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Letter to Dillard Gardner regarding Merrimon's library collection, October 2, 1940

James Merrimon

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Mr. Dillard S. Gardner, Chairman
Committee on Law Libraries & Publications
Supreme Court Library
Raleigh, N.C.

My dear Mr. Gardner,-

Yours of the 28th ult. came duly to hand, and I have been revolving in my mind the matters you mention in the first paragraph of your letter.

The cost of law books has become almost prohibitive to young lawyers, and in fact to older ones, because the income of a lawyer has greatly decreased and really I don't know how many of them in our Bar manage to make a living. It has had a tendency to injure the profession. Business is solicited, fees charged are inadequate. We have a Bar scale here, and a lawyer was complaining to me the other day about lawyers, in violation of it, taking divorce cases for $10.00, and appearing in the police court for $2.00, - almost anything they can get. Questionable practice is creeping into the profession, and strict steps are not taken to remove the offenders from the practice -- all of which hurts the profession. Some man told me the other day that in a conversation with somebody he said "all lawyers are damn rascals anyway".

Fortunately, we are well situated here for library facilities. Our Buncombe County Library is in excellent shape. We have, I believe, as good a library as there is in the State, bar none, not even the Supreme Court -- especially when taken in connection with the Federal Library used by the Circuit Court of Appeals, which has the entire West Publishing Co. Series. I have made it a practice to buy, wherever I can, law books from estates, and used books which I find, as a rule, are as good as new. For instance, I acquired LRA (NS) for $1.00 a volume, A. & E. Anno. Cases, some text books, at greatly reduced prices. I probably save the Library $300 or $400 a year, and only buy books of real worth. Our Library is being regularly patronized, and lawyers here, as a rule, have stopped subscribing to books like Amer. Jurisprudence, C.J. Sec., etc. The great trouble in small places is that no one man takes any particular interest in it, and I have found it more or less a one man proposition. Facilities are not afforded by the County in the Court House for libraries, and a deputy clerk appointed as a librarian to look after such matters. They can keep up a good library from the costs in each case, criminal and civil.

I wish there were some method, or somebody like yourself, the Librarian at Duke, Chapel Hill, or the Deans of those particular institutions, to form a committee to advise concerning the
purchase of law books. So many law books at present are padded and are nothing more than mere Digests. Not long ago, I bought Bogert on Trusts on recommendation, because the lawyers here wanted it badly, and found out afterwards I could have bought it from Mark Squires Library for half what I paid for it. Then I have been told by several that Scott on Trusts is a very good book, and I am thinking about buying it. A lot of the books, text-books especially, are not up to the standard of the old books.

Our Library has a great number of books we would like to exchange or swap. If we can't get rid of them, we want to give them away to some County that is really interested in the matter, but even then they don't pay much attention to it. We have possibly 100 or more volumes of N.C. Laws, duplicates. I wrote to the President of the Bar Association at Waynesville the other day, offering to give them for their library a lot of these, and he didn't even answer my letter.

I have been trying in vain to sell Barnard's library. The best offer I have had for N.C. Reports, 213 volumes, with Shepard's Annotations, is $250.00, and for the Supreme Court Reports of the U.S. 304 volumes, Co-op. edition, I haven't been able to get any price at all.

With respect to your suggestions for the Book of the Month Club, I don't know how that would work. Personally, I belonged to these various Book of the Month Clubs from time to time, and found them to be a nuisance. I found that things that pleased the committee did not please me, and still I had to take what they sent, or write and notify them, and that was a nuisance. A lot of the present law books are not worth shelf-room, and there are too many books on the same subject; no necessity for more than one or two writers to write about automobiles, and yet there are half a dozen or more. I would like to see the State of North Carolina publish its own Code, its Reports. I got a bill this morning for $217, which cost me $3.29. My Supreme Court Reports of the U.S. cost me about $2.00, and they are published by the Government. I think Michie's Code at $45.00 is out of all reason. I have never found Michie's publications particularly satisfactory - text books or the Code. I have found numerous inaccuracies in the Code, not only in the citations, but in the text, and in his little book on Automobiles which he calls the Law of Automobiles in North Carolina, a great majority of the cases are from other States, and a lot of North Carolina cases on important subjects are not even referred to. I wrote them about it, and they said they were sorry it had been overlooked, etc. If the State should undertake to publish its own Code, certainly it should be an Annotated Code, and it really takes an expert to select the annotations. I understood years ago that the West Publishing Co. offered to publish the Code if they were allowed to cite the Reporter System. I believe that probably the Co-op. people are the best fitted of any people I know anything about
#3. Mr. Dillard S. Gardner.

to do work of this character -- certainly, the A.L.R. is the best law book, in my opinion, that is published today.

I will talk over the matters contained in your letter, and may write you later.

With regards, I remain

Yours very sincerely,

[Signature]