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The Newsletter of  
The Law Library of Louisiana

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## TWO FREE CLE PROGRAMS IN DECEMBER

by Georgia Chadwick

Just in time for anyone who needs CLE credit, the Law Library is offering two programs.

The first program, entitled Overview of the U.S. Congressional Serial Set/ Use of Historic Government Maps, will be held in the Federal Wing of the Law Library of Louisiana on Thursday, December 10, from 12:00 p.m. to 1:00 p.m. The United States Serial Set, an important resource used in conducting federal statutory research, contains the text of House and Senate reports and documents concerning proposed legislation, issues under Congressional investigation, and various papers ordered printed by the House or Senate, such as annual reports of agencies. Digitization of the

Serial Set has provided researchers unprecedented access to a treasure trove of legislative information. The featured speaker is historian Andrew Laas, Academic Project Manager for the Lexis Nexis Digital Serial Set Collection. Mr. Laas will present an overview of the content contained in the United States Serial Set, with a focus on some of the more notable of the 50,000 plus maps included in the collection. Members of the bar who attend the program will receive one hour of CLE credit.

The second program will be presented on Friday, December 18, in the 4th floor courtroom of the Louisiana Supreme Court from 11:30 a.m. to 12:30 p.m. E. Phelps Gay, former LSBA

President and partner with Christovich & Kearney, LLP, will present Abraham Lincoln: Lessons in Professionalism. This program will feature a series of "Ken Burns"-style vignettes on a DVD created by members of the Atlanta Bar Association which illustrate that Lincoln the lawyer was a model of professionalism. Mr. Gay will comment on the relationship between Lincoln's words on professionalism and the language of the Louisiana Rules of Professional Conduct. Members of the bar who attend the program will receive one hour of Professionalism credit.

Contact Georgia Chadwick at (504)310-2402 or at [gchadwick@lasc.org](mailto:gchadwick@lasc.org) for more information. δ

## REQUIESCANT IN PACE – "MAY THEY REST IN PEACE"

In the spirit of All Hallows' Eve and All Saints' Day, the Law Library of Louisiana unveiled its new exhibit entitled "Requiescant in Pace," Latin for "may they rest in peace," which features photos of the final resting places of ten chief justices and 12 associate justices who served on the Louisiana Supreme Court. In addition to biographical information, the library's research files on the justices include many of their burial places. Because some are interred locally, the library staff was able to photograph their tombs, most of them at Metairie Cemetery, the St. Louis Cemeteries and Lafayette Cemetery Number 1.

The exhibit was greatly enriched by photos of some tombs in other parts of the state. Rita Lynn Jackson of

Plaquemine, LA, contributed her photos of the tomb of Zenon LaBaue. Pam Heffner sent two photos she took of Chief Justice Charles A. O'Niell's grave in Franklin, LA. The marker of James G. Taliaferro was located at the Alexander Family Cemetery near Manifest, LA, by Ken Stickney of Monroe, LA, Managing Editor of *The News-Star*. The grave marker was photographed by the Chief Photographer of *The News-Star*, Margaret Croft. Mr. Stickney recently donated a copy of his thesis on Justice Taliaferro for the library collection.

One interesting find was the grave of Chief Justice Edwin T. Merrick, who is buried at Metairie Cemetery. A news account at the time of his death in New

Orleans in 1897 stated that he was to be buried temporarily at Metairie Cemetery and then moved to another location. A tip from someone at the Court building proved to be correct – Chief Justice Merrick was never moved and is buried at Metairie Cemetery. The book by Henri A. Gandolfo, *Metairie Cemetery: An Historical Memoir*, lists only four Chief Justices as being interred in this cemetery. It is understandable that Merrick would be overlooked as the other chief justices buried at Metairie Cemetery – Manning, Breaux, Monroe and Provosty – have inscriptions on their tombs indicating their judicial office. Chief Justice Merrick's headstone is quite simple and only has his name, birth and death dates. δ

## THE LIBRARY'S E-RESOURCES

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HeinOnline

LegalTrac

Lexis Congressional

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NFPA Standards

Nineteenth Century U.S.  
Newspapers

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WilsonWeb's Index to  
Legal Periodicals

