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HISTORY OF THE LAW LIBRARY

LUCILE ELLIOTT*

Since its organization in 1907, the Law Library has passed through three periods. If its growth were plotted as a graph the line would show a very slight incline for about twenty years, then a sharp rise for a period of five or six years, continuing in a slightly ascending line for the past fifteen years. The erratic line beginning with the second period depicts the years during which the University planned and started to build a comprehensive library for wide service but was forced to a less extensive program by the national depression and war emergencies.

But the story of this Library, which has had a vital part in the development of the School, cannot be told wholly in terms of acquisitions. There are too many overtones of the sacrifices of founding fathers, the interest and generosity of friends, and the earnest efforts of both University and Law School administrators in behalf of the institution. An account of how it has grown through the years, who contributed to its development, and what is envisaged for its future seems to merit a place in the history of the Law School.

I. LIBRARY ESTABLISHED

The law collection became a Library in 1907. But long before this time, in fact when the University was in its early youth, reports show that State and Federal governments were sending their legal documents free of charge to the General Library. These came as regular accessions through the years. Later on, a small collection of books was assembled in the Law School, but this grew very slowly. Through the 1880’s, mention is made of several gifts that came to the Law Library from Hon. Charles R. Thomas, consisting of old English Reports, North Carolina material, and local textbooks.

In 1889, while the law books were still in the law office of Hon. John Manning, $150 was requested for the purchase of a set of United States Supreme Court Reports and their continuations. At the request of the Dean, small special funds were given from time to time—$100 in 1892. Two years later the first regular yearly appropriation of $100

*Librarian, University of North Carolina, School of Law.
2 University of North Carolina Catalogue, 1877-78, pp. 47, 54; 1881-82, pp. 42-44; 1882-83, p. 28; 1883-84, p. 30; 1884-85, pp. 35, 65.
3 Ibid., 1884-85, p. 35; 1885-86, p. 47.
4 Board of Trustees of University of North Carolina Minutes, August 29, 1889.
5 Ibid. Visiting Committee, May 31, 1892.
was set up for law books. An alumnus of 1893-94 lists the contents of the Library, housed in old West Building as follows: "My impression of the Library of that time is that it consisted of 113 volumes of North Carolina Reports, about 140 volumes of United States Supreme Court Reports, bound four to a book in the Lawyers' Cooperative Publishing Co. edition, which made about 35 bound books, the Laws of North Carolina from about 1850 down to 1893, about 10 or 12 bound South-eastern Reporters, and a pile about eight inches thick of the current and past printed South Eastern Advance Sheets. Also the American and English Encyclopedia of Law, which, I think, was 32 volumes. There were some loose numbers of the American Law Review of the late 1880's and early 1890's but none of them were less than a year old. There were a few textbooks. One was Ewell's Essentials on Blackstone. . . . According to my recollection there were less than 300 bound volumes."

After Dean Manning died in 1899, his personal law library was given by his widow, Mrs. Louise Manning, to the Law Library. At the adjourned session of the North Carolina Legislature of 1900, Dean MacRae secured passage of a resolution which permitted the School to replace old worn volumes of the North Carolina Reports with new ones. At the end of the year 1905, Dean MacRae said in his December report to the President, "A gratifying evidence of interest taken by alumni of this institution in its welfare is a movement now in progress to raise a fund for a good and sufficient Library to be called, in honor of the late distinguished and learned head of the department, the Honorable John Manning, LL.D.—the Manning Memorial Law Library." This gift fund amounted to $5,000 by 1906 and yielded a $300 yearly income, which, added to the regular fund of $200, made $500, for the purchase of new material. Books purchased with this fund bore a plate which reads: "Library of the University of North Carolina. These books form a part of the Manning Memorial Library, consisting of books purchased for the Department of Law with the annual revenue of a fund provided by the former students and friends of Professor John Manning, LL.D., Class 1850." To this day that plate is used in all the continuations of the National Reporter System.
In 1907 Dean MacRae pointed to the Library with pride. He said in his November 25th report to the President, “Our Library is destined to become one of the best law libraries in the State,” and again, “At the beginning of the present term the Law School was transferred from South Building to Smith Building. The Law School is now provided with commodious and comfortable library rooms suitable to the increasing number of students in attendance upon it.”

