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Manley, Henry S.; Papers

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M.E. Grenander Department of Special Collections & Archives

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Summary Information

Repository:	M.E. Grenander Department of Special Collections & Archives
Title:	Henry S. Manley Papers
ID:	apap178
Date [inclusive]:	1849-1960
Physical Description:	2.26 cubic ft.
Physical Location:	The materials are located onsite in the department.
Language of the Material:	English .
Abstract:	The Henry S. Manley Papers contain materials related to Manley's legal career, research materials related to Native American issues (including material used for Manley's book <i>The Treaty of Fort Stanwix, 1784</i>), and some of his personal papers.

Preferred Citation

Preferred citation for this material is as follows:

Identification of specific item, series, box, folder, Henry S. Manley Papers, 1849-1960. M.E. Grenander Department of Special Collections and Archives, University Libraries, University at Albany, State University of New York (hereafter referred to as the Manley Papers).

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Biographical Sketch

Henry Sackett Manley was born in Smith Mills in western New York on January 29, 1892. He died September 14, 1967, in Lakeland, Florida.[2] Manley graduated from Northwestern University College of Law in 1916. In 1917-1918, he was a pilot in the U.S. Army Air Corps, becoming an instructor for pilots going into bomber assignments. From 1920 to 1924, Manley practiced law in Jamestown, NY, where he became a partner in the firm Jackson, Manley and Herrick.[3]

From 1925 to 1928, Manley served as an attorney in the Office of the Attorney General, New York State. He argued cases in the appellate courts, including the New York Court of Appeals. The family has a letter from the famous judge Benjamin Cardozo, of the Court of Appeals, complimenting Manley on his

advocacy (Cardozo later served on the U.S. Supreme Court, but was best known for his opinions written as a Court of Appeals judge).

From 1931 to 1936, Manley was Counsel to the New York State Department of Agriculture and Markets. He was a key figure in developing the New York State Milk Control Board. This involved a system which was intended to assure concerned parties that farmers, as well as grocers would receive a fair price and that milk would reach consumers, including mothers who needed it for their babies. Previously there was a crisis when farmers were distraught over low prices for their milk during which milk trucks had been overturned and the State Police were involved. The Milk Control Board and the related milk control system were designed to end this crisis and apparently did so satisfactorily. Manley defended the former milk control system in the U.S. Supreme Court in *Nebbia v. New York*, decided in 1934 (reported in 291 U.S. 502). The case, which is considered a landmark Supreme Court decision, is utilized in constitutional law casebooks in law schools.

From 1936 to 1942, Manley was a partner in the law practice of Staley, Tobin and Manley, 100 State Street, Albany, NY. Also during this period he had his own practice, with offices at Green Valley Farm, RFD Strykersville, NY, as well as Syracuse and Albany. He and his wife Dorothy owned a 300 acre farm which they named Green Valley Farm. The farm, on what is now called Manley Road, Town of Bennington, Wyoming County was located about 30 miles East of Buffalo. It was cited as a "Century Farm" by the New York State Agricultural Society, having been in Dorothy Manley's family since about 1830. Dorothy French Manley's forbearer, Pomeroy Warren, received title to this land from the Holland Land Company in about 1830.

From 1943 until his retirement in 1955, Manley worked in the New York State Department of Law in Albany. As an Assistant Attorney General in the Appeals and Opinions Bureau, he argued many cases in the U.S. Supreme Court, and even more in the New York State Court of Appeals. In 1955, he became Solicitor General under Jacob Javits, who had been elected Attorney General in November 1954 in a contest with Franklin D. Roosevelt, Jr. The Solicitor General, who serves directly under the Attorney General, is responsible for overseeing appeals and opinions in the Department of Law.

Manley's book, *The Treaty of Fort Stanwix, 1784* was published in 1932 by the Rome Sentinel Publishing Company, Rome, NY. Previously, little had been written about this important treaty. It involved commissioners on behalf of the United States meeting in October 1784 with six Indian nations on the site of the ruined fort where Rome, NY is now situated. Manley conducted research over a 5-6 year period, utilizing sources in Canada, the Harvard College Library, the Library of Congress, the New York City Public Library, the New York Historical Society, and elsewhere. He also published numerous articles in the journal of the New York State Historical Association regarding Indians and Indian law, including "Red Jacket's Last Campaign." He published "Buying Buffalo from the Indians" in the journal of the Buffalo Historical Society.

