4-26-1939

Letter to J. Kleemeir, Jr. regarding Merrimon's library collection, April 26, 1939

James Merrimon

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Mr. J. A. Kleemeir, Jr.
Security National Bank Bldg.
Greensboro, N. C.

My dear Sir,

Mr. Frank Pasker has handed me your letter of the 25th, relative to the library, which I will undertake to answer, as I perhaps know more about our law library than anyone else.

I think you will find by examination of Ch. 137 P.L.L. 1929, and 356 P.L.L. 1931, the Acts relating to it, I have always doubted the validity of taxing defendant with $1.00 costs, but no one has ever objected. Originally, as I recall, the Act provided for $1.00 of the Clerk's costs to be appropriated this way, and I think that is valid—perhaps the other might be valid, because I see very little difference between supporting a library for public use, which belongs to the County, and having a court stenographer. However that may be, most of the Acts as now drawn, as I recall, make the charge, and it has never been questioned.

I will answer your questions before undertaking to tell you about our library.

1 & 2, No.
3, No, except as appears from the further answer.
4, No.
5. Any lawyer, law student or public official.
6. to 9, all inclusive, No.
10. By a committee appointed by the President of the Buncombe County Bar Association.
11. $500 at least, or more.
12. $500 to $600 to subscriptions, balance is used to purchase books.
13. No.
14. Yes. See further answer.
15. Yes.
16. No.
17. Yes, very few.
18. Very few, perhaps 4 or 5, generally Reports.

Further answering your letter, I have always been interested in establishing a library, because of the expense incident to lawyers keeping up a proper library, and years ago I was instrumental, largely, in establishing a co-operative plan by which the lawyers were to pay certain dues. I believe $1.00 a month, it may have been $2.00, and this worked fairly well for two or three years, when the lawyers began to drop out and get behind, and it finally got to where there were only seven or eight paying their dues. We had purchased the entire West System on installment, and had paid out something over $1,000.00. We had to quit and the West Publishing Co. took the books back.
Then there was an interim when we did nothing. I became acquainted with a Judge of the Superior Court from California, who said in that State in each case $1.00 of the costs was taxed for the maintenance of a library, and we finally drew a Bill, and it may be the first one I refer to, and began anew. We were permitted to establish a library in the Court House, rent free. Lawyers donated a great many books that were encumbering their shelves and had been succeeded by later editions; but the fees began to amount to something like $100.00 a month, and it was not long until we began to buy books and mostly used books - just as good as new, however. I was Chairman of the committee for several years, and then I got out, and it was turned over to others and they ran into debt the two or three years they undertook to manage it, then I was placed back at the head of the committee, finding a debt of $700 or $800.00 on hand, with the result that we could not buy any books. I got this all paid up - it was accumulated very largely by buying the Century Digests from the West Publishing Co. at publisher's price, instead of buying them second-hand, by which several hundred dollars could have been saved. I got the County Commissioners to give us an additional room and to put shelving in both rooms, and also got them to allow us a deputy clerk as librarian - this clerk does copy work very largely on county records. I also got them to furnish us with tables and chairs. During this time, Dr. F. A. Sondley, a very prominent lawyer here, with an enormous library, died and willed his library to the City of Asheville. The City had no use for it, and after several years of negotiation we got them to turn it over to us. They called it a "loan", but of course they will never require it to be turned back. They kept, however, matters which related particularly to municipal corporations. We got about 900 or 1,000 volumes from this library. Several lawyers died, and we got books from their estates at greatly reduced prices. I have watched the used book catalogues sent out from all over the United States, and whenever I learn of a lawyer in North Carolina dying, I have written his executor or administrator and obtained catalogues and lists of his library and have made purchases. To illustrate: I obtained McQuillen on Municipal Corporations for $5.00; Wigmore on Evidence at $2.00 a volume -- in fact, I bought over $100.00 worth from Mark Squire's Estate at $2.00 a volume, books like Jones on Evidence, Page on Wills, Nichols on Eminent Domain, etc., all in excellent condition, and looked as if they had never been used, Couch on Insurance at about 1/3rd off, Thompson on Corporations, Thompson on Real Property; in other words, I have saved on second-hand books possibly $100.00, and the books really are just as good as new books. About the only thing wrong with them was that they had somebody's name in them, but that has been stricken out. Books have been donated to the Buncombe County Bar Association by lawyers, and I presume they belong to the library or the Bar Association. Books obtained from costs obtained from the Clerk's office belong to the County. A great many of the books donated were given to the County.

