

# Loquitur

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MINNESOTA STATE LAW LIBRARY

*The First Rung on the Ladder of Justice*

Vol. 17 No. 2

Editors: Karen Westwood,  
Elizabeth Tuckwood

Spring 2003

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## From the Director

Spring is the season of revival and renewal, and the seeds of yesterday sometimes flower unexpectedly. This issue of the *Loquitur* includes several examples. Our first article was written by lawyer/librarian Patricia Connelly who has been interning in our library since January. While researching the Library's archives, Pat set out on a quest to discover if Minnesota's first female State Librarian was the first in the nation. Did Louisa Goodwin make history? Read on.

We are excited about a new initiative regarding an old collection—a method of searching appellate briefs on the web. And we proudly announce in this issue the web version of the Minnesota Legal Periodical Index. Today's technology presents libraries with many opportunities to provide enhanced services. Please let me know how

our new brief searching capability and the MLPI service work for you.

With warm regards,

**Barbara Golden**  
State Law Librarian

## First Woman State Librarian in the Nation

*Pat Connelly*  
*Law Library Intern*

Did you know that the first woman state librarian in the nation was **Minnesota's State Librarian Louisa F. Goodwin (1865-1867)**? While working on an archiv-

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For more information about Library services, programs, and publications, see our **homepage** at <http://www.lawlibrary.state.mn.us>

The views expressed are not necessarily the views of the editors or the State Law Librarian.

*We encourage suggestions and submissions of articles and book reviews. Contact Karen Westwood for more information: by phone at 651-297-2087 or by e-mail at [karen.westwood@courts.state.mn.us](mailto:karen.westwood@courts.state.mn.us)*

ing project at the Minnesota State Law Library, I have spent part of the past two months establishing this Minnesota historic first. From an 1876 U.S. Bureau of Education publication, *Public Libraries in the United States of America: Their History, Condition, and Management*, I learned in Chapter XII: "State and Territorial Libraries," written by Henry A. Homes that at least five states had a woman State Librarian. Realizing that Minnesota had not been included in the five states listed, I began the research to establish whether Minnesota's

first woman State Librarian, Louisa F. Goodwin (1865) was indeed the earliest woman State Librarian nationwide. My survey of State Librarians included all thirteen original states, and those additional states admitted to the Union prior to Minnesota's admission in 1858. The results of my research established that Minnesota's first woman State Librarian was indeed the first woman State Librarian nationwide. The following list provides the names and appointment dates of the six earliest woman State Librarians in the nation:

MINNESOTA: Mrs. Louisa F. Goodwin (1865)

MICHIGAN: Harriet A. Tanney (1869)

TENNESSEE: Mrs. Paralee Haskell (1871)

IOWA: Ada North (1872)

INDIANA: Mrs. Sarah A. Oren (1873)

KENTUCKY: Cornelia Bush (1876)

## Who was Louisa F. Goodwin?

From the official documents surrounding her appointment as Minnesota's State Librarian on March 3, 1865, one learns a number of biographical facts. Governor Stephen Miller's letter of nomination addressed to the President of the Senate introduced the nominee as "Mrs. Louisa F. Goodwin of Owatonna, the widow of Lieut. Goodwin of the Fourth Minnesota Regiment who fell at the Battle of Vicksburg." In Governor Miller's March 3, 1865

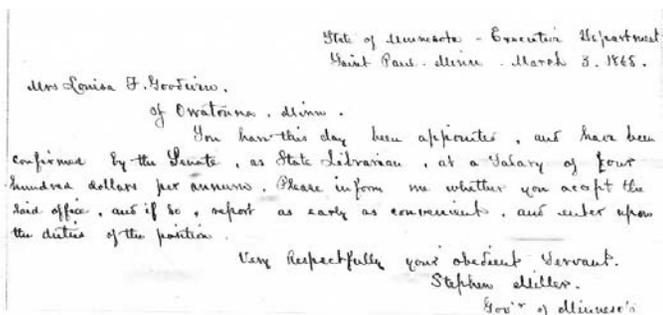
letter to Mrs. Louisa Goodwin informing her of the Senate's consent to her nomination, one learns that she was offered the position for one year at a salary of four hundred dollars. It is interesting to note that the salary for a male librarian the previous year was six hundred dollars! She was requested to inform the Governor of her acceptance of the offer, and to report as early as was convenient after such acceptance. From the two thousand dollar bond that Louisa F. Goodwin posted to guarantee her faithful discharge of the duties of the State Librarian, one learns that she accepted the position of State Librarian on the same day it was offered to her, March 3, 1865. The bond was witnessed on March 20, 1865 in Ramsey County by the following two individuals: Pennock Pusey, acting State Librarian from 1863-1864 for Robert F. Fisk, and J. Fletcher Williams, Executive Private Secretary for Governor Miller.