His articles in the *Cornell Law Quarterly* (now known as *Cornell Law Review*) included "Mr. Justice Per Curiam." Widely read and admired, the Lawyers Cooperative Publishing Company, Rochester, NY, re-published the article in its nationally distributed journal, *Case and Comment*. The article dealt with an imaginary judge who Henry Manley placed humorously, and also in a serious vein, as the author of hundreds of court decisions that were signed "Per Curiam" (meaning "for the court"). By studying such decisions (a laborious research task), he was able to conclude that they were often the product of courts which did not want to come up with a decision ascribed to a particular judge or judges (as for instance in politically charged cases involving the interpretation of election laws). Another article, published in

the *Albany Law Review* under the title "Nebbia Plus Fifteen," revisited the famous Nebbia U.S. Supreme Court case. His study, the "Manley Family: New England and New York 1650-1950," a forty-two page work based upon considerable research over a period of years, was completed in October 1965, two years before his death. Numerous letters of his were also published in the *New York Times*.

As an Assistant Attorney General in the New York State Department of Law, Manley represented the Shinnecock Indians (Suffolk County, Long Island) in successfully fighting off developers who coveted land the tribe claimed. In 1939, he represented Hattie Charles, who asserted she was an Indian, in a legal matter (U.S. v. Hattie Charles). There were conflicting positions on whether New York State or federal law applied. In question was ownership of a piece of land, probably including a house, and probably located on an Indian reservation. Henry Manley was in private practice at this time. It appears he took on the case *pro bono* since Hattie Charles was apparently without funds.

Based upon his reputation as a specialist in New York State Indian law in about 1956, Manley was retained by the New York State Power Authority to research and advise regarding litigation that went to the U.S. Supreme Court. The litigation involved the question of whether or not the Power Authority could obtain title (by condemnation-for which compensation would be paid) to land owned by the Tuscarora Tribe. The Power Authority asserted the need to utilize this land to build a reservoir as part of a major power-generating project near Niagara Falls, NY. The Authority was successful in obtaining title to the land.

Henry Manley was a long-standing member of the Constitutional Law Committee of the New York State Bar Association. He was appointed by the Governor of New York as a member of the Letchworth State Park Commission in 1959 and continued serving probably until his death in 1967. Letchworth is a very large State park in western New York. Part of it was in Wyoming County, the county where Green Valley Farm was located, where Manley lived after retiring from the New York State Department of Law in 1955. Manley was a member of the Wyoming County Republican Committee from about 1957 to 1962. He was an Adjunct Professor at the University of Buffalo Law School (now part of the State University of New York at Buffalo) during the spring semester in 1948.

Footnotes:

[1] Information regarding Henry S. Manley as presented by his son Robert Manley and daughter-in-law Phylis Manley in conversation with Amy C. Schindler, Curator of Manuscripts, M.E. Grenander Department of Special Collections and Archives, University at Albany, State University of New York, July 6, 2004. Additional research between then and August 4, 2004, augmented this. Written and word-processed by Robert Manley, July 22 and 28, and August 4, 2004. Edited by Department of Special Collections and Archives staff for use in finding aid, August 2006.

[2] An obituary can be found in the *New York Times*. There is also material on Henry S. Manley on page 798 of *Who's Who in New York*, 1960 (thirteenth edition), Lewis Historical Publishing Company, Inc., New York City.

[3] Robert Jackson, the lead partner in this firm, later became Attorney General of the United States (during the presidency of Franklin D. Roosevelt), an Associate Justice of the U.S. Supreme Court, and Chief U.S. Prosecutor in the Nuremberg war crimes trials. For more on Jackson, see Eugene C. Gerhart's biography of him, *America's Advocate*, published in 1958 by the Bobbs-Merrill Co., Inc, Indianapolis, Indiana.

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Scope and Contents

This collection contains materials related to Manley's legal career, including transcripts, briefs, testimony, and evidence from legal cases. It also includes photocopies of manuscripts, reports, publications, notes, correspondence, news clippings, photographs, blueprints, and maps. One of the strengths of this collection is the amount of material pertaining to Native Americans. Another strength is a fair amount of research material that relates to Manley's book, *The Treaty of Fort Stanwix, 1784*. The Legal Papers Series is not close to comprehensive concerning Manley's legal career. The volume of material from approximately 1930 to 1950, in particular, is rather small. Nevertheless, the collection does include a good sampling of the cases with which he was involved. The Personal Papers Series is quite small, as this is not the focus of the collection.

About one half of the material originally transferred to the Department consisted of published material, most of which Manley presumably used for research. Much of it has been separated from the collection and is being added to the book collection of the M.E. Grenander Department of Special Collections and Archives or the University at Albany Libraries. A complete list of publications is available from the Department of Special Collections and Archives. The items already cataloged can be searched in Minerva, the University at Albany Libraries' online catalog.

Related collections in the M.E. Grenander Department of Special Collections and Archives concerning attorneys include the Daniel Hawks papers, the Severyn Bruyn notebook, and the Leonard Gansevoort register which can be found at the Business, Literary, and Miscellany Collection page.