When the books of the Law School were placed under the direction of the Central Library, the Law Library began to function as an entity. It had a home, a name, a small steady maintenance fund and a part-time student custodian. True, the supervision was given by students whose services were not wholly satisfactory to the authorities. Off and on for years, there was complaint from deans in their annual reports that the care was insufficient and that the collection needed more protection from careless clientele. True, also, the funds were limited. From 1906 to 1920 the yearly appropriation did not exceed $500 except one time: in 1909, $1,000 was given as a special fund. But to offset these years of small income, Richard H. Battle, in 1912, gave about 600 volumes, chiefly North Carolina law books, which appreciably increased the accession record of that year.

Because of his experience with adequate law libraries in his editorial work and as a member of a large New York law firm, Dean McGehee, whose administration began in 1910, was dissatisfied with the Law School’s physical equipment and with the contents of the Library. From the first, in contrast to the existing conditions, he was thinking in terms of an up-to-date library housed in modern quarters, staffed by trained librarians and stocked not only with publications of courts and legislatures but with root material found in the social sciences, in historical, and in philosophical works. In practically every annual report he made recommendations for the improvement of the Law Library. In fact, his first annual report points to the inconvenient arrangement of the library room, just recently acquired, and ends with the hope that “the Law School can be given a building which provides a convenient library.” The next year he asked for more supervision, which was soon granted. The very next year, 1912, the Dean reports that three students were assigned to the task.

The Library had grown to 5,000 volumes and was fairly well established by the time World War I began. It grew, however, very little

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12 Report of Dean of Law School to President, December, 1911, pp. 26, 27.
13 Ibid., December, 1912, p. 23.
14 Ibid., 1910-11, p. 29.
15 University of North Carolina Librarian’s Report to the President, 1911-12.
16 See note 13.
17 Dean of Law School Report to President, 1911-12.
18 Ibid., 1913-14, p. 22.
from 1914 to 1918. A gift of many North Carolina law books and standard works on law from Thomas H. Battle,18 of Rocky Mount, constituted the most notable addition to the collection during the war years. With the coming of peace, Dean McGehee sketched for the President and the Trustees his idea of what a law library should be,19 and resumed his effort to secure an adequate building20 and the services of a combination librarian-secretary.21 His 1920 report describes the equipment as "impossible."22

By 1921, his ambitions for the Library were realized as far as building funds were concerned. He said in his report to the President for that year, "For several years I have urged the crying need of a new Law Building. The Legislature, Trustees and President have generously met our needs for quarters."23 Money had been authorized for a building which would provide a modern reading room, stacks, and other standard library facilities. The type of supervision was improved. The last two years before leaving the old Smith Building, a graduate student, Mr. Wilbur Stout,24 was employed as part-time Secretary-Librarian. His work in organizing the collection, in making usable records, and in repairing the badly worn books, was a decided step forward.

In the late summer of 1923 the Library, then numbering about 7,000 volumes, was moved from Smith Building to the new Law Building, Manning Hall, its present home, and placed in the main floor level of stacks and in the Reading Room. This collection consisted of preliminary court reports up to the National Reporter System for three states, the National Reporter System almost complete, a broken collection of North Carolina documents, official and Lawyer's Edition of Supreme Court Reports, Annotated Reports, Digests, including American Digest, two leading encyclopedias, about 1,200 textbooks, the English Law Reports back to 1875, Federal Statutes Annotated, nine leading legal periodicals and some miscellaneous out-of-date law books.

The Library was placed under the care of a part-time custodian, the present Librarian, with the help of two student assistants. This was the first time that supervision had been available for even half-time. Besides this, the McGehee leaven was working in another direction. In

18 Librarian’s Report to President, 1917-18, p. 83.
20 Ibid., 1919-20, p. 55.
21 Ibid., 1918-20, p. 56.
22 Ibid., 1920-21, “The present Law Building is inadequate to the needs of the School at the present time. We need increased facilities—a larger stack room for the Library, adequate reading rooms, library offices. It is impossible to do anything with the present building.”
23 Ibid., 1921-22, p. 59.
24 Ibid., 1922-23, p. 65.
1922-23, with the increase in state funds for all library purposes, an additional special appropriation of $1,000 was given the School for the purpose of purchasing new textbooks, law reviews and English documents.