valued at two hundred dollars. At the time of the 1860 Census, Louisa was twenty-eight years old, and her husband James was thirty-eight years old. Before moving to Minnesota both James and Louisa lived in Maine. The 1860 Minnesota Census did not contain the date of the Maine to Minnesota move.

### Was the appointment of Minnesota's first woman State Librarian in 1865 newsworthy ?

From a careful examination of the *St. Paul Pioneer* newspaper from March 3, 1865 to March 31, 1865, not a single headline reported this Minnesota historic first. Not even a single note or footnote reported the appointment of Louisa F. Goodwin as Minnesota's first woman State Librarian. In fact, the Steele County Historical Society reports no coverage of the event in the local Owatonna press in 1865. As my research continues, it will be interesting to compare and contrast the *St. Paul Pioneer* press coverage of State Librarian appointments prior to the historic appointment of Louisa F. Goodwin's as State Librarian in 1865.

Aside from the fact that Louisa F. Goodwin's appointment as State Librarian on March 3, 1865 was a historic first, the controversial events surrounding her appointment would have alone made this an event worthy of press coverage. From the official correspondence of Governor Stephen Miller, one learns that Louisa F. Goodwin was not the Governor's first choice for the State Librarian position. In Governor Miller's March 1, 1865 letter to the Presi-



**Mrs. Goodwin's confirmation letter (click for larger view).**

From the 1860 Minnesota Census, I learned the following biographical facts about Louisa F. Goodwin. She was married to James A. Goodwin who was a landowning farmer in Owatonna. Their real property was valued at two thousand dollars, and their personal property was

dent of the Minnesota Senate, the Governor nominated his Executive Private Secretary, George H. Oakes for the position of State Librarian. On March 2, 1865, Mr. Ames, Secretary of the Minnesota Senate wrote Governor Miller informing him that his nomination of George H. Oakes for State Librarian was rejected by the Minnesota Senate. From the State Library Annual Reports dated December 5, 1864, it is clear that George H. Oakes had been performing the duties of the State Librarian from May 4, 1864 until December 5, 1864 since the report concluded with George H. Oakes, State Librarian. On March 3, 1865, the day after the Senate's rejection of the George H. Oakes nomination, Governor Miller nominated Louisa F. Goodwin for the State Librarian position. The Minnesota Senate confirmed her nomination on the same day it was submitted. Also on March 3, 1865, George H. Oakes resigned his position as Executive Private Secretary to Governor Miller. It seems that the events surrounding the appointment of Louisa F. Goodwin as State Librarian would whet the appetite of any controversy-smelling journalist eager to write headline-grabbing coverage of Minnesota politics.

### **What does one learn about State Librarian Louisa F. Goodwin from her annual reports to the Minnesota Legislature?**

During her tenure as State Librarian from March 3, 1865 until on March 16, 1867, Louisa F. Goodwin wrote two Annual Reports to the Minnesota State Legislature (Sessions 1866 and 1867). In both of these

Annual Reports, her budget concerns resonate with today's worries about insufficient funding for libraries. Specifically in the 1866 Annual Report, she requested additional appropriations for the State Library's contingency fund which she intended to use "for the preparation and printing of a new catalog, the binding of old state newspapers which the State Library receives free of charge, and for the acquisition of individual volumes to complete sets of judicial reports received from most of the States."



**The old State Capitol, where the Law Library was located.**

We learn from the Annual Report of the State Librarian to the Legislature of Minnesota Session in 1867 that "the appropriation, though a small one, has been carefully expended." State Librarian Goodwin suggested that "the same amount be appropriated yearly, which in a few years, would make this Library what it should be, a real advantage to the State." She continued by pointing out that the law and miscellaneous library collections should be divided because of the present crowded conditions. In fact, she noted that the miscellaneous library was very incomplete with few complete sets, and no new works. Unless it could be added to by yearly appropriations, "it would be well to dispose of it altogether

leaving the room entirely devoted to law, under the charge of the Clerk of the Supreme Court, or someone versed in the law.”

