



Senator Dale Bumpers to Speak at Dinner Honoring Retired Justices

Senator Dale Bumpers will be the speaker at a dinner hosted by the Arkansas Supreme Court Historical Society honoring retired Arkansas Supreme Court Justices. The Justices will be honorees at an elegant sit-down dinner in the Grand Hall of the Governor's Mansion On September 24, 2009. The date for the event is planned to coincide with and celebrate the commencement of the Arkansas Supreme Court's 2009-2010 term of court.

Tickets for the dinner will go on sale soon, and will be limited to 200; therefore it is anticipated this will be a sold-out event. The purpose of the dinner is to highlight the importance of the Justices, to convey gratitude for their service to the Arkansas Supreme Court, and to announce important projects that the Historical Society will undertake. Additional information will be provided as plans are finalized.

For additional information, contact Rod Miller, Arkansas Supreme Court Historical Society, 501-682-6879, rod.miller@arkansas.gov.



Arkansas Governor's Mansion

THE NEW FORT SMITH DISTRICT SEBASTIAN COUNTY JUSTICE COMPLEX

*By Judge Jim Spears
President Arkansas Supreme Court Historical Society*

Sebastian County was established in 1851 and Greenwood selected as the site of the seat of Government. Actually, Greenwood didn't exist. The commission assigned the task of designating the county seat received a donation of land from a man named Reuben Coker. In 1852 the struggle began to relocate the county seat to Fort Smith. This was accomplished by election in that same year and Capt. John Rogers donated a block of lots upon which to build it and citizens contributed \$3500 toward the construction. However, the building was never constructed and the seat of government remained in a building at the corner of Walnut (North A) and Second Street and remained there until 1854. In that year another election was held and the county seat was moved to Greenwood. It remained there until the Secession Legislature in 1861 designated that

2009 Membership Dues

2009 membership dues are now payable! Please complete the membership form on the last page of this newsletter, and return with your dues to Rod Miller, Secretary/Treasurer, Arkansas Supreme Court Historical Society, 625 Marshall, Suite 1500, Little Rock, AR 72201.

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Times Have Changed

By Jackie Walker
Vice President

Arkansas Supreme Court Historical Society

Times have changed. One hundred and fifty years ago, on appeal by the Attorney General,



Farmer with a wheat cradle

the Arkansas Supreme Court reversed a jury verdict that found a man not guilty of a misdemeanor. The case was remanded for retrial on the charge of laboring on the

Sabbath, in violation of Gould's Digest, Chapter 51, Art V, 1, Sabbath Breaking.

Joshua Goff was a poor man who owned no cradle to cut his wheat. During the week he swapped work in harvest with his neighbors, who were afterwards to help him. On Saturday his neighbor quit cutting wheat; then, Goff borrowed the cradle. On Sunday he hired a Negro man to cut his wheat and Goff bound it up. The wheat was very ripe and wasting.

The opinion, by Justice Freeman W. Compton, stated that "there was no evidence whatever conducing to prove such a necessity for laboring on the Sabbath... It was not shown that he even tried to procure a cradle, and from poverty or any other cause, did not succeed – he was laboring for others when he should have been at work for himself, and 'waited' until Saturday night to get a cradle."

No mention is made of those "neighbors" who "were afterwards to help him."

State v. Goff, 20 Ark. 289 (January Term, A.D. 1859).

Mission Statement of the Arkansas Supreme Court Historical Society

"The mission of the Arkansas Supreme Court Historical Society is to promote the preservation, dissemination and understanding of the history of the judicial department of state government through exhibits, conferences, publications and other activities."

Per Curiam: Justice Tom Glaze

Justice Tom Glaze retired in October, 2008, after nearly thirty years on the bench, counting his service as chancery judge in the 6th Judicial Circuit, judge on the Arkansas Court of Appeals, and Associate Justice on the Arkansas Supreme Court. His judicial service was the culmination of a career of distinguished public service. In honor of Justice Glaze on his retirement, the Supreme Court issued a per curiam opinion on September 4, 2008, which paid tribute to him and recognized some of his many contributions. It follows in its entirety:

"Upon his retirement from the Supreme Court of Arkansas after twenty-one years of service as associate justice, the court recognizes and expresses appreciation to Justice Tom Glaze for his dedication to public service and in particular to this court. Justice Glaze has made the court's work his first priority and has zealously defended the integrity of this court. Justice Glaze has loved the law and the work of the supreme court, and his institutional memory in our deliberations has kept the court on course.