We have two large rooms and three consultation rooms. We are at no expense whatever except subscriptions. We subscribe to N.C., U.S., N.E., Fed. 2nd, Fed. Supp. Reporters, Neg. & Comp. Cases, A.L.R., Digest System, C.J. Sec., Amer. Jur., and all subscription books of that character.
We have 1st & 2nd A. & E. Encyc. of Law, Cyc., C.J., Encyc. of Ev., Amer. Dec., Amer. Repts., Amer. St. Repts., 60 volumes of the last; the entire L.R.A. and A.L.R. Series, an extra set of U.S. up to 255; an extra set of N.C. Repts., with exception of about 30 volumes; text books on almost any and every subject, many of them the latest editions, Digests for our various Reports, Advance Sheets and Shepard's.

About the only subject on which we have practically nothing, and no service, is Taxation, Federal and State. Of course we have such works as Cooley and fundamental text books, but nothing that keeps up with the many taxation questions, like Prentice-Hall or Credit Clearing House; such standard works as Wigmore on Evidence, Bogart on Trusts, Fage on Wills, Daniels on Negotiable Instruments, Berry on Automobiles, Couch on Insurance, Thompson on Real Property, and hundreds of other works. In addition to all this we have practically all the N.C. Laws from 1866--there are possibly half a dozen missing, either P.R. or P.L.L. We have more than 100 extra copies of Laws and a great many extra copies of text books, Cyc., A. & E. Encyc. of Law, possibly 35 or 40 N.C. Repts. Our total of duplicates and books we could readily dispose of would probably amount to 200 volumes, which we would be glad to sell or exchange.

Our revenue amounts to about $1,000.00 a year, which gives us something like $400.00 to spend for books outside of our subscriptions.

In addition to all these facilities, we have a Federal Library here, because the Circuit Court of Appeals sits here, which contains the entire West Reporter System, and quite a large library on Federal subjects. You can find in these two libraries working tools for any kind and character of litigation, although as I have stated, we have very little or practically nothing on the question of Taxation.

I think you will find it decidedly to your advantage to adopt our plan, which will work if you can get some man vitally interested, who is willing to give a great deal of time to it. While I have a library committee which meets when I call them together, and which I do whenever I think it is necessary to subscribe to publications like Amer. Jur., or C.J. Sec., etc., involving considerable expense and long continued subscriptions, otherwise they let me run it to suit myself. All the money is paid to the Clerk, and I pay all bills and conduct all correspondence, buy all books. All this work on my part is gratis.

Another interesting thing in connection with the library is the collection of photographs of lawyers who have played their part in days gone by, and who have departed this life. I have a picture gallery of over 100 men who were at one-time prominent in the legal profession of this County, including also photographs of Judges of our Supreme Court, and Chief Justices of the Supreme Court of the United States, which I think add materially to the library, showing as it does to the younger generation portraiture of men who have played a prominent part here.
Nobody feels they have any personal interest in these books, they belong to the County, or at least it is a personal donation to the profession to aid in the improvement of justice.

I am enclosing you a set of rules which have been adopted. I never heard of VII being enforced. One or two men have replaced books which have been lost.

The library is open at all times, and generally you will find somebody at work there. It has resulted in saving thousands of dollars to the younger members of the profession, and also the older ones. I suppose there are 10 or 15 sets of Cyc., and perhaps C.J., in the City in private libraries, and I doubt if there are 3 of C.J. Secundum, and the same thing with Amer. Jur., which is a new edition of R.C.L.

Everybody is satisfied the way our library works now, and we have no trouble except that we don't get as much out of the costs as we ought to have, largely due to the fact that in a great volume of criminal cases no costs are ever collected. Last year the record showed something like 2500 cases disposed of in the Superior and County Courts, and we only received about $800.00. In Haywood County they go further than we do, and have a library fee taxed in the Justice's Court and in the Recorder's or Police Court, and they told me their fees would amount to at least $1200.00 a year, but their library, while kept in the Court House, is in charge of nobody, no arrangement about it, you never can find anything and lawyers and everybody take books away and they are lost. It simply won't work unless you have a librarian, and it won't work to any particular advantage, in my opinion, unless the library is in the Court House. Our County Court sits every day in the month, every month, and disposes of 2,000 or 3,000 cases a year. The Superior Court has a three-weeks term every month in the year, and these books being convenient, are in constant use in the trial of causes in the courts, and afford an opportunity to the Judge, if he wants to, to get almost any kind of book he wants on any subject, as well as the lawyers. It would be a great mistake to permit them to be taken away from the Court House to offices, etc., because they would not be returned. Whenever a man wants books in the Court Room he gets them and leaves with the librarian a memorandum of the books taken, or he sends the deputy clerk with a list of books and that is left with the clerk, and the lawyers are responsible for their return. Before we had this system, if a man had an important case, he had to lug all his private library down to the Court House, a quarter of a mile. I have seen lawyers go down there with 15 to 20 books -- but that day is past, because the library is next door to the Court Room.

I wrote Mr. Ward rather fully about this matter at one time, and you might confer with him.

JCM'T

Yours very truly,

Enclosure

Chairman, Library Committee.