In addition to details about the State Library’s collection and the inadequacies of funding, we learn from State Librarian’s Annual Reports of 1866 and 1867 that Louisa changed her last name from Goodwin to Jones sometime between December 5, 1865 and December 5, 1866. When she wrote her letter of resignation as State Librarian to Governor Marshall on March 7, 1867, she signed her name as Louisa G. Jones. On March 16, 1867 Governor Marshall wrote to L.F. Jones, State Librarian informing her that he had accepted her letter of resignation.

## A Brief Note

### *Barb Golden*

*Plaintiff’s counsel, whose name is Harry Lore, read defendant’s brief and found it a bore. Instead of a reply brief, he acted pretty quick and responded with a clever limerick:*

...

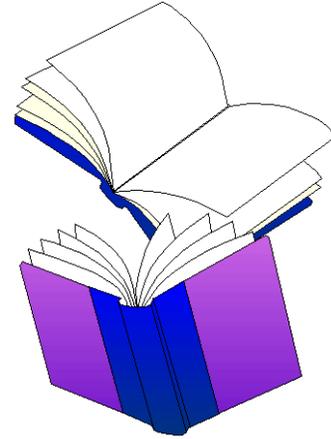
*Not to be outdone, the defense took the time to reply with their own clever rhyme.*

...

*Overwhelmed by this outburst of pure creativity, we determined to show an equal proclivity. Hence this opinion in the form of verse, Even if not of the caliber of Saint-John Perse.*

Excerpts from *Mackensworth v. American Trading Transportation Co.*, 367 F. Supp. 373 (E.D. Pa. 1973)

Minnesota may not have rhyming briefs but the appellate briefs collection, which dates back to 1864 (beautifully handwritten in that year), is an unsung treasure of the Minnesota State Law Library holdings.



A brief presents the written arguments of counsel for consultation by the court and is an important part of the appellate process. Justice Oscar R. Knutson (J. 1948-1962; C.J. 1962-1973) often commented in his opinions on the quality of briefs submitted to court.

“The record presented on this appeal is hopelessly inadequate, and the briefs come far from furnishing this court with the help it ought to have.”

*Olson v. Mullen*, 68 N.W.2d 640 (Minn. 1955)

“We have had the help of excellent briefs by the parties involved and by amici curiae.”

*In re Gardner’s Trust*, 123 N.W.2d 69 (Minn. 1963)

The last time the Minnesota Supreme Court used the term “excellent” to describe briefs was in 1980 when Justice Rosalie Wahl commended the parties in

*State v. Mack*, 292 N.W.2d 764 (Minn. 1980). The library houses the briefs for these three cases and all other Minnesota appellate briefs—the good, the bad, and the ugly (although briefs for unpublished opinions are not retained).

To assist persons in locating briefs, the State Law Library, with the sponsorship of the Minnesota State Bar Association, has developed a searchable database of the issues listed in the briefs filed for published cases since January 2002. For more information, read about our briefs collection at <http://www.lawlibrary.state.mn.us/briefs.html>. Try it out and let [me](#) know how you like this new service. Perhaps you will discover the gem that will help your brief win praise in a future court opinion.

## Accolades for [Web-MLPI](#) *Barb Golden*

“An especially generous resource is a recent addition to [LawMoose]... the Web version of the Minnesota State Law Library’s legal periodical index, which contains 19,000 articles dating back to 1984.”

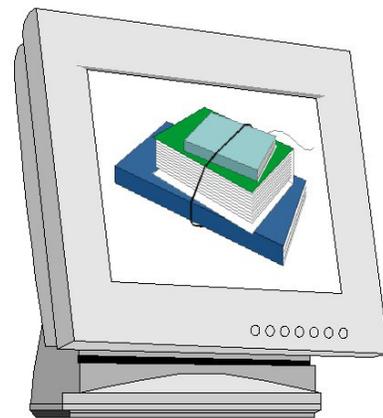
In “LawMoose Expands Its Roaming Range” by Kathy Biehl, online column available at <http://www.llrx.com/columns/webcritic17.htm> (Published October 1, 2002)

“But perhaps the biggest LawMoose benefit of all is the *Minnesota Legal Periodicals Index*. Wow! Where else in the world can you get a free database of over 19,297 articles (probably more than 60,000 pages) going back to the bygone days of 1984, with 797

live links to online articles, and 744 links to cases?”