## SUPREME COURT OF LOUISIANA HISTORICAL SOCIETY INSTALLS NEW OFFICERS



by Georgia Chadwick

The board of the Supreme Court of Louisiana Historical Society met at the Louisiana Supreme Court on September 25 to install new officers and to plan for future Society events. Founded in 1992, the purpose of the Society is to promote an interest in and understanding of the people and institutions which have contributed to the development of Louisiana law. At the meeting the board passed two resolutions of gratitude. The first resolution was passed to thank outgoing

Board President David Bienvenu for his years of stalwart service to the Society. A second resolution was passed to thank Carol Billings, retired Director of the Law Library of Louisiana, for her years of dedicated service, for all she has done to assist the Society in accomplishing its mission, and most notably for her efforts which resulted in the successful opening of the Louisiana Supreme Court Museum.

Officers installed for 2009-2010 are: President, Donna D. Fraiche, Shareholder, Baker Donelson; Vice President, Judge Marc T. Amy, Judge, Louisiana Court of Appeal Third Circuit; Secretary, Professor Paul R. Baier, Paul M. Hebert Law Center; and Treasurer, Amelia W. Koch, Shareholder, Baker Donelson. Members of the Board are as follows: Chief Justice

Catherine D. Kimball, Louis D. Curet, Judge James L. Dennis, United States Court of Appeals Fifth Circuit, Jimmie Thorns, Jr., Robert Pugh, Jr., Judge John Harrison, Cynthia Dupree, Donald T. Bollinger, Kim M. Boyle, Dean Stephen Griffin, Dean Brian Bromberger, Chancellor Jack M. Weiss, Chancellor Freddie Pitcher, Jr., Edward Diefenthal, and Drew Ranier.

The Society has scheduled the annual meeting for members for March 25, 2010, at the Louisiana Supreme Court. This evening event will feature a lecture on the life of François-Xavier Martin, to be delivered by Professor Olivier Moréteau, Eminent Scholars Academic Chair, and Director, Center of Civil Law Studies, Louisiana State University, Paul M. Hebert Law Center. The lecture will be followed by a dinner for members. δ



Louisiana Supreme Court Historical Society officers, left to right: Professor Paul R. Baier, Secretary; Donna Fraiche, President; Judge Marc T. Amy, Vice-President



President Donna D. Fraiche presenting the Society's gift of thanks and appreciation to outgoing President David Bienvenu, who served as president from 2004 to 2009.

# MINOU'S MINE! OR, PET CUSTODY IN DIVORCE

by Marie Erickson

Courts have struggled for years over the thorny issue of who gets the dog – or cat – in the divorce. Technically, a dog or cat is a corporeal movable (chattel in the other 49 states), so he must be distributed along with the rest of the marital property, unless he is a gift from one spouse to the other. See, e.g., *Akers v. Sellers*, 54 N.E. 2d 779 (Ind. App. 1944).

As part of the property settlement, the dog must be valued. Valuation of dogs has been a problem because the common law, with few exceptions, considered them as property of a base sort, kept by whim or for amusement, and so could not be the subject of larceny, although there may have been civil remedies. See, e.g., *Aldrich v. Wright*, 53 N.H. 398, 1873 WL 4187 for a review of the old rules. For a seminal modern case in the valuation of dogs, see, e.g., *Roos v. Loeser*, 183 P. 204, 204-205 (Cal. App. 1919), which valued a Pomeranian killed by an off-leash Airedale at \$500. Not a bad award for 1919!

Fortunately, Louisiana has always recognized actions for damage to corporeal movables, and has occasionally recognized non-pecuniary damages when valuing a damaged pet, e.g., *Peloquin v. Calcasieu Parish Police Jury*, 378 So.2d 560 (La. Ct. App. 3d Cir. 1979)

The modern view has been that pets are property, with few exceptions, e.g. *Corso v. Crawford Dog and Cat Hospital*, 415 N.Y.S. 2d 182 (1979), where the plaintiff discovered somebody's deceased cat, not her deceased poodle, in the casket at the

elaborate funeral she held for him. The court awarded mental-anguish damages, overruling prior precedent that a pet is merely personal property, and held that "a pet is not just a thing but occupies a special place somewhere in between a person and a piece of personal property." (*Corso* at 183.) The judge also warned against construing his decision as an award for, e.g., a family heirloom, which is a unique chattel. (See *Saunders*, below.) He instead held that "losing the right to memorialize a pet rock, or a pet tree, or losing a family picture album is not actionable. But a dog is something else. To say it is a piece of personal property and no more is a repudiation of our humaneness. This I cannot accept." (*Corso* at 183.)