II. Period of Prosperity

The five-year period from 1924-1929 marked the time of rapid development of the Library. There was at this time a general awakening and awareness in the law-school world of the potentialities of law libraries in legal education. Standards for libraries and librarians were being set up. Voicing the attitude of the State of North Carolina towards its University Law Library, President Chase, in his report to the Trustees, urged that the Law School be raised to Class A to conform to standards of leading law schools of the country. This set up a clear objective for future deans of the School. As far as the book collection was concerned, this was the controlling motive during the 1920's.

Two deans during this period of prosperity directed its course. First, Dean M. L. Ferson, one-time Law Librarian himself, who had had a hand in the building of one of the representative law libraries of the Middle West and who had had intimate recent association with high-grade libraries of the country, blocked out the needed first things. His was a pioneering job to which he brought the exact experience needed to launch an expansion program. He straightway gave first consideration to the Library, knowing that the School could not become standard with the collection that was then on the shelves. On the basis of a comparative study he made of libraries of schools then members of the Association of American Law Schools he clearly demonstrated in two letters that the Law Library was one of the most meager in the Association—about one-fourth the size of the average library of other law schools of like standing. His great concern was over the fact that it did not offer even the essential material for everyday class work. He was asking for no frills. He further expressed the fear that the School's place in the Association would be jeopardized. After thoroughly analyzing the situation and deciding on $20,000 as the figure necessary to begin the job of building, Dean Ferson found he had the full support of the President and the General University Librarian. With their help he secured a tripled regular annual appropriation and a special ap-

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25 For this and much subsequent detail not otherwise documented, reference was made to the Law Librarian's Annual Reports to the Dean of the Law School and the Librarian of the University of North Carolina for the years 1923-46. These are on file in the office of the Law Librarian.
26 Minutes of the Board of Trustees of the University of North Carolina, January 18, 1924.
27 Report of Dean of Law School to the President, 1924-25.
28 From a letter to President H. W. Chase, dated July 14, 1929, and one to Dr. L. R. Wilson, dated November, 1929, both on file in the Library.
propriation of $7,500 from the Legislature with which the early state reports up to the National Reporter System were purchased. In all, funds for books had jumped from $500 to $10,000. There was a strong tide rising in behalf of the Library. Momentum had been gained that carried over into the years that followed.

It was at this time at the very peak of its prosperity that Charles T. McCormick became Dean of the Law School. Comparatively speaking, money was plentiful by reason of the rapid increase in University funds, carried over from the Ferson period, and because of the Dean's own efforts. Early in his administration the University authorities were delineating the type of institution they had in mind for the future. To the Trustees, President Chase said, "I should like to call your attention to the needs of the Law School Library. This ought to become not only an adequate working library for students and faculty (which it never has been) but also a center for consultation and information for lawyers all over the State. It is hardly possible to over-estimate the value of the services which a really strong law library at the University could render to the legal profession of the State." The President was calling for a library launched on a broad base. This was a clear objective. With great vigor and effectiveness Dean McCormick set about the task of determining what should be the content for a standard library which would render service on a statewide scale. His survey of the experience of other well-established libraries of the country resulted in the formulation of a long-range plan that called for an Anglo-American-North Carolina law collection wide in its subject matter, deep in historical materials, and up-to-date in every section. This McCormick plan has been the over-all guide in building to the present day.

The increased work in carrying out this program necessitated more personnel. The Librarian was freed from outside duties so that she could devote her whole time to the business of the Library. In addition, three students were employed in order that the Library might be kept open more hours.

As for the collection, the plan called for complete sections of State and Federal documents as the core of the Library. Foreseeing the not too distant day when sizeable appropriations would no longer be forthcoming, and knowing the customarily limited funds usually provided libraries by the State, Dr. Wilson, of the Main Library, was instrumental in having an Enabling Act passed by the State Legislature which would bring in quantities of free material and give the Library two further advantages: (a) a store of North Carolina public documents for use of the School, both for past years and future continua-

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59 Report of President Harry W. Chase to Board of Trustees, 1927.
60 N. C. CODE ANN. (Michie, 1939) §§7661, 7663-64, 7667, 7667a.
tions; (b) a store of state legal documents to be used in exchange for like publications of other states, both old and current. Furthermore, Dr. Wilson had all sets of Federal legal documents transferred from the Main Library Federal Depository section with instructions that these and all continuations should be housed in the Law Library in the coming years. These two documents sources have brought throughout the years a continuous stream of new accessions to the Library.

