from 1859 to 1883.

Doe put a large amount of historical and contemporary research into writing his opinions, so that his opinions often served as informative scholarly sources for his colleagues. In its entirety, the collection offers both a personal glimpse into the thinking as a legal scholar, and a political view of the New Hampshire judicial system during the later half of the nineteenth century.

Arrangement:

The collection is divided into six series based upon the accession number of the papers in order to maintain the current arrangement of the entire collection of papers.

Series I. Charles Doe Papers, 1841-1890 (1984.066)

 Sub-series I. Correspondence, 1841-1891 (includes one letter, 2014.085)

 Sub-series II. Volumes, 1845-1890

Series II. Charles Doe Papers, 1856-1886, 1957 (1983.031 (m))

Series III. Joseph Doe and Charles Doe Account Books, 1820-1886 (1984.080 (a))

Series IV. Charles Doe Correspondence, 1861-1868 (1986.036 (m))

Series V. Charles Doe Correspondence, 1866-1868 (1988.033 (m))

Series VI. Charles Doe Opinion in *Hale v. Everett* and Robert G. Pike Correspondence, 1892-1916 (2001.003)

Contents List**Series I. Charles Doe Papers, 1841-1890**

Accession Number: 1984.066

Extent: 10 boxes including 45 volumes

Scope and Content: Series one consists of the correspondence, expense books, account books, and volumes containing notes and drafts for court opinions. The series is divided into two sub-series: Sub-series I. Correspondence, 1841-1890 and Sub-series II. Volumes, 1845-1883.

Sub-series I. Correspondence, 1841-1890

Extent: 3 boxes

Scope and Content Note: Sub-series one consists of correspondence, arranged chronologically. The correspondence begins in 1841 with letters received by Doe from his school friends. There is also a letter written in 1849 from Charles Doe to his father describing his meeting with President Zachary Taylor. Other correspondents include Samuel D. Bell, Ira Perley, William E. Chandler, John Parker Hale, William W. Blair, John G. Palfrey, and Jeremiah Smith. Both personal and business correspondence is located within the collection. A name index appears at the beginning of Box 1.

Box 1

Folder 1	Correspondence, 1841-1845
Folder 2	Correspondence, 1846-1847
Folder 3	Correspondence, 1848-1849
Folder 4	Correspondence, 1850-1853
Folder 5	Correspondence, 1854
Folder 6	Correspondence, 1855
Folder 7	Correspondence, 1857-1859
Folder 8	Correspondence, 1860-1861
Folder 9	Correspondence, 1862-1864
Folder 10	Correspondence, 1865

Box 2

Folder 1	Correspondence, 1866
Folder 2	Correspondence, 1866
Folder 3	Correspondence, 1867
Folder 4	Correspondence, 1867
Folder 5	Correspondence, 1868
Folder 6	Correspondence, 1868
Folder 7	Correspondence, 1869
Folder 8	Correspondence, 1870
Folder 9	Correspondence, 1874

Box 3

Folder 1	Correspondence, 1875
Folder 2	Correspondence, 1876
Folder 3	Correspondence, 1877-1883
Folder 4	Correspondence, 1884-1890
Folder 5	Correspondence, undated

Sub-series II. Volumes, 1845-1883

Extent: 7 boxes

Scope and Content: Sub-series two contain 45 volumes dated 1845 to 1883 from the life of Charles Doe. The volumes include expenses while Doe was at school, account books from Doe's Dover law practice, and notes on opinions and cases from Doe's service on the New Hampshire Supreme Court.

Box 4

Volume 1	Expenses at Andover Academy, Andover, MA, 1845 Expenses at Cambridge, MA, 1845-1846 Expenses at Hanover, NH, 1846-1848 Accounts, July 1864
Volume 2	Dockets, Dover, NH Law Office, September 15, 1854
Volume 3	Cash accounts, Dover, NH Law Office, September 15, 1854
Volume 4	Daybook, Dover, NH Law Office, September 15, 1854
Volume 5	Ledger, Dover, NH Law Office, September 15, 1854

Box 5

Volume 1	Supreme Judicial Court, Grafton, Eastern District at Plymouth, NH, November 3, 1859 – November 23, 1859, "No. 1"
Volume 2	November Term, 1859, Concord, NH February Term, 1860, "No. 2"
Volume 3	Concord, NH February Term, 1860 (continued); Ossipee, NH April Term, 1860, "No. 3"
Volume 4	Ossipee, NH April Term, 1860 (continued); Plymouth, NH May Term, 1860, "No.4"
Volume 5	Plymouth, NH May Term, 1860 (continued), "No. 5"
Volume 6	Exeter, NH Term, July 10, 1860- July 21, 1860, <i>Bassett v. Salisbury Management Company</i>