Justice Tom Glaze with Mary Ann Rose at his retirement party in the Justice Building

Born in Missouri, Justice Glaze came to Arkansas to play baseball at the University of Arkansas. He went on to serve his adopted state as an attorney in private practice, as a staff attorney with Pulaski County Legal Aid, and as legal advisor to Governor Winthrop Rockefeller. He also served as the Executive Director of the Election Research Council, Inc., Assistant Attorney General, and Chairman of the Election Laws Institute, Inc. Justice Glaze first went on the bench as a chancery judge for the Sixth Judicial Circuit; he then served as a judge on the Arkansas Court of Appeals until his election to the Arkansas Supreme Court in 1986. As an adjunct professor at the University of Arkansas at Little Rock Bowen School of Law, Justice Glaze educated countless law students in the subject of family law. He taught his students not only substantive law, but the practical and ethical aspects of practicing law as well.

Justice Glaze is known by his colleagues in the legal community as a defender of those unable to protect themselves. A voice for children and families in need, he was an early proponent of foster care reform in this state. Justice Glaze advocated for the establishment of full-fledged courts for children's issues and has long encouraged the appointment of attorneys ad litem to represent children.

John F. Kennedy said, "Let the public service be a proud and lively career." It has been so for Justice Tom Glaze. To analogize his legal career to the game of baseball, which has always been close to his heart, Tom Glaze pitched a "complete and perfect game." The court wishes him godspeed in his retirement."

The Historical Society joins the court in celebrating Justice Glaze's many contributions and wishes him a long and satisfying retirement.

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Sebastian would have two county seats.

This contest continued after the Civil War with elections, lawsuits and court records being taken from one location to the other. The Arkansas Constitution of 1874 settled that dispute and created two county seats and two distinct districts that amounted to two separate county courts and in effect two separate counties that shared its elected officials. Our county has a history unlike any other. The Fort Smith District never had a courthouse until 1887. At one time the editor of *The New Era*, Valentine Dell, described the facilities as a rented room over a saloon. On two separate occasions individuals donated land upon which to construct a courthouse. One was John Rogers, as earlier mentioned and the other was a Mrs. Griffith.



The New Fort Smith District Sebastian County Justice Complex

As the courthouses were never constructed both in turn sued to get the land returned to them. Rogers lost and Mrs. Griffith regained her land. The facility on Second and A burned in 1872 and the court moved to a building at Garrison and First. This location is presently under the approach of the J. Fred Patton Bridge. It was later moved to a location in the Kannady Block which is next to The Varsity Grill where the trolley tracks are located. This is what Mr. Dell described as being over a saloon.

When the army post of Fort Smith was abandoned in 1871 the government proceeded to sell off the excess land. They retained the property inside the fort walls and the National Cemetery. They also constructed in 1887 the Federal Courthouse and Post Office on the site of the present Isaac C. Parker Federal Building. Fort Smith, thanks to the efforts of Congressman and former Circuit Judge John H. Rogers, was given the land that became the basis of the Fort Smith School System and the block immediately across the street from the Federal Courthouse for the location of public buildings. Upon this land belonging to the city our first courthouse was constructed in 1887. This was a joint venture with the city owning the land and the county, at least the Fort Smith District of Sebastian County, constructing the building. All city and county offices were located therein. The city and the county entered into a joint operating agreement on the sharing of costs which continued through two buildings and up until 2004 when they reached an agreement and the city deeded the property to Sebastian County.