It was during this time, too, that the staff of the Library was able by use of the exchange privilege to build up two other sections, the Bar Reports and the Law Reviews. The North Carolina Bar Association gave a large number of its proceedings to be used in exchange for like publications of other state bar organizations. Likewise, *The North Carolina Law Review* was used to acquire legal periodicals. In the course of years the latter has brought to the Library periodicals worth about $500 a year which has amounted to around $10,000 in the last twenty years.

The Library was now a going concern. Through these years of comparative plenty the success of the project bred more success. Help came from all directions—largely from alumni and friends who had heard of the efforts being made and who wanted to assist. Hon. Junius Parker, alumnus, 1889, in 1928 gave $10,000 to the Library with directions that it was to be called the Lucius Polk McGehee Memorial Fund. This gift and another $10,000 given by the State about this time made it possible to forge ahead with the program.

In 1924, the very interesting old library which had originally belonged to Chief Justice Richmond Pearson\(^1\) was given by Mrs. Richmond Pearson, Jr., wife of the older Pearson's son, in memory of her husband and his father. The 700 books consisted of a whole set of original editions of North Carolina Supreme Court reports, texts, and old codes published in the state. Some of the most prized items were the folio volumes of English law books. This was a typical North Carolina lawyer's library of his day, but more important, it had belonged to one of the first law schools of the state, conducted by the elder Pearson at Richmond Hill near Salisbury around 1850.

Another Chief Justice's library was given in 1927 by Mary McBee Hoke in honor of her father, Chief Justice William A. Hoke.\(^2\) The special value of this gift was its current state material that could be put into immediate circulation.

George Badger McGehee, in 1926, gave to the Law Library the books which had constituted the private library of his uncle, the late Dean

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\(^1\) Alumnus, Class of 1823; Chief Justice, Supreme Court of North Carolina, 1858-78.

\(^2\) Chief Justice, North Carolina Supreme Court, 1924-25.
Besides the usual laws and reports, his book collection included contemporary publications in the fields of govern-
ment, legal history and jurisprudence—subjects that he had hoped to build into the Library's text section. It was fitting that at his death his own books served this very purpose.

During the same year another gift came—this one from Mrs. Ger-
trude Phillips Daniel, of Tulsa, Oklahoma. She presented the Library with two handsome antique pieces of furniture of Renaissance type, in memory of her father, Samuel F. Phillips. These pieces were marked with brass plates showing their significance and were placed in the Reading Room as part of the permanent furnishings. The gift was accompanied by an auctioneer's history of the pieces which explained that the hand-carved banquet table had been designed and executed by the master craftsman, Albert Gourmain, originally for the chateau of Princess Louise of Belgium, and that the wine cabinet, brought from a French chateau, is covered with hand-carved figures representing mythological and historical personages, and possesses many secret springs and locks.

Still another contribution worthy of more than casual mention was the very valuable gift from Mr. Kingsland Van Winkle, of Asheville, graduate of 1901. This was donated in 1931. The set consisted of early North Carolina statutes, published from 1818 to 1866. The books, originally collected for George W. Vanderbilt and used in establishing his legal titles to vast tracts of land in western North Carolina, were purchased in the late 1800's. Later Van Winkle became the financier's lawyer and bought the set of session acts at Vanderbilt's death. It is one of the most valuable and complete sets of early session acts in the State.

The gifts of Alexander B. Andrews over a long period of years deserve special recognition. Constantly alert to the needs of the School, he first gave a miscellaneous collection of law books, followed by reference sets and later by a long run of valuable North Carolina session laws, which fitted into the Van Winkle-Vanderbilt sets, and still later by a display cabinet that has been an invaluable aid in visual education projects.

