

LETTERS FROM THE LIBRARY

NEWSLETTER OF THE STATE LAW LIBRARY OF MISSISSIPPI

"There shall be ... a library ... known as the state library"

An Act to provide for a State Library – General Laws, 1838

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Library marks thirty years under Supreme Court's Supervision

by Stephen Parks

The State Library of Mississippi, more commonly referred to as the State Law Library, was officially organized by the state legislature in 1838. The State had begun purchasing books and maps as early as 1815 during territorial days, and the Legislature in 1838 determined that it would be best to create the Library as a state agency which would have specific rules and regulations. Housed in the Capitol, the Library became associated with the Legislature as the members of the House and Senate were charged with selecting the library's director, the State Librarian. The Legislature took charge of directing the Library's hours of operation, rules for use of its materials, and even, at times, directed what books were to be purchased such as it did in January 1861 when it adopted a resolution directing the Librarian to purchase twelve copies of *Memoirs of General J.A. Quitman*.

Over time, the Library, while still closely associated with the Legislature, became more and more utilized by the state supreme court. To assist with legislative research, the Legislative Reference Bureau was created in 1938, and it existed to provide services to the members of the Legislature, Governor, and various other departments. The purpose of the Bureau would be to provide members of the legislature with constitutional information and accurate information and reports concerning the problems with which they had to deal. The Bureau would be able to provide the session laws and state statutes, state department reports and much more for the use of the Legislature. The State Library, on the other hand, was used more heavily by the judicial branch of the State.

In 1973, the Supreme Court, State Library, and the Attorney General's Office moved into the new Carroll Gartin Justice Building on High Street. The Legislative Reference Bureau, which still fell

under the State Library's authority, remained in the Capitol building. In 1980, the Legislature amended the Mississippi Code to remove the Legislative Reference Bureau from under the State Library and placed it under the jurisdiction of the House Management Committee and Senate Contingent Expense Committee. The Bureau would have its own Director and would no longer be tied to the State Library.

Throughout the late 1970s and 1980s, the Library and the Supreme Court began acting more and more as a team. The State Librarian and the Chief Justice would routinely appear before the Appropriations Committee together during the budgeting process. As a practical matter, the Library served the Court and local attorneys far more than it did the Legislature. Required to remain open during the legislative session as long as either the House or Senate was in session, the Library staff would stay open into the night past normal hours of operation only to receive a dwindling number of requests as most legislators sought out the assistance of the Legislative Reference Bureau.

In 1989, a push began to pass legislation that would place the State Library under the supervision and control of the Mississippi Supreme Court and to vest the Court with the authority to promulgate rules and regulations for the operation of the Library. While still a separate State Agency at the time, the Library had become a natural support arm of the Mississippi Supreme Court. Placing the Library under the Court would benefit both the Court and the Library by streamlining the process of carrying out the Library's mission of providing law library services. Consolidation would create for the Library a centralized administrative and regulation-setting authority in the Court. The Court's central staff could be utilized by the Library for fiscal operations, informational systems operations, budgetary considerations, and legal expertise. The Library, on the other hand, could concentrate its focus on library management and public services while assuming control of organizing and maintaining the Court's book collection. The hoped-for result would be an economical and efficient use of the shared resources of staff, appropriations, office space and equipment.



On January 9, 1989, the State Library Board made what was perhaps its last decision and approved of the consolidation plan as proposed by State Librarian, Sue Hicks (left). The Board, then consisting of Governor Ray Mabus, Attorney General Mike Moore, Superintendent of Education Richard Boyd, Chief Justice Roy Noble Lee, Presiding Justice Armis Hawkins, and Presiding Justice Dan Lee, would be abolished if any consolidation plan was approved by the Legislature. The new "Board" would then become the nine members of the Mississippi Supreme Court. The Legislature was receptive to the idea and approved of the legislation, Senate Bill 2442, on March 6, 1989. The State Library would cease operations as a separate, independent State Agency and would be placed under the supervision and control of the Mississippi Supreme Court effective July 1, 1989. Its mission would be to "render law library services to the Supreme Court and other state courts, to state officials, and to the general public."

Thirty years later, the Library continues to meet its mission with the support and assistance of the Mississippi Supreme Court. Freed from the duties and responsibilities of being a state agency, the Library has flourished under the Court's supervision.

Former Justice on Display, in Silhouette, at the Mississippi Museum of Art

The Mississippi Museum of Art recently exhibited *Black Out: Silhouettes Then and Now* which included rarely seen historical portraits and artworks from the Smithsonian's National Portrait Gallery. Also included was the exhibit *A Closer Look: Silhouette Artists in Antebellum Mississippi*. The *Closer Look* exhibit highlighted works by famous "scissor artists" of the early 19th century.

One of the artists exhibited was Auguste Edouart. Edouart was a Frenchman who would visit various cities in the United States and cut in black paper the profiles of notable people. He toured the country for a decade, 1839-1849, visiting the likes of New York, Boston, New Orleans, and Natchez. On April 30, 1844, while in Natchez, Edouart cut a silhouette of Joseph S.B. Thacher, a judge on the Mississippi High Court of Errors and Appeals, today's Supreme Court.



Joseph S.B. Thacher moved to Natchez from Boston around 1833. He served as a criminal court judge for Adams County from 1837 to 1840 when the Legislature abolished the criminal court system. Three years later, he set his sights on the High Court of Errors and Appeals. Thacher was elected to the Court in 1843, though it has been said that he likely won only because he had promised to render a decision sustaining the repudiation of the Union Bank bonds. James Lynch, in his *The Bench and Bar of Mississippi*, writes that Thacher was not "a lawyer of comparatively much depth of professional learning" as his "talents were more of the literary order than professional." Thacher's life, however, was "characterized by uprightness, impartiality, and integrity," and "he was a man of pure morals, and in social life shone with a brilliancy which only the highest order of accomplishments could kindle.

He would only serve one term, being defeated in his reelection efforts in 1849. Not much is known about Thacher after he left the bench though he is buried in the Natchez City Cemetery, having passed away in 1867.

Thacher's silhouette is on the left in the above portrait.

Library hosts former Justice James L. Robertson for a Book Talk

Former Supreme Court Justice James L. Robertson spoke at the Library on June 19th about his recent publication, *Heroes, Rascals, and the Law: Constitutional Encounters in Mississippi History*. Beginning at statehood, *Heroes* traces the history of Mississippi through the 1940s as the courts grappled with constitutional issues of the day from slavery to Prohibition.

In his remarks, Justice Robertson thanked the Library and its staff for the help he received as he researched material for his book, particularly for the chapter on the Mississippi Bank Wars.



Scanning of Convention Journals Completed

The Library has completed the scanning of Journals for the 1817, 1832, 1868, and 1890 Constitutional Conventions. This will provide greater access as it has become necessary that the print copies the Library possesses be stored in our Special Collections. If you would like access to any of these Journals, please contact Stephen Parks, sparks@courts.ms.gov. The Library's scanning efforts will next focus on older House and Senate Journals of the Mississippi Legislature.

