

PIONEER HISTORY OF THE TERRITORIAL AND STATE LIBRARY OF IOWA

by Johnson Brigham, State Librarian

This is an excerpt from an article which originally appeared in the Annals of Iowa 10 (October 1912), 481-538. Reprinted by permission of the State Historical Society of Iowa.

PIONEER STATE LIBRARY LEGISLATION, 1846-47

The First General Assembly of the State of Iowa early undertook the task of providing for "the management of the State Library, and the election of a State Librarian."

On the 12th of January, 1847, Mr. Sells introduced House File No. 37; and, two days later, the bill underwent several amendments. One amendment, offered by Mr. Day, showing the conservative lines on which the library was originally planned, provided that "no person shall be prohibited from reading in the library, at all times when the same is required by law to be kept open, under such rules as the librarian may impose." The bill was referred to the Committee on Schools. That Committee reported, adding several minor amendments. On the 18th the amendment bill came up for consideration. Mr. Sells moved that the committee report be rejected. The motion was lost. The bill and the report were then, on motion of Mr. Sells, laid upon the table. Next day, the House proceeded to a consideration of the committee amendments. On the amendment making the librarian an appointee of the Governor, "with the advice and consent of the Senate," the House voted down the amendment, by a vote of two yeas and thirty nays.

Other amendments disposed of, the bill went over till the 21st, when it was read a third time and passed.

In the Senate, on the sixth of February, the bill was read a third time and

passed. On the 15th, it received the Governor's signature.

The new law¹⁷ was in the main a duplication of the territorial library law. It contained the same prohibitions relative to the loaning of books, with fines for violations of the librarian's rules; and with the same recital of "privileges" extended to "privileged persons." It designated Lemuel B. Pat[t]erson as librarian, fixing his term at two years and his bond at \$2,000; giving the librarian authority to appoint an assistant,--providing, that he "be paid out of the salary of the librarian,"--which salary was fixed at \$150! The Secretary of State was directed to bring suit on the bond of the librarian for any violations of the provisions of the law.

The Second General Assembly passed a law which went into effect on the 5th day of January, 1849, conferring upon the judges of the District Courts of Iowa the same privilege enjoyed by the judges of the Supreme Court, relative to the use of books in the State Library.

By joint resolution approved January 13, 1849, Lemuel B. Patterson was re-appointed librarian, to hold office two years and until the appointment of his successor.

THE DAY OF CANDLES AND GOOSE QUILLS

Among the valuable papers made available by the classification and filing system in operation in the Archives Department are several quarterly reports of State Librarian L.B. Patterson in 1848-50,--nearly a decade prior to the removal of the State Library and other departments from the old Capitol in Iowa City to the new and temporary State House in Des Moines.¹⁸

¹⁷ Acts of the First General Assembly, 1846-47, H.F. 37.

¹⁸ Published in supplement to this sketch, marked "E".

In February '49, the librarian bought a bunch of quills for fifty cents, and in August of that year he expended \$3.50 more for quills.

In August, 1850, the item of envelopes makes its appearance, involving an expenditure of seventy-five cents; also penholders, taking the place of the quills, which with ink involved an outlay of forty cents.

In the three years, 1848-50, the chief items of expense were "candles" and "cutting wood."

In the summer of 1849 there was a removal of the library--probably from one part of the old State House to another,--the expense, all told, amounting to \$5. The removal was followed by an expenditure of \$4.81 1/4 for shelving, .20 for carpet-tacks, \$10.85 for carpeting and desk-cover, and \$9.08 for new stove-pipe.

LIBRARIAN PATTERSON'S FINAL REPORT, 1849-50

The final report of Librarian Lemuel B. Patterson, dated Iowa City, January 9, 1851, covers two foolscap pages and is written in a small, legible hand.¹⁹ It is unaccompanied by a list of purchases, for the reason that no purchases had been made since the admission of the State in 1846. The number of volumes reported in the library at the close of the biennial period 1849-50 is 1,670, exclusive of pamphlets, journals, reports, etc. About a third of these were law books. The remainder consisted of statutes of the several States, American state papers, congressional documents and miscellaneous works.

¹⁹Marked "F" in supplement following this sketch.

The librarian reported that there had never been an appropriation for the State Library, and consequently the only increase "(which is very small)" came from an exchange of books between the States, government documents, etc.

With the exception of a very fine set of "Wilkes' Exploring Expedition," ten volumes, "got up in the best of stile," the librarian is compelled to state that "the library is entirely destitute of late works that have been issuing from the press for the last ten years."

He reports that the books bought in 1839 are mostly broken sets which should be filled. He finds this is especially the case with the law reports, which are comparatively valueless unless complete.