Most courts have refused to apply best-interest rules to pet custody, but see *Arrington v. Arrington*, 613 S.W. 2d 565 (Tex. Civil App. 1981). The trial court didn't err in making the wife managing conservator of the dog, although managing conservatorship was "for human children, not canine." See also *Raymond v. Lachmann*, 695 N.Y.S. 2d 308 (1999), where the court awarded cat ownership based on his best interests, taking into account his advanced age and his four years with the possessor, to "remain where he has lived, prospered, loved and been loved."

*Saunders v. Regeer*, 271 N.Y.S. 2d 788 (1966) skirts the issue by finding a donated Irish purebred Setter a unique chattel, staying her sale, and ordering expeditious trial on the merits. The plaintiffs argued that the gift of the dog

was conditional, and subject to revocation, since the donees had not complied with the conditions. In re *Marriage of Stewart*, 356 N.W. 2d 611 (Iowa Ct. App. 1984), as "custody of personal property," awarded the dog *Georgetta*, to the husband, with whom she went to work every day, even though she was a Christmas gift from husband to wife. The court goes on to say that the dog is personal property, and while it does not have to determine the best interests of a pet, it finds no reason to disturb the trial court's award.

The latest pet custody case is *Houseman v. Dare*, 966 A.2d 24 (N.J. Super. 2009), which overturned the trial court's refusal to enforce the parties' oral agreement that Ms. Houseman would get the dog *Dexter*, and that Dare would have visitation rights upon their separation. Dare later breached the visitation agreement, keeping the dog. The trial court awarded the dog's value, \$1500, to Houseman. Dare kept the dog.

The appeals court, after struggling with the personal property issue, decided the dog was similar to an heirloom or family treasure, (*Houseman* at 543), recognized the oral contract, ordered specific performance, and remanded the case to the trial court. On remand, the court awarded "shared possession" of the dog for alternating five-week intervals, in an arrangement looking suspiciously like a child custody order. The court also divided the dog's expenses between the parties, and directed them to use the same veterinarian. No mention of who got the dog's many clothes, though. δ



Marie Erickson

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by *Miriam Childs*

The Law Library has long maintained a collection of United States treaties and international agreements in print and microfiche as part of its documents collection. Part of this collection includes treaties and agreements which, for nearly twenty years, have been used to address the issue of climate change. With world leaders currently meeting at the United Nations Climate Change Conference in Copenhagen to draw up a treaty for the next decade and beyond, now is a good time to look back at some of these treaties, which trace government involvement in this issue.

Though a general theory of global warming has existed for more than a century, a heightened and intense awareness of its potential effects developed in the late 1980s. Scientific studies and sophisticated computer modeling have provided evidence that global surface temperature has been higher in the past few decades than in the prior four centuries. A recent report from the World Meteorological Association stated that this decade is the warmest since the beginning of record-keeping in 1850. The 2007 Intergovernmental Panel on Climate Change (IPCC) report is one of the most authoritative sources on the effects of global warming, containing assessments of climate change across the globe. Climate scientists believe that the higher temperatures are the

## TREATIES ON CLIMATE CHANGE

result of increased accumulations of greenhouse gases (GHGs) in the Earth's atmosphere, due mainly to human activity. These findings are not without controversy or debate. Some scientists attribute the increase in temperature to natural fluctuations that occur over time, and are opposed to taking special action to reverse global warming.

Without the natural greenhouse effect, the Earth's surface would be too cold to be habitable. Gases in the atmosphere absorb infrared radiation and re-radiate it to the Earth, which warms the Earth's surface. The gases trap heat in the atmosphere like a greenhouse traps heat.

that increased atmospheric concentrations of GHGs will lead to higher sea levels due to melting glaciers; extreme weather, such as major hurricanes and drought; water shortages; and biodiversity changes. The timing of these effects is uncertain. Scientists, governmental bodies, and advocacy groups have been encouraging humans to change their behavior to avoid catastrophe. Energy efficiency, energy conservation, and the use of renewable energy resources are examples of measures which may ameliorate the effects of global warming.

