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Linda Knight, TLAW Treasurer, is the editor for the Society's newsletter.

Tennessee Supreme Court Record Preservation Project Underway

By Mike Catalano, Clerk of the Appellate Courts

Did you know that there are more than 10,000 boxes of records of the Tennessee Supreme Court housed in the upper floors of the State Library and Archives building? These records, which date back to 1794, are in dire need of inventorying and preservation. The Tennessee Supreme Court Historical Society considers this a project of the utmost importance, for which adequate funding must be obtained.

According to Dr. Wayne Moore, the Assistant State Archivist, many of the records were rolled by the Clerks of Court into boxes and stored in the upper floors of the State Capitol under poor conditions, before being moved to the Library and Archives.

During the latter half of the Nineteenth Century, most businesses and homes in Nashville were heated with coal. This is true of the buildings that housed our Supreme Court records. So, these records have become brittle, warped and dirty with coal soot, not to mention the damage caused by up to two hundred years of moisture and/or the lack thereof, heat and cold, and other adverse factors.

Picture No. 1 shows the rows and rows of boxed Supreme Court records. Picture No. 2 shows a sample box containing several rolled records.

In addition to their fragile condition, there is no index of these cases, which contain the legal, social and economic history of Tennessee viewed through the unique lens of litigation. Each file is an invaluable snapshot of Tennessee history. Dr. Moore believes that this series of records is the largest and most significant set of original archival documents on Tennessee's history.

Because of the urgent need to both preserve and restore, and archive and catalogue, these records, the Tennessee Supreme Court Record Preservation Project has been born. In this summer of 2006, Dr. Moore was able to obtain the services of Dorothy Davis, a graduate student in Archival Studies at Middle Tennessee State University. Over approximately 2 ½ months, Ms. Davis began the painstaking process of inventorying the records. For this purpose, Dr. Moore chose Supreme Court records from Middle Tennessee from 1794 until 1870, because they have already had some preservation and are in better condition than many of the other records. Picture No. 3 shows a portion of a stored record from an 1861 case.

Ms. Davis entered information on these records into a database with 14 separate fields. The fields include the names of the lead parties in the appeal, the county from which the appeal originated, the year the appeal began and the condition of the record. Because of this preliminary work, these records of early Tennessee legal history can now be researched, at least on a basic level. The accompanying screen shot from the database shows a case styled *Benjamin*

and Thomas Sewell v. John and George Mayfield, a case that originated in Davidson County Chancery Court in 1814.

Ms. Davis inventoried more than 4,487 records in 172 manuscript boxes (which constitute only about 1.72% of the total records), establishing a foothold in what promises to be a long-term preservation project. According to Dr. Moore, the early results confirm the need to continue this urgent work. Once all of the records are inventoried, which will undoubtedly take years, Dr. Moore plans to begin the preservation with the cleanest and flattest documents. In order to preserve a document, it will have to be slowly humidified, carefully unrolled, cleaned and de-acidified. Only then can it be made available for public research.

Due to the limited resources of the State Library and Archives, Dr. Moore must rely upon existing staff to continue the undertaking. However, what is sorely needed is to have one or more graduate assistants from Archival Studies program at Middle Tennessee State University, or another university, working at the State Library and Archives on a permanent, year-round basis, in order more effectively to chip away at this massive task. However, each graduate assistant position is estimated to cost between \$5,000.00 and \$8,000.00 per year, which is far beyond the budgetary constraints of the State Library and Archives. The Tennessee Supreme Court Historical Society is endeavoring to procure funding for at least one dedicated archivist position on a long-term basis.