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Arrangement of the Collection

The collection is organized into the following series:

- 1 Series 1 - Legal Papers, 1925-1960
- 2 Series 2 - Research Material, 1849-1955
- 3 Series 3 - Personal Papers, 1928-1934

All series are arranged alphabetically.

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Administrative Information

Publication Statement

M.E. Grenander Department of Special Collections & Archives

Revision Description

Encoded in EAD by Kabel Stanwicks 2012

Processing Information

Processed in 2006 by Evan Rallis with the assistance of Kayla Misner.

Access

Access to this record group is unrestricted.

Copyright

The researcher assumes full responsibility for conforming with the laws of copyright. Whenever possible, the M.E. Grenander Department of Special Collections and Archives will provide information about copyright owners and other restrictions, but the legal determination ultimately rests with the researcher. Requests for permission to publish material from this collection should be discussed with the Head of Special Collections and Archives.

Acquisition Information

All items in this manuscript group were donated to the University Libraries, M.E. Grenander Department Special Collections and Archives, by the family of Henry S. Manley in July 2004.

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Controlled Access Headings

- Agriculture
- Public Servants
- Native Americans
- Military and Armed Conflict
- Ethnic Groups
- Education

- Criminal Justice and Prisons
- Manley family
- Stanwix, Fort, Treaty of, 1784
- Indians of North America--New York (State)
- New York (State)
- Briefs (legal documents)
- Letters (correspondence)
- Transcripts
- Testimonies
- Clippings (information artifacts)
- Photographs
- Blueprints (reprographic copies)
- Maps
- Pamphlets
- Notes
- Photocopies
- Manley, Henry
- Manley, Henry S. (Henry Sackett), 1892-1967

Collection Inventory

Legal Papers, 1925-1960 Undated

Physical Description: 1.0 cubic ft.

Arrangement

Arranged alphabetically.

Scope and Contents

This series contains briefs, court transcripts, evidence, testimony, and other materials from legal cases. Manley was involved in most, if not all, of these cases. The cases concern a number of topics, several of which were related to Native American issues. Other cases include *Calmes*, *Becker*, *Zehler v. Lehnis*, and *Trzecieski v. The State of New York*, in which a dairy farmer made a claim for financial compensation after losing part of his herd to bovine tuberculosis.

Title/Description	Instances	
Attica Central School, 1945-1957	Box 1 (1- Legal Papers)	Folder 1
Attica Central School, 1945-1957	Box 1 (1- Legal Papers)	Folder 2
Attica Central School, 1945-1957	Box 1 (1- Legal Papers)	Folder 3
Attica Central School, 1945-1957		

	Box 1 (1- Legal Papers)	Folder 4
Attica Central School, 1945-1957	Box 1 (1- Legal Papers)	Folder 5
Calmes, Becker, Zehler v. Lehnis, 1959-1960	Box 1 (1- Legal Papers)	Folder 6
Calmes, Becker, Zehler v. Lehnis, 1959-1960	Box 1 (1- Legal Papers)	Folder 7
Calmes, Becker, Zehler v. Lehnis, Fact, 1959-1960	Box 1 (1- Legal Papers)	Folder 8
Calmes, Becker, Zehler v. Lehnis, Law, 1959-1960Undated	Box 1 (1- Legal Papers)	Folder 9
Calmes, Becker, Zehler v. Lehnis, Photographs and Negatives, Undated	Box 1 (1- Legal Papers)	Folder 10
Calmes, Becker, Zehler v. Lehnis, Pleadings, 1955-1960	Box 1 (1- Legal Papers)	Folder 11
Calmes, Becker, Zehler v. Lehnis, Testimony and Exhibits, 1959-1960	Box 1 (1- Legal Papers)	Folder 12
James Deere v. The State of New York, St. Lawrence River Power Company, ca. 1925	Box 1 (1- Legal Papers)	Folder 13
Onondaga Nation of Indians v. Minnie Schenandoah, Brief for Defendants and Court Opinion, 1928-1929	Box 1 (1- Legal Papers)	Folder 14
Onondaga Nation of Indians v. Minnie Schenandoah et al, Court Transcript, 1928	Box 1 (1- Legal Papers)	Folder 15
Onondaga Nation of Indians v. Minnie Schenandoah et al, Court Transcript, 1928	Box 1 (1- Legal Papers)	Folder 16
Onondaga Nation of Indians v. Minnie Schenandoah et al, Court Transcript, 1928	Box 1 (1- Legal Papers)	Folder 17
State of New York, Supreme Court, Appellate Division, Application of Jennie Peters Parker, ca. 1928	Box 1 (1- Legal Papers)	Folder 18
Trzecieski (Alexander) v. The State of New York, 1951-1957	Box 1 (1- Legal Papers)	Folder 19
Trzecieski (Alexander) v. The State of New York, 1951-1957	Box 1 (1- Legal Papers)	Folder 20
United States v. Hattie Charles, 19291939-1941	Box 1 (1- Legal Papers)	Folder 21
United States of America v. Hattie Charles, 1936-1939	Box 1 (1- Legal Papers)	Folder 22
United States of America v. Hattie Charles, 1936-1939		

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Research Material, 1782-1955Undated

Physical Description: 1.06 cubic ft.