The United Nations responded to the threat of global warming by establishing the

The UNFCCC also established the Conference of the Parties (COP), consisting of all of the governments which are parties to the Framework Convention. The COP acts as a legislative body, meeting annually to determine how best to implement the UNFCCC's goals. In addition, the COP reviews implementation of the Framework Convention and evaluates the need for new measures or commitments.

At the 1997 COP-3 meeting in Kyoto, Japan, the Kyoto Protocol negotiations began. Unlike the Framework Convention, The Kyoto Protocol set binding emissions limitations to be met during the five-year period of 2008-2012. Using 1990 emissions levels as a baseline, the treaty aimed for an overall emissions reduction of thirty percent. Countries that ratified the Protocol are allowed to work together to reduce emissions through joint implementation and emissions trading (the "carbon market"). Joint implementation refers to one industrialized country investing in an emissions-reducing project in another industrialized country. Emissions trading involves an agreement between two countries in which one country purchases emissions reduction credits from another.

The Kyoto Protocol was not ratified by the United States. In 1997, the Senate passed a resolution directing the U.S. Government not to enter into any UNFCCC agreements which mandate emissions reductions for industrialized countries but not for developing countries. President George W. Bush ultimately rejected the Kyoto Protocol in 2001 because India and China were exempted from the binding limitations,



The higher the level of greenhouse gases in the atmosphere, the warmer the Earth becomes. Greenhouse gases include carbon dioxide (the most prevalent), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. According to studies measuring concentrations of greenhouse gases, decades of industrialization and population growth led to a substantial increase in atmospheric GHGs. This increase upset the natural equilibrium between concentrations of GHGs and "sinks" which remove the emissions.

Climate scientists predict

Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC) in 1990. By 1992, the INC adopted the United Nations Framework Convention on Climate Change (UNFCCC). The United States ratified the treaty in the same year. This treaty set the ultimate objective of stabilizing concentrations of GHGs and, as a guide for future efforts, established principles relating to the needs of developing countries and sustainable development. With this treaty, a process was set up to improve the accuracy of global warming information, ensuring the development of substantive standards to respond to evidence of climate change.

## MORE ABRAHAM LINCOLN



by Katie Nachod

As our love affair with Abraham Lincoln continues through Phelps Gay's CLE presentation on December 18, it seems appropriate to consider a few words by the great man himself in conjunction with the reflections of several artists who had reason to share their own insights regarding our sixteenth president. Back in July, I traveled to Washington, D.C. for the American Association of Law Libraries annual conference. On the way from my hotel to the Washington Convention Center every day, I passed the imposing Washington Historical Society building, which featured a banner announcing a special exhibit entitled "Portraying Lincoln, Man of Many Faces." Having just been immersed in All Things Lincoln in April and May for our own library's Law

Day exhibit, I felt compelled to check out this tribute.

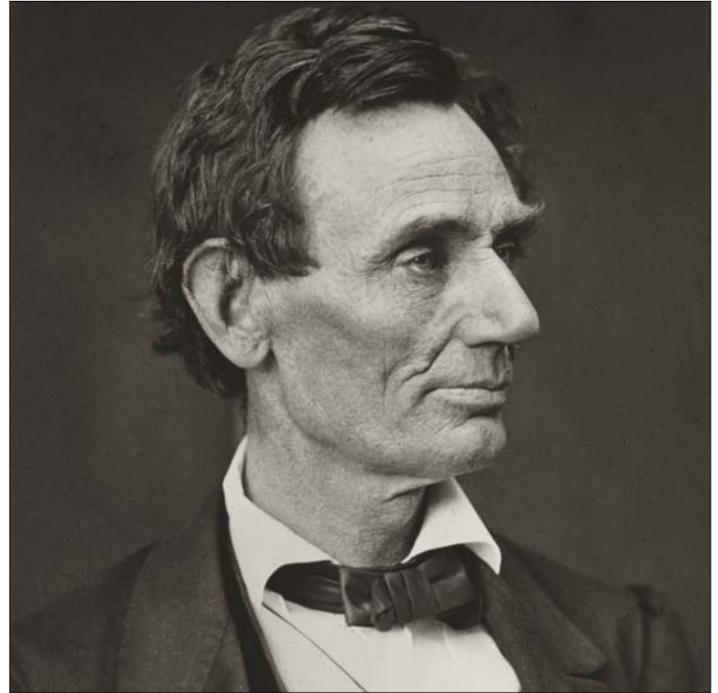
The artists whose works made up this exhibit, most of them not famous, were fascinated with Lincoln's features, and the portraits they created were as varied as the many aspects of Lincoln's character, including his kindness, his courage, his sadness, his integrity, his sense of humor, and his perseverance, especially in the face of adversity. Here is a sampling of the quotations that accompanied the exhibit of paintings, drawings, sculpture, collages, and prints:

### Lincoln quotes:

"As I would not be a slave, so I would not be a master. This expresses my idea of democracy. Whatever differs from this, to the extent of the difference, is no democracy." (1856)

"I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I cannot remember when I did not so think and feel." (1864)

"Die when I may, I want it said of me by those who knew me best, that I always plucked a thistle and planted a flower where I thought a flower would grow." (1865)



1860 photo of Lincoln by Alexander Hesler, courtesy the Library of Congress

### Quotes from artists:

"I believe in Lincoln's face. It is a public paradigm for that battered but still cherished ideal of American democracy. Its forms and expressions give plausibility to brotherhood, equality, and responsible individualism."

~ Harry Wood

"We were told about his great deeds - freeing the slaves, holding the nation together.

We were given the Gettysburg address to memorize and study. But it was not what he did or said that astonished me. It was what was in his face."

~ Jacob Needleman

"People always ask me, 'Why Abraham Lincoln?' It is never easy to define, let alone explain, an obsession. For more than twenty years, I have studied Lincoln's face - every angle, every nuance. As an artist, I find it familiar and comforting as well as an implicit symbol of humanity and moral courage. Over one hundred and forty years after his death, Lincoln remains one of the most revered men in history."

~ Wendy Allen

And finally, speaking of the power of Lincoln's face to American painter Gerald Murphy, Pablo Picasso once held up one of Matthew Brady's photographs of the president and said with great feeling, "There is the real American elegance." δ

## TREATIES

and also because of concerns about the treaty's effect on the U.S. economy. The United States adopted a policy of voluntary emissions reductions through various federal, state, and local programs and incentives.

The major goal of the December 2009 United Nations Climate Change Conference is to complete an ambitious post-Kyoto agreement for 2012 forward. Whether the United

States will ratify the treaty depends on several issues, such as if or how the treaty mandates emissions reductions in developing countries. Climate scientists and other interested groups are advocating for an effective treaty that is as powerful as the scientific evidence suggests it must be to slow the effects of climate change. For more information on global warming, greenhouse gas concentrations, and emissions

reductions worldwide, please visit the following websites.

IPCC 2007 report: [www.ipcc.ch](http://www.ipcc.ch); UN Climate Change Conference: <http://unfccc.int/2860.php>

Sources consulted: Global Climate Change and U.S. Law (KF 3775 .G56 2007); The United Nations Framework Convention on Climate Change: A Commentary (18 Yale J. Int'l L. 451). δ



Tara Lombardi

A distinguished early member of the Louisiana bar, Étienne Mazureau was born in La Rochelle, France at the prelude to the French Revolution in 1777. (Conrad 1988) In that year the French unrest had already begun as King Louis XVI was out of money and began levying higher taxes on the lower classes as the nobles and clergy in *le parlement* fought his attempts to raise the taxes of the rich — which included themselves. Although we do not know much about Mazureau's earliest education, his legal career began at age thirteen when he was employed at a French law firm. Soon after, he joined the French navy and was captured by the English and taken to Cadiz, Spain where he acquired knowledge of civil law and both the Spanish and English languages. After his release in 1799, Mazureau went to Paris and was there when *Le Directoire*, the French republic, fell to Napoleon Bonaparte. Different accounts relay that he was then imprisoned for anti-Bonaparte statements. Soon afterward "his petulance in politics...provoked his expulsion from the republic" and prompted him to settle in New Orleans c. 1801. (Bermudez 1887)

When he arrived in the city, he was penniless and asked Judge Claiborne to admit him to the Louisiana bar, which Claiborne refused as Mazureau was a stranger. (Blanchard 1930) However, Mazureau soon began to represent Creoles, who only spoke French at the time. Since they usually required two lawyers, one who spoke French and another who spoke English, Mazureau soon became most popular as he could speak both with ease. By 1805, in great demand and no longer a "stranger," he was admitted to the Louisiana bar. According to his

## THE GREAT ADVOCATE: ÉTIENNE MAZUREAU ACCOMPLISHED ATTORNEY & STATESMAN (1777-1849)

descendant, Mrs. Bette Stoelzing, Mazureau's mastery of French, English *and* Spanish was so great that he later went on to deliver a legendary two-hour speech to the Louisiana legislature repeated in all three languages, with each a true replication of the first!