He respectfully suggests for legislative consideration "the propriety of making a small appropriation for the increase of the library," modestly adding:

A small appropriation of say 1000 dollars would make it respectable and an honour and ornament to the State. Such appropriation, with a small yearly appropriation of two hundred dollars would keep it up with the progress of the age. [1]

He also calls attention to the fact that the State hasn't "a single decent map," and should remedy the defect.

He reports the contingent expenses of the library for the biennial period, not including the last quarter, for wood, candles, stationery, shelving,

moving, painting, carpet, stovepipe and freight, was \$138.83.

IOWA'S FIRST STATE LIBRARIAN

Lemuel B. Patterson, first State Librarian of Iowa, was born in Rushville, Indiana, September 12, 1824. He came to Iowa City in the spring of 1841, and was admitted to the State bar in 1846. He was a Democrat in politics; was city attorney in 1868-70, and again in 1874-76. He was a member of the city council in 1857-59. He held the office of State Librarian for two terms (1848-51). It is reported that while holding office he drew up the first homestead law passed by an Iowa legislature. In 1847, he won the railroad bond suit for his city in the Supreme Court of the United States, the case of Lucius Clark vs. Iowa City.²⁰ On May 10, 1851, while serving as State Librarian, he was married to Miss Jane Hazard, who, with an infant son, died of cholera in 1856. In 1860, he became a practicing attorney, in partnership with Levi Robinson. The firm of Patterson & Robinson, of Iowa City, was long reputed to be the oldest law-firm in the State of Iowa. Mr. Patterson accumulated some valuable city property and was to the last an influential citizen of the former State capital.²¹ He died March 15, 1897.

1850-51

On December 8, 1852, the Journal of the Senate mentioned the receipt of a report from the State Librarian, and a reference of the report to the committee on printing. This report has not been preserved.

Mr. Kister, librarian at the time, succeeded Morgan Reno as Treasurer of

²⁰Wallace, U.S.S.C.R. p. 5583.

²¹History of Johnson County, Iowa. 1838-1882. p. 891.

State, holding the office for a single term, 1850-52. The fact that while serving as librarian he was drawing pay as treasurer doubtless accounts for the smallness of the salary. It is probable that the smallness of the salary compelled the General Assembly to turn the office of librarian over to a State officer.

The Third General Assembly by joint resolution, approved January 24, 1851, appointed Israel Kister librarian for the term of two years.

It also included in the "omnibus bill" an item of \$500 "for the purpose of increasing the State Library," the money to be expended "by the Governor, or under his direction," in procuring books and maps."

GOVERNOR HEMPSTEAD BUYS "AMERICAN AUTHORS"

In his Message of December 7, 1852, Governor Hempstead makes brief mention of the State Library, and on the 22d of January, 1853, he sent to the Senate a communication, informing that body that he was transmitting therewith a list of books purchased by him, "in accordance with the directions of the General Assembly," and by him placed in the State Library. The sum authorized to be expended was \$500. The Governor adds that "with this amount it was impossible to do much towards filling up the library, and as it was very deficient in the writings of American authors," he concluded "to apply a portion of the appropriation for the purchase of works of that character." Then follows the bill "Wm. W. Tafts, Agency to supply Libraries, 91 Washington St. Boston," dated November 16, 1852. As this is the first reported addition to the State Library since 1840, some may be interested in both the titles and the ruling prices sixty years ago.

Following are the items:21a

1	Prescott's Peru, 2v. 8°. sheep	\$ 3.60
1	do Mexico, 3v. 8°	5.40
1	do Miscellanies, 8°	1.80
1	Irving's Works except Columbus, 12v. 12°	12.00
1	Cooper's Works, 33v. 12°, sheep	24.00
1	Bancroft's United States, 4v. 8°. sp	7.20
1	Armstrong's Agriculture, 18°	.40
1	Davis' memoirs Aaron Burr, 2v. 8°. very scarce	6.70
1	Aaron Burr's Journal, 2v. 8°. Not ready	0.00
1	Neander's Life of Christ, 8°. sheep	1.80
1	Pardoe's Louis XIV, 2v. 8°	2.80
1	Brown's Trees of America, 8°. cloth	4.00
1	Neal's Puritan's 2v. 8°. sheep	3.20
1	Burk's Works, 3v. 8°. sheep	4.00
1	Humbolt's Cosmos, 4v. Lond	3.32
1	Kendall's Texas and Sante Fe, 8°	1.60
1	Grote's Greece, 6v. 12°. cloth	2.80
1	Stephen's Central America, 2v, 8°. cloth	4.00
1	do Yucatan, do	4.00
1	do Greece, 2v, 12° cloth	1.40
1	do Egypt, Arab, &c, 2v. 12°	1.40
1	Lamb's Works, 2v 12°. cloth	1.60
1	Biglow's Useful Arts, 8°. sheep	1.20
1	Kane's Chemistry, 8°	1.60
1	Campbell's Chancellors, 7v. 8°. cloth	9.60
1	do Chief Justices, 2v. 8°	2.80