Lack of space forbids the listing of dozens of names of Faculty, students, alumni, State officials, visiting summer professors, whose offerings from time to time though less extensive, are all a part of the structure of the Library, recorded on its permanent records, and cared for as some of its treasures.

Alumnus, Class of 1887; Law, 1891; Professor of Law, 1904-1909; Professor and Dean of Law School, 1910-1923.

Alumnus, Class of 1841; Professor of Law, 1854-59.

Alumnus, Class of 1901.

Alumnus, 1894.
From all these sources the Library had now assembled over 30,000 volumes. Attracted by the enriched collection, the clientele grew. Faculty and students from other departments in the social science fields found material for their work, and, as had been hoped, bench and bar of the State were also attracted by the Library's offerings. This increased demand made it necessary to enlarge the space for readers by opening another reading room in the basement below the main reading room—the two connected by steps through the stacks. The Librarian and Law Review staff were given offices cut off from the new reading room. The Law Library now ranked as the largest law school library in the South.

III. The Lean Years

Because of conditions developing inside and outside the School, it was quite evident early in the 1930's that the Library could not hold this high place unless stronger State support was forthcoming. The collection, increasing automatically by continuations, exchanges and gifts was fast outgrowing its annual maintenance appropriation, its quarters and its staff, while at the same time the depression was cutting down the special funds given by the State.

One by one, Dean Van Hecke focused on the problems in an effort to obtain better proportion in the elements of the Library and thus enable it to function fully as the University had planned. Up to this time, special sums of $7,500, $10,000 from appropriation, and $10,000 as gifts had supplemented the yearly $2,000 set up for maintenance, but after 1929 there was little prospect of further special appropriations of this sort. In 1934, Dean Van Hecke was successful in obtaining the approval of the University Administration for a law-student annual fee of $5.00 a year, which yielded about $600, and, in addition, secured $1,200 from the administration, making a total of $1,800 to be added to the regular $2,000 maintenance fund. For the first time the Library had adequate stabilized finances. Henceforth $3,800 could be relied on annually for serials and new material.

Other developments which contributed to the growth and effectiveness of the Library occurred in this period. A third level of stacks was secured to take care of the increasing collection. To provide adequate service, additional personnel was employed. Besides student assistants, the Dean was successful in adding a full time Assistant7 to handle the desk work. For the past decade this place has been filled by exceptionally well-trained people.8 Further help on the routine jobs which had accumulated through the years was made possible by Federal funds.

7 Margaret E. Hall, 1934-37.
8 Mrs. Ben Gray Lumpkin, 1937-42; Louis A. Cherry, 1943-44; Ewing C. Baskette, 1944-46.
through the National Youth Administration, which furnished a corps of student helpers during the worst of the depression and up to the beginning of the war emergency.

The increased student assistance freed the Library staff to engage in other Library activities. At home a small repair room was established and operated for mending and applying preservative to leather-bound books; the Book Review section of the *North Carolina Law Review* was supervised; for a while the course in Legal Bibliography was taught by the staff; for a few years some bibliographical work for clientele was undertaken; research by Faculty, editors of the *North Carolina Law Review* and *Popular Government* and graduate students called for the highest type of service. Abroad, along with their regular work, the staff found time to serve as officers, to perform committee assignments, to write papers and reports for the professional associations; to undertake, as long as the Library was fully staffed, extension work on a limited scale; and to develop a standard law library of 30,000 volumes at the North Carolina College for Negroes. Certainly for the staff the period was developmental, the work creative.

By the early 1940's the Law Library faced another acute crisis. As a result of continued depression psychology, the Library was again showing an uneven growth. The State had made provision by appropriation and stock of exchangeable documents for the growth of the Library, but no provision had been made for the corresponding growth of physical equipment or growth of staff to service it. The annual book funds had remained the same since 1934. The trained staff likewise had had no additions since that date. The stacks, designed to accommodate 25,000 volumes, were now clogged with twice that many books. Furthermore, this situation was aggravated by the fact that the war emergency was developing. The Federal funds for student assistant wages were withdrawn, and one-half of the remaining student staff left their jobs to enter some phase of the war service. Even the position of the Assistant Librarian was filled by three people in one year. It was no longer a question of holding standards. For Dean Wettach, whose task it has been to steer the Law School through the shoals of the war period, maintaining the status quo of appropriations was equivalent to rapid strides in normal times. True, as a balancing factor, the student clientele was reduced simultaneously with the reduction in funds and staff of the Library and there were other compensating circumstances which