When the United States purchased Louisiana from France in 1804, Congress established the Supreme Court of the Territory of Orleans. Although the trials of the court were not recorded until 1809 by

politician, former U.S. attorney, future U.S. senator and secretary of state to President Jackson, Edward Livingston, in his ongoing battle to establish land ownership from his property front to the river, as was stated in the real estate contract. Mazureau won the case by insisting that the phrase "front to the river" "could not any more convey title to the river's edge than the words 'front to the north' would vest fee simple to the whole tract extending in a line to the North Pole." (Grima 1887)



Portrait of Étienne Mazureau c. 1840-43.  
Digital image courtesy of the Tulane University Art Collection.

the Hon. François-Xavier Martin, Mazureau "appears as counsel in the very second and third cases reported in the first volume of Martin's Reports." (Grima 1887) Two cases in particular helped Mazureau achieve success as a great orator and attorney: Gravier et al. vs. Livingston et al. (6 Martin, O.S.) and De Armas et al. vs. Mayor and Council of New Orleans (5 La. Reports). In the first case, Mazureau squares off against another highly esteemed attorney,

The De Armas case involved the meaning of the word "quai," and this time Mazureau's opponent was Louis Moreau-Lislet, author of *A Digest of the Civil Laws Now in Force in the Territory of Orleans*, 1808 (a compilation that Mazureau also helped prepare as he was well versed in both Spanish civil law and the Code Napoleon). Chief Justice Martin called the De Armas trial "the most important case which has ever been presented to the

consideration of this court" because it would determine whether or not the tract of land between the first row of houses and the levee around the Mississippi River in New Orleans could be privately owned. (Bermudez 1887) The "formidable antagonist, almost uniformly invincible" persuaded the court that to honor private ownership of this land would be disastrous for the city and state, and again won his case. (Bermudez 1887)

"Dufour's Local Sketches" discusses Mazureau's oratory style in vivid detail:

His, is not a colorful style, but nervous, incisive, and strikes like a blade of steel. Metaphors are his antipathy... His discourse ... are almost always incased in the invincible armor of a transcendent reason. His voice is deep, sarcastic, imperious... He is sparing of gesture, but appropriate...he is at times so audaciously energetic, that one would think he was about to carry away the chamber, which resounds his anathema. His talent is sober, and vigorous, he is of bold faith, braving the tempests not with the ambition to add to their sublimity, but with the certainty to remain standing on his feet like an impregnable colossus. (Dufour 1931)

Around this time, the talented "colossus" began a law partnership with his prior adversary, Edward Livingston. Mazureau then went on to win a judicial decision along with the help of Livingston, Moreau-Lislet and Pierre Derbigny, which ensured the recognition of Roman civil law in Louisiana.

Mazureau's legal accomplishments led to statewide fame and consequently he became a popular politician. In his three terms as Louisiana attorney general (1815-1817; 1821-1824; and 1832-1841), he was considered "constitutionally just and fair, courageous, firm and independent." (Dufour 1931) In Alcée Fortier's two volume work *Louisiana*, he explains Mazureau's success as attorney general:

“Appointed to this post by several successive governors, he seemed to hold by a certain prescriptive right the high office to which he brought a talent and industry that will ever entitle him to the respect and admiration of his contemporaries.” (Fortier 1914) He was also Louisiana Secretary of State from 1817-1821 and represented New Orleans’ Second District in the Louisiana legislature in 1823 and 1824.

In 1819, a young Felix Grima was an apprentice in Mazureau’s law firm, and would later be appointed Deputy Attorney General, New Orleans City Court Judge and also Criminal Court Judge. (*Daily Picayune* 1887) Over the years, Mazureau



Portrait of Clara Mazureau, painted by Jacques Amans in 1838

and Grima became friends, and as fate would have it, Mazureau married Felix’s sister Aimée and lived at a house that still stands on 707 Dumaine Street in the French Quarter. (Arthur, *Old New Orleans*) Their children included Edouard, Adolphe, Polyxene, Stephanie and Clara, whose portrait, by acclaimed Louisiana painter Jacques Amans, hangs in the restored home of her late Uncle Felix, the Hermann-Grima House at 820 St. Louis Street in the French Quarter. (Arthur, *Old Families of Louisiana*).