In “*Internet Column*” by Bill Jack, 29 *MALL Newsletter* 4 (No. 4, January/February 2003)

The Minnesota Legal Periodical Index first appeared in *County Law Library Project* (now Program) *Bulletin* No. 29 dated July 29, 1985. It was introduced as “a sample of what we hope will be a new service from the State Law Library” and was “intended to fill the gap in current indexing services.” We are very proud to be able to offer this service to the wider community.



The State Law Library, in collaboration with Pritchard Law Webs, publishers of [LawMoose](#), Home of the Minnesota Legal Web, launched Web-MLPI on August 21, 2002. This web-searchable archive includes the nearly 20,000 (and growing) bibliographic entries for articles published in Minnesota law journals and newspapers as far back as 1984. Currently nineteen [Minnesota legal publications](#) (nine law reviews published by three Minnesota law schools, six bar association publications, and four commercial publications) are indexed and selectable by title, author, subject, periodical name, and year of publica-

tion. Many of these publications are not indexed anywhere else. Added to Web-MLPI are hyperlinks to the full-text articles and cases discussed in articles when available on the web. Already there are more than 1750 such links. All indexed articles are available from the State Law Library.

**Scope of the index:** All items of general or historical interest are indexed; it is not limited to Minnesota topics. Note that each publication has its own identity which impacts on the type of articles included, e.g., *Minnesota Law Review* provides lengthy analysis of cases or subjects of academic interest; *The Barrister* reports news items with a few brief practical articles. For publications (such as *Minnesota Law & Politics*) that have articles of varying length, the phrase “[news note]” following an article title distinguishes brief items from longer articles. Where article titles are ambiguous or misleading, the indexer adds terms within [brackets]. Excluded from the indexes are brief announcements pertaining to people or firms, letters to the editor, photographs, and president/editor pages. Also excluded are summaries of cases that the publications include as a current awareness service.

**Searching TIPS:** Primarily, when entering words in open fields, the word(s) you put in the box will retrieve citations containing those word(s) exactly as you typed them (including spacing, symbols, numbers) somewhere within the title or author. This is not a “Boolean” search; it is string matching within specified data fields. You may enter partial words. Remember that

you are searching a bibliographic database, not the full-text of articles. The fields that you can search are author, title, case name, citation, and author and title of a book that is reviewed. You can limit by a [controlled subject list](#), journal, and/or date.

The next time you’re having trouble laying your hands on an article you’re sure you saw in a local legal publication, give MLPI ([www.lawmoose.com](http://www.lawmoose.com)) a try. If you’re still having trouble locating it, don’t hesitate to call the Minnesota State Law Library at 651-296-2775. Our librarians will be happy to help you with your search.

## WHAT’S UP DOCS? News from the Government Documents World at MSLL *Laurel Stiebler* Government Documents Coordinator



For the better part of the past five years, a small group of federal depository librarians (myself included) has been working to create and implement the Minnesota State Plan for Federal Depository Library Services. In March it became official that all twenty-five depository libraries in Minnesota agreed to implement the State Plan

and thereby become members of the newly formed Minnesota Association of Federal Depository Libraries (MAFDL). The State Plan's endorsement by all twenty-five depository libraries within Minnesota shows united support for depository libraries and the important access they provide to federal government information to citizens throughout the state.

The State Plan is available for viewing through the Regional Depository Library at the University of Minnesota, at <http://govpubs.lib.umn.edu/regional/plan/phtml>

In this time of budgetary cuts at both the state and national level, we are fortunate in Minnesota to have created a vehicle for providing a voice to governmental leaders on the importance of free and open citizen access to government information. At the federal level there is a new Public Printer, Bruce R. James, and a new Superintendent of Documents, Judith R. Russell (the first woman to held this position), who will be looking for input as they create a new vision for the Federal Depository Library Program. Minnesota's new State Plan and MAFDL will give our state an opportunity to help shape this future.