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9 The following services were given:

(a) Advice on make up and cost of North Carolina lawyer’s office library.
(b) Loans to lawyers in towns where there was no extensive professional library.
(c) Reference work in rare and expensive materials for lawyers whose office library was limited to a few North Carolina law books, particularly codes of states contiguous to North Carolina.
scotched the retrogression. To be specific, the documents section showed unusual increase when the State repealed the old and passed a new Enabling Act\(^4\) which was more liberal and more flexible than the old and which made it possible to fill out the section of State laws and reports until it has become the backbone of the Library. Besides that, the Library of Congress designated the Library, along with nineteen other law school libraries of the country as a depository of a collection of Braille Books for the Blind. These cover all the basic subjects of law and number about 200 volumes in all.

It was during these lean years also that more gifts came to round out the North Carolina special collection; that is, the libraries of Judge W. D. Pruden, Professor A. C. McIntosh, Judge A. C. Avery, Hon. Z. V. Walser, and James H. Pou were given. On organizing and checking these and those previously mentioned it was found that the Library had almost a complete spread of state legal publications. And what a story they tell of teachers, lawyers, jurists, legislators, and public servants of North Carolina! What traditions for the younger generations! Just to read the autographs on their fly leaves is like calling the roll of North Carolina’s legal statesmen: General William R. Davie, Governor Z. B. Vance, Judge James Iredell, Judge William Horne Battle, Judge H. G. Connor, Judge James C. MacRae, Judge E. B. Cline, and many more. According to plan, this part of the Library is a living memorial to those who have served the State in the past in a large way and who will continue to make their contribution down the years as long as their libraries are serviced for the benefit of regular readers and those who are doing research in North Carolina law.

World War II had hardly ended in 1945 when Dean Wettach requested funds for the three major needs of the 52,000-volume Library.\(^4\)\(^1\) He explained the problem that was presented by trying to serve 200 to 250 students in reading rooms designed for 100 to 125 students, equipped with books for classes of from 10 to 25 students and serviced by too few desk attendants. In response to this reasonable plea came: (1) an increase of $1,700 annually for regular maintenance of the book collection; (2) book shelves and new fluorescent lights for class rooms which are to be converted into part-time reading rooms; (3) a new temporary supplementary reading room (built by the Navy) situated 150 feet behind the Law Library.

But no temporizing will suffice. Time has come when these make-shifts must be translated into permanent measures, sanctioned and supported by the State, for the trend of demands to come is apparent from

\(^4\) See section “Law Library” in University of North Carolina Sesquicentennial volume Library Resources of the University of North Carolina, 1945, for detailed statement of holdings of Library.
the activities of the Law School and Library professional groups. The American Law School Association and the American Association of Law Libraries are formulating new and higher standards for law libraries.\textsuperscript{42} Research librarians are thinking in terms of libraries stocked with material reproduced by microphotographic\textsuperscript{43} methods for a two-way economy of money and space. Both individual law schools and the American Law School Association are earnestly studying the problem of curriculum adjustments to meet the needs of students in a world where political, social, and economic changes are taking place under their very eyes.\textsuperscript{44} Vast fields of law hitherto lightly touched or entirely neglected are opening up and demanding specialized training in such subjects as Industrial Relations, Taxation, Legislation, International Law, Radio and Aviation Law, and Public Administration in its numerous phases. These call for a new type of material in great variety. Inevitably the Law Library must be accessory before the fact of these changes. In pursuit of that idea the faculty and staff are making plans to enable the Library to realize its full potentialities and to carry out the original assignment—that of becoming a first-rate library capable of serving the School fully and at the same time caring for the needs of the University and of the bench and bar of the State.


\textsuperscript{43}See Fremont Rider, \textit{The Scholar and the Future of the Research Library} (New York), 1944.

\textsuperscript{44}The legal periodicals published in 1944, 1945, and 1946 are full of articles dealing with new trends in legal education.