Étienne’s portrait (which may have been painted by Vaudechamp or Amans) was presented to the Supreme Court of Louisiana in 1887. However, as the court moved around over the years, the portrait ended up at Tulane University and now hangs in Gibson Hall (the administration building). We wish to thank Mrs. Bette Stoelzing, one

of Mazureau’s descendants, who helped locate the portrait.

On January 1, 1831, Alexis de Tocqueville, the famed French aristocrat who wrote *Democracy in America*, visited Mazureau at home with his family and grandchildren to interview “the eagle of the New Orleans bar.” (Tocqueville 1997) Tocqueville explains that he was interrupting a “whole family picture complete” as Mr. Mazureau sat next to the fireplace in his dressing gown surrounded by toys, pets, sweets and children. In stark contrast to this scene, the “distinguished and venerable jurist,” died in poverty. Although Mazureau’s income was “very large,” it seems he had “a peculiar knack at getting into debt and parting with his money in the most unaccountable manner,” which may explain why he was impoverished at the end of his life. (Gayarre 1888) After succumbing to an asthma attack, he was found dead in his bed on May 25, 1849, and was later interred at St. Louis Cemetery No. 2 in New Orleans. (Delta 1849)

His tomb is in the federal style, surrounded by a decorative wrought iron gate with four stones marking the inhabitants of the mausoleum: Étienne Mazureau, Aimée Grima Mazureau (wife), Amanda Jarreau (probable granddaughter), Edouard E. B. Mazureau (son) and Louise Stephanie Mazureau (daughter). Special thanks to the Historic New Orleans Collection’s Williams Research Center’s reading room staff for the use of their cemetery maps and their 1981 survey of New Orleans cemeteries. With those tools, we were able to find Mazureau’s tomb, which is located just behind Chief Justice François-Xavier Martin’s obelisk at St. Louis No. 2. For more information about Étienne Mazureau or other Louisiana historical legal figures, please email [tlombardi@lasc.org](mailto:tlombardi@lasc.org) or call 504-310-2404.

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707 Dumaine, Mazureau’s residence in 1808

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The Mazureau Mausoleum

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## ENTERTAINMENT LAW COLLECTION

by Jennifer Creevy

One of the many reasons people love New Orleans is because of its musical heritage, but in recent years the film and television industries have become more prominent parts of our entertainment landscape. For various reasons, locals often need information on how to negotiate with and navigate through these industries. As part of its ongoing mission to serve the public, the Law Library maintains resources that can help patrons answer questions about the legal aspects of the entertainment business.

For those musicians in a band, the library has *Music Law: how to run your band's business*, by attorney Rich Stim. Published by the consumer-friendly Nolo Press, this title is in its 6th edition. Chapters include "Band partnerships and beyond," "Management," "Band equipment," and "Keeping track

of your band's money." The book, which is geared toward helping musicians protect themselves business-wise, includes a CD-ROM with forms and agreements that you can print out.

Another title that would be helpful to musicians is Ronald S. Rosen's *Music & Copyright*. Although this title is more scholarly than the previous one, it explains copyright law and litigation related to fair use and could be helpful to someone wanting to learn copyright in a more thorough fashion.

As film and television work increases in New Orleans, the library's many titles on the broader subject of entertainment and the arts may also be of use. A couple of examples of titles on general entertainment law include Cardozo Law School's quarterly journal, *Cardozo Arts*

and *Entertainment Law Journal* and West's *Entertainment law in a Nutshell*, which discusses the film, music and television industries. Each chapter refers to specific legal cases about the entertainment industry.

Two more titles that may be of interest to budding performers are: *Entertainment, Publishing and the Arts Handbook*, published by West and updated yearly; and *Patenting Art and Entertainment*, by Gregory Aharonian and Richard Stim, published by Nolo in 2004.

This is only a small sampling of the Law Library's collection on music and entertainment law, so please come by and explore the rest of our holdings in this subject area. We're always glad to help aspiring entertainers find answers to their legal questions about the entertainment industry.