The walls of this courthouse were made of stone quarried near Eureka Springs and the face of the brick walls were of St. Louis brick. The balance of the brick were home made. The building measured 84x102 feet and had a tower extending 148 feet above the ground. In the tower was a clock with four dials each four feet in diameter. The dials were about 100 feet from the ground. The clock had a massive bell which now resides in the Fort Smith Museum of History along with one of the clock faces. There were ten rooms on the floor



above the basement and eight on the second. The offices of the city were on the first floor exclusive of the space occupied by the county treasurer and recorder. The county occupied the balance of the building including the judge and court. The cost of this structure was \$55,000.00. This building remained in use until replaced by the current structure in 1937.

In 1910 began one of the most bizarre episodes in the history of Sebastian County. The courthouse was 23 years old and had some structural problems caused by the massive tower and bell. Plaster was falling and some deemed the building unsafe. The clock tower was removed but this did not correct the problem. In 1911 it was reported in the paper that the building "rocked like a cradle in the wind". Plans for a new building were discussed. Financing was a problem and the county judge was defeated for re-election. The lame duck county judge proceeded with a plan to build a new courthouse. The city, which owned the land, did not wish to participate. He requested the city to give him a corner of the block to build a county building but they refused. The county judge then proceeded to build anyway. The mayor, Fagan Bourland, told the county judge that with the first shovel full of dirt the city would file for an injunction. This was done and the result was a ruling by the Chancellor that the land belonged to the city and the county had no right to construct a building on their land. When the new county judge took office he dismissed the appeal of the ruling and the ruling stood. County Judge Ezra Hester then undertook a renovation of the building and constructed a new bell tower. It was in this configuration that the building remained until demolished to make way for the new building in 1936.

The building that has served the Fort Smith District since 1937 was a Public Works Administration project. Again the Federal government was almost simultaneously building a new courthouse across the street. Many of the construction projects in the area were PWA projects including Grizzly Stadium and the original Lake Fort Smith and Razorback Stadium. Several area courthouses were constructed in this way as a part of FDR's Depression Era legislation. The program worked in this way: a public entity would make application and



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when approved the PWA would provide a grant for one-half of the project and then issue bonds at public sale for the balance. These were to be repaid from a local millage. Usually the PWA would end up purchasing their own bonds. That was not the case in Fort Smith. The First National Bank and Merchants National Bank in the persons of McLoud Sicard and Mont Echols Sr. purchased them.

The price for this new facility was \$490,000.00. This structure is solid limestone and in the popular art deco design of the period. It served us well for 72 years.

When the 1937 structure was built all city and county offices were located there and this continued until the 1970's when the city offices except the Municipal Court and the police moved out. This had been the arrangement since the first building was built in 1887. In the early 1990's it became apparent that the building was no longer adequate. The jail on the two top floors was probably unconstitutional and a new jail was constructed in 1994.

It was immediately overcrowded again. Plans were undertaken under County Judge Bud Harper to also construct a new courthouse or a new administration building. Under County Judge Frank Glidewell land was purchased for the new construction immediately across the street from the new Fort Smith Police Department and close to the new Sebastian County jail. The voters agreed to change the duties of the circuit and county clerks so that all court filings would be with the circuit clerk. This way only one clerk's office would be necessary in the new facility. It has been a 14 year struggle politically and practically for this new facility to be opened. Again the city of Fort Smith and Sebastian County share in this new building in that the three district courts that hear both county and city cases will be located in this beautiful, state of the art facility.

The Greenwood / Fort Smith clash over the county seat could still be heard in some of the discussions at Quorum Court meetings but, it is soon to be a reality and it is a testament to what can be accomplished with vision and leadership from three county judges and the members of the Sebastian County Quorum Court. This new building will house all six circuit judges and their staff, the prosecuting attorney's office and the circuit clerk as well as the three district court judges and their staffs. When I began the practice of law in 1973 we had a circuit judge, a chancery judge and a municipal judge. This is a total of three. We now have a total of nine judges who were spread around three different locations. The original courthouse in 1887 cost \$55,000.00, the 1937 building cost \$490,000.00 and this one cost \$13,000,000.00. The good news? It was done without a tax increase and paid for with savings from the county sales tax. Congratulations Judge David Hudson and Sebastian County Quorum Court. Those of us who will use this facility thank you.