Volume 7 Amherst, NH, September 4, 1860

Box 6

Volume 1 Amherst, NH, September 1860 (continued), Portsmouth, NH, October 1860
Volume 2 Keene, NH, October 20, 1863
Volume 3 Ossipee, NH, October 1864, Lancaster, NH, November 1864
Volume 4 Lancaster, NH, November 1864
Volume 5 Keene, NH, October 1865
Volume 6 Portsmouth, NH, October 16, 1866
Volume 7 Portsmouth, NH, October 1866 (continued); Exeter, January 15, 1867

Box 7

Volume 1 Exeter, NH, 1867 (continued)
Volume 2 Keene, NH, April 2, 1867; Dover, NH, September 3, 1867; Portsmouth, NH, October 15, 1867
Volume 3 Portsmouth, NH, October 1867 (continued)
Volume 4 Portsmouth, NH, October 1867 (continued)
Volume 5 Manchester, NH, January 7, 1868; Colebrook, NH, February 4, 1868; Dover, NH, September 1, 1868
Volume 6 *Hale v. Everett*, December 1868, “No. 3”
Volume 7 Manchester, NH, January 4, 1870

Box 8

Volume 1 Manchester, NH, March 14, 1870 (continued); Adj. Term
Volume 2 Dover, NH, October 10, 1870; Portsmouth, NH, October 1870, *State v. Jones* and other cases
Volume 3 Haverhill, NH, March 1871
Volume 4 Concord, NH, October 1872, “No. 2”
Volume 5 Concord, NH, October 1872, “No. 3”
Volume 6 Concord, NH, October 1872, “No. 4”
Volume 7 Haverhill, NH, March 1873

Box 9

Volume 1 *State v. Campbell* (continued), Canaan, NH, July 14, 1873
Volume 2 Ossipee, NH, October 21, 1873
Volume 3 Manchester, NH, January 6, 1874
Volume 4 Manchester, NH, February 2, 1874
Volume 5 Exeter, NH Term, June 1877 – July 6, 1877
Volume 6 Lancaster, NH, November 6, 1877; Colebrook, NH, February 5, 1878; Manchester, NH, October 1878; Lancaster, NH, November 7, 1878
Volume 7 Newport, NH, January 28, 1879
Volume 8 Newport, NH, January 1879 (continued)

Box 10

Volume 1 *Bowles v. Town of Landaff* and other cases, June 1879

Volume 2 Colebrook, NH, February 1, 1881
Volume 3 Exeter, NH (continued), January 30, 1883
Volume 4 Account and daybook, probably Andrew B. Vennard, Portsmouth, NH,
1844-1845

Series II. Charles Doe Papers, 1856-1886, 1857

Accession Number: 1983.031 (m)

Extent: 1 folder

Scope and Content: Series two contains correspondence between Charles Doe and constituents dated 1856 to 1886. This series also contains two printed documents labeled “Printed only for Private Use” and a newspaper clipping from the *Concord Daily Monitor*, February 12, 1957 titled, “Kenison Lauds Pioneer Work by Doe in Insanity Question.”

Series III. Joseph Doe and Charles Doe Account Books, 1820-1886

Accession Number: 1984.080 (A)

Extent: 1 box

Scope and Content: Series three contains two daybooks kept by Joseph Doe and Charles Doe in Somersworth, NH, now Rollinsford, NH. Joseph Doe’s accounts are for work done on the farm in Somersworth. Charles Doe used one of the books after his father’s death to record prescriptions and for recording information about his planting, mostly of apples.

Series IV. Charles Doe Correspondence, 1861-1868

Accession Number: 1986.036 (m)

Extent: 1 folder

Scope and Content: Series four contains eight letters from Henry W. Blair, Jacob Benton, and Josiah Benton, Jr.