## Law Library Service to Prisoners Hosts Intern

*Timothy H. Baland*  
*Outreach Services Librarian*

We are pleased to introduce Daniel Walsh, our current Law Library Service to Prisoners (LLSP) intern. Working as the LLSP intern provides valuable hands-on experience in researching practical legal problems in a fast-paced environment. Dan is finishing his final semester in the School of Library and Information Science at the College of Saint Catherine. In addition to researching answers to law-related questions from inmates, Dan is creating a searchable database to facilitate the easy retrieval of answers to questions frequently asked by the users of the Minnesota State Law Library. Dan is also researching for up-to-date information to include in LLSP's "hot topics" ready reference file. Early in his internship, Dan updated LLSP's topical legal research guides for prisoners. Dan anticipates graduating in May 2003 with a Master's Degree in Library and Information Science and is looking forward to beginning his career as a Librarian. Thank you, Dan, for all of your hard work!

# Recent Acquisitions

*Adoption Law* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KFM 5504.5 Z9 A36 2003

*Advanced Patent Law* / by David J.F. Gross, Theodore M. Budd, Lee M. Pulju; Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 3114 .G77 2003

*Basic Patent Law* / by David J.F. Gross, Theodore M. Budd, Lee M. Pulju; Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 3114 .G76 2003

*Business Law 101* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 1414.3 .B88 2003

*Collections* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KFM 5620.Z9 C651 2003

*Computer System Acquisition Agreement* / by Raymond R. Bonnabeau; Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 390.5 .C6 C66 2003

*Developing Land: Getting local government approval* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 5698 .D48 2003

*Drunk Driving 2003* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KFM 5697.8.Z9 D7 2003

*Effective Marital Dissolution Practice* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KFM 5500.Z9 E52 2003

*Estate Planning for Clients with Contacts in Arizona, Florida and Wisconsin* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 750 .Z9 E79 2003

*Estate Planning for Non-Traditional Families* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 750 .Z9 E78 2003

*Ethics and Bias* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KF 306 .E83 2003

*Ethics and Elimination of Bias* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KF 306 .E85 2003

*Fiduciary Entities: Fiduciary accounting & income tax basics* / by Robert E. Lynn; Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 730.L96 2003

*Fire!* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KF 1196 .F575 2003

*Garnishment Made Interesting and Easy* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KFM 5951.Z9 G37 2003

*Health Law* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 3821.Z9 H44 2003

*How to Examine Title to Real Property, the basics* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KFM 5527 .Z9 H68 2003

*Income Tax for Estate Planners* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KFM 6443 .Z9 I53 2003

*Intellectual Property 2003* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003  
KF 2980 .I45 2003

*Landlord and Tenant Law* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KFM 5517.Z9 L37 2003

*Litigator's Annual Short Course 2003* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 8915. L578 2003

*Medical and Rehabilitation Issues* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KFM 5742.Z9 R43 2003

*Medical Assistance and Divorce* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 3608 .A4 M39 2003

*Mergers & Acquisitions* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KF 1377 .Z9 M475 2003

*The Minnesota DWI Deskbook* / 1<sup>st</sup> ed., edited by Marsh J. Halberg; Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KFM 5697.8 .Z9 M56 2003

*Minnesota Legislative Process* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KFM 5821.Z9 M66 2003

*New Lawyer Experience* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 311.Z9 T86 2003

*Privacy* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KFM 5597 .P7 P75 2003

*Purchase and Sale of a Business* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KFM 5605 .Z9 P87 2003

*Quick-draw Litigation: Strategies for winning injunctions & other threshold motions* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 9014.Z9 Q52 2003

*Technology at Trial* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KF 8915 .T42 2003

*Total Return Trusts: Meeting human needs & investment goals through modern trust design* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KF 736.T6 W64 2003

*Trial Advocacy* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KF 8915 .T75 2003

*Use of Force by Police Officers* / Minnesota Institute of Legal Education.  
Minneapolis, MN: Minnesota Institute of Legal Education, 2003.  
KF 5399.U83 2003

*Wage & Hour Law* / Minnesota State Bar Association, Continuing Legal Education.  
St. Paul, MN: Minnesota Continuing Legal Education, 2003.  
KFM 5734.Z9 W33 2003