Supreme Court Historical Society Board of Directors Meeting

February 19, 2009



The Board of Directors of the Arkansas Supreme Court Historical Society most recently met on February 19, 2009 in the Justice Building. The central focus of this Board meeting was discussing and planning a dinner to be hosted by the Society at the Governor's Mansion on September 24, 2009 to honor all retired Justices of the Arkansas Supreme Court. The secretary/treasurer reported the Society's checking account balance to be \$5,435.76, as of January 30, 2009. The minutes of the previous board meeting, which was held at the Arkansas Bar Center on December 12, 2008, were approved.

Initial discussion of the Justices' dinner also took place at the previous Board meeting in December. The Supreme Court Historical Society will publish an article on Justice Albert Pike in the winter 2009 issue of the Arkansas Lawyer; the Society's article in the fall 2008 issue is on Supreme Court Justice Lafayette Gregg. Board member Fred Ursery, membership chairman of the U.S. Supreme Court Historical Society, has invited Board members to join the U.S. Supreme Court Historical Society. It is anticipated that the Board will meet again later in the spring to do additional planning for the Justices' dinner in September.

***Rod Miller
Secretary/Treasurer
Arkansas Supreme Court Historical Society***

History of the Arkansas Supreme Court Historical Society

Arkansas has a rich and colorful legal history. The Arkansas Supreme Court Historical Society, Inc. was organized in 1999 to promote that legal heritage. The Society sponsors speakers and educational programs related to Arkansas legal history and promotes scholarly articles with a focus on Arkansas legal history.

The Society's board of directors represents a mix of historians and attorneys:

- Donna Gay, Staff Attorney, Administrative Office of the Courts
- John P. Gill, Attorney and former President of the Arkansas Bar Association
- J.D. Gingerich, Executor Director, Administrative Office of the Courts
- Mort Gitelman, Distinguished Professor of Law Emeritus, University of Arkansas School of Law
- Honorable Steele Hays, former Justice, Arkansas Supreme Court
- Honorable Jack Holt, former Chief Justice, Arkansas Supreme Court
- William B. Jones, Jr., former Reporter of Decisions, Arkansas Supreme Court
- Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct
- Rod Miller, Public Services Coordinator, Arkansas Supreme Court Library
- Wendy, Richter, Director, Arkansas History Commission
- Honorable Andree Layton Roaf, former Arkansas Supreme Court Justice and Arkansas Court of Appeals Judge
- Frances M. Ross, Assistant Professor of History, University of Arkansas at Little Rock
- Honorable Jim Spears, Circuit Judge, 12th Judicial Circuit
- Logan Scott Stafford, Professor of Law Emeritus, University of Arkansas at Little Rock School of Law
- Grif Stockley, Dee Brown Fellow, Butler Center, Central Arkansas Library System
- Fred Ursery, attorney and former President of Arkansas Bar Association
- Mary F. Worthen, former President of Pulaski County Historical Society, Inc.
- Jacqueline Walker, former Director, Arkansas Supreme Court Library

Anyone with an interest in Arkansas legal history is invited to join the Society. Annual individual dues are \$25.00. Memberships at other dues levels are available for students, partnerships, corporations and other entities. For information, please contact the Secretary-Treasurer of the Society, Rod Miller, Arkansas Supreme Court Library, 625 Marshall, Suite 1500, Little Rock AR 72201. E-mail: rod.miller@arkansas.gov. Telephone: 501-682-6879.

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2009 Membership Application

Arkansas Supreme Court Historical Society, Inc.

All membership dues are payable now. Please check your category, complete the information, and return with your check made payable to "Arkansas Supreme Court Historical Society, Inc."

~ *The Arkansas Supreme Court Historical Society invites all to join!* ~

- _____ \$10 Student
- _____ \$25 Individual
- _____ \$75 Nonprofit organization or educational institution
- _____ \$500 Partnership, corporation, or company (A partnership, corporation, or company may name up to ten individual members)
- _____ \$1,000 Sponsor (A lifetime membership available to individuals)
- _____ \$5,000 Benefactor (A lifetime membership available to individuals, organizations, institutions, partnerships, corporations, or companies)

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