Letter 1 Letter from Blair to Doe concerning the upcoming trial of the Williams murder case, July 8, 1861
Letter 2 Letter from Blair to Doe asking for a recommendation for appointment as Major in one of the 9 militia regiments, September 15, 1862
Letter 3 Letter from Blair to Doe about Blair’s health and professional life, September 28, 1863
Letter 4 Letter from Blair to Doe referring to the vacancy on the Federal District Court in New Hampshire, May 25, 1866
Letter 5 Letter from Blair to Doe discussing the upcoming election of a United States Senator from New Hampshire, June 4, 1866
Letter 6 Letter from Blair to Doe discussing Blair’s candidacy for the New Hampshire State Senate, March 5, 1868
Letter 7 Letter from Jacob Benton in Washington, DC to Doe, February 27, 1868
Letter 8 Letter from Josiah Benton to Doe approving of the appointment of Jordan as Clerk of the Court

Series V. Charles Doe Correspondence, 1866-1868

Accession Number: 1988.033 (m)

Extent: 1 folder

Scope and Content: Series five is composed of two letters. One letter is Date April 166 from Henry W. Blair concerning an upcoming Senatorial election. The second letter is dated January 20, 1868 and is from Gilman Marston, who also discusses upcoming elections and laws.

Series VI. Charles Doe opinion in *Hale v. Everett* and Robert G. Pike Correspondence, 1892-1916

Accession Number: 2001.003

Extent: 1 box

Scope and Content: Series six consists of three volumes containing the manuscript version of Doe's opinion in *Hale v. Everett*. This series also contains correspondence between Robert G. Pike to former friends and colleagues of Judge Doe asking for comments about the former Chief Justice. There are also remarks by David Cross, a Manchester, NH lawyer, on Judge Doe.

Subject Terms

People:

Bartlett, William H.
Bell, Samuel D. (Samuel Dana), 1798-1868
Bell, Henry W. (Henry William), 1834-1920
Chandler, William E. (William Eaton), 1835-1917
Conger, Henry Swan
Dana, Henry Swan
Doe, Charles, 1830-1896
Ela, Jacob H. (Jacob Hart), 1820-1884
Foster, William L. (William Lawrence), 1823-1897
Fowler, Asa, 1811-1885
Hale, John P. (John Parker), 1806-1873
Hall, Daniel, 1832-1920
Hayes, William Allen, 1848-1924
Jordan, Chester B. (Chester Bradley), 1839-1914
Nesmith, George W.
Palfrey, John Gorham, 1796-1881
Perley, Ira, 1799-1874
Prescott, Benjamin F. (Benjamin Franklin), 1833-1895
Ramsdell, George A. (George Allen), 1834-1900
Ray, Mr. (Ossian), 1835-1892
Rollins, Edward Henry, 1824-1889
Shirley, John M. (John Major), 1831-1887
Smith, Jeremiah, 1837-1921

Organizations:

Dartmouth College

Harvard University
Leavitt & Lusch
New Hampshire. General Court
New Hampshire Supreme Court

Subjects:

Accounts
Daybooks

Locations:

Amherst, NH
Cambridge, MA
Colebriijm BG
Concord, NH
Dover, NH
Exeter, NH
Hanover, NH
Haverhill, NH
Keene, NH
Lancaster, NH
Manchester, NH
Newport, NH
Ossippe, NH
Portsmouth, NH
Plymouth, NH
Rollinsford, NH

Occupations:

Clerks of the court
Farmers
Judges
Justices
Lawyers
Senators

Related Materials

Ayers, Thomas D. *Doe & Haven Genealogies: Ancestors and Descendants of Charles Cogswell Doe (1830-1896) and Edith Haven (1840-1922) of Rollinsford, New Hampshire*. Simsbury, 2000.

Charles Francis Adams Correspondence, 1985.039 (m). New Hampshire Historical Society, Concord, NH.

Doe, Charles Cogswell. *A New View of the Dartmouth College Case*.

Doe, Charles Cogswell. *Opinions with Reference to Railroad-Tax Cases*. 1880.

Frank B. Wilkinson Account of Customer C. Doe, 1880, 1993.004 (m). New Hampshire Historical Society, Concord, NH.

Gilman Marston Letter of Complaint, 1866, 1993.033 (m). New Hampshire Historical Society, Concord, NH.

Henry W. Blair Papers, 1991.039 (m). New Hampshire Historical Society, Concord, NH.

Reid, John. *Chief Justice: The Judicial World of Charles Doe*. Cambridge: Harvard University Press, 1967.

Reid, John. [*Reprints of 14 magazine articles on Charles Doe, 1959-1865*], 1959-1965.

Reik, Louis E. *The Doe-Ray Correspondence: A Pioneer Collaboration in the Jurisprudence of Mental Disease*. New Haven: Yale Law Journal, 1953.

Smith, Jeremiah. *Memoir of Honorable Charles Doe, Late Chief Justice of the Supreme Court of New Hampshire: Read Before the Southern New Hampshire Bar Association at Manchester, February 27, 1897*. Concord: Republican Press Association, 1897.