Arrangement

Arranged alphabetically.

Scope and Contents

This series contains various materials that Manley used for his research. It includes court transcripts and briefs, photocopies of manuscripts, reports, notes, news clippings, correspondence, publications, and photographs. Some of this material was used in the writing of Manley's book, *The Treaty of Fort Stanwix, 1784*. The majority of the material relates to Native American issues, which was an important focus in Manley's legal career. A good portion of this series does have some relationship to legal issues, but it was not included in the Legal Papers Series either because it was not directly related to legal cases or Manley was not directly involved in the relevant cases.

Title/Description	Instances	
Native Americans, Clippings and Notes, 1927-1932Undated	Box 1 (2- Research Material)	Folder 1
Native Americans, Clippings and Notes, 1927-1932Undated	Box 1 (2- Research Material)	Folder 2
Seneca Nation, 1927-1931	Box 1 (2- Research Material)	Folder 3
State of New York, Court of Appeals, Patterson (Respondent), Seneca Nation/Hoag (Appellant), 1926	Box 1 (2- Research Material)	Folder 4
State of New York, Report of the Joint Legislative Committee to Investigate the Milk Industry, 1933	Box 1 (2- Research Material)	Folder 5
State of New York, Report on Indian Affairs, 1930	Box 1 (2- Research Material)	Folder 6
Thomas Indian School, Photographs, 1929Undated	Box 1 (2- Research Material)	Folder 7
<i>The Treaty of Fort Stanwix, 1784</i> , Unbound Chapters, ca. 1932	Box 1 (2- Research Material)	Folder 8

Correspondence to Manley as Assistant Attorney General,
19301954

	Box 2 (2- Research Material)	Folder 1
In Re: Cayuga Indians, Vol. 3, Clark Opinion, Typescript, 1925	Box 2 (2- Research Material)	Folder 2
In the Supreme Court of the United States, 1921-1924	Box 2 (2- Research Material)	Folder 3
Loose Pages from Publications, and Handwritten Lists of Publications, 1849-1921Undated	Box 2 (2- Research Material)	Folder 4
Municipal Tort Liability, 1951-1955	Box 2 (2- Research Material)	Folder 5
Municipal Tort Liability, 1951-1955	Box 2 (2- Research Material)	Folder 6
Correspondence, much of it to or by Benson J. Lossing, 1859-1867	Box 3 (2- Research Material)	Folder 1
Deere v. St. Lawrence, Research Material, Photostats, 1824-1825	Box 3 (2- Research Material)	Folder 2
Fort Stanwix 1784, Research Materials, Undated	Box 3 (2- Research Material)	Folder 3
Fort Stanwix 1784, Typed Transcripts and Photocopies, 1782-1784	Box 3 (2- Research Material)	Folder 4
Kellogg, Six Nations, "Treaty of Fort Stanwix 1784", and other Native American Matters, 1913-1935	Box 3 (2- Research Material)	Folder 5
Native Americans, Journal Opinions, etc., 1927-1930	Box 3 (2- Research Material)	Folder 6
New York Indians/Fort Stanwix Treaty 1784, Research Material, 18991928-1931Undated	Box 3 (2- Research Material)	Folder 7
Shinnecock, Montauk, Tuscarora, and Oneida Indians, 1928-1934	Box 3 (2- Research Material)	Folder 8
Thomas Indian School, 18551929-1931	Box 3 (2- Research Material)	Folder 9
Tonawanda Nation, 18901932		

Box 3 (2-
Research
Material)

Folder 10

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Personal Papers, 1928-1934

Physical Description: 0.2 cubic ft.

Arrangement

Arranged alphabetically.

Scope and Contents

This series consists of material relating to Manley's proposal to build a dam on his property (Warren Farm Dam), Manley's *Manley Family, New England and New York, 1650-1950*, along with several copies of a brief speech he gave about the importance of agriculture. The speech touched on history, religion, and mythology. The series also includes correspondence, blueprints, pamphlets, maps, and a publication. The blueprints and a map pertaining to the Warren Farm Dam have been placed in an oversize folder.

Title/Description	Instances	
<i>Manley Family, New England and New York, 1650-1950</i> , by Henry S. Manley, 1965	Box 1 (3- Personal Papers)	Folder 1
Two Blades of Grass, Speech by Henry S. Manley on Radio Station WGY, June 7, 1934, 1934	Box 1 (3- Personal Papers)	Folder 2
Warren Farm Dam, 1928-1931	Box 1 (3- Personal Papers)	Folder 3

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