1 Robertson's Ind. 8°, sheep	\$ 1.40
1 do Scotland, &c. 8°. sheep	1.40
1 Macauley's England, 2v. 12°, sheep	.80
1 North American Review, from vol. 22d, 53 vols 1/2 sheep	100.00
1 Stillman's Journal; vol. 35-50 inclu. 1st series, and Stillman's Journal; vol. 1-10 inclu. 2d series, in all 26 volumes, 1/2 sheep	71.75
1 Story's Life, 2v. 8°. cloth	4.40
1 Tickner's Sp. Lit. 3v. 8° cloth	5.40
1 Everett's Orations, 2v. 8°. cloth	4.00
1 Layard's Nineveh, 2v. 8°. sheep	4.00
1 Irving's Florida, 12°. cloth	1.00
1 Don Quixote, 2v. 8°. cloth	1.80
1 Squire & Davis' Monuments, Mississippi Valley, 4to. cl	8.00
1 Longfellow's Poems, 2v. 16°. cloth	1.80
1 Byron's Works, 2v. 8°. sheep	2.87
1 Hawk's Egypt, 8°. half morocco	2.80
1 Parkman's Pontiac, 8°. cloth	2.00
1 Goethis Faust by Hayward, 12°. cloth	.60
1 do Wilhelac Mister, 2v. 12°. cloth	2.00
1 Men of the Times, 12°. cloth	1.20
1 Webster's Works, 6v. 8°. sheep	12.00
1 Greenliaf's Evidence, 2v. 8°. sheep	8.80
1 Stephen's Nisi Prius, 3v. 8°. sheep	10.20
1 Smith's Leading Cases, 2v 8°. sheep	8.00
1 U.S. Digest, 10 vols. royal 8°. sheep	50.40
1 do Equity, 2v. 8°. sheep	9.60
1 Story's Conflict Laws, royal 8°. sheep	4.88

1	do	Agency, royal 8°. sheep	\$ 4.00
1	do	Bills Exchange, royal 8°. sheep	4.40
1	do	Promissory Notes, royal 8°. sheep	4.40
1	do	Partnership, royal 8°. sheep	4.40
1	do	Contracts, royal 8°. sheep	4.40
1	do	Sales, royal 8°. sheep	3.60
1		Jones' Electric Telegraph 8°. cloth	.80
1		Chickering's Population, 1v. 8°. 2.25	1.80
1		Taylor's El Dorado, 12°. cloth, 1.25	1.00
1		Taylor's Views a Foot, 12°. cloth	1.00
1		Parkman's Prairie Life, 12°. cloth	1.00
1		Spencer's East, 12°. cloth 1.50	1.20
1		Walton's Lives, 12°. cloth	.80
1		Head's Pavic, 12°. cloth	.80
1		Hood's Works, 4v. 12°. cloth	3.20
1		Hunt's Inauguration, 12°. cloth	.50
1		Putnam's Dictionary of Dates, 12°. cloth	1.60
1		Roughing in the Bush, 12°. cloth	.60
1		Tschudi's Peru, 12°.	.80
1		Olmstead's American Farmer in Eng.	.60
1		Saunder's Great Metropolis	.80
1		Roscoe's Benvenuto Cellini, 12°. cloth	1.00
		Boxes, carting, & c	2.50
		Insurance from Boston to Dubuque on \$500-1%	<u>5.00</u>
			\$483.52
		Western Annals	<u>3.00</u>
			\$486.52

1852-53

The Fourth General Assembly by joint resolution, approved January 21, 1853, appropriated the sum of \$500 "for the purpose of increasing the State Library," the sum to be expended by the librarian in procuring a complete set of the supreme court and circuit court reports of the United States."

On the 11th of December, 1852, the office being vacated by the resignation of Mr. Kister, Governor Hempstead nominated Martin L. Morris, the newly elected Treasurer of State as State Librarian. The Senate concurred.

REPORT OF LIBRARIAN MORRIS

The report of Martin L. Morris, Treasurer of State, as State Librarian, published in the Senate and House Journals of 1854, dated January 17, 1855, covers less than two pages. It notes the expenditure of \$500 appropriated by the last General Assembly and adds:

"I can, however, say that \$500 purchased a small number of the law books usually found in State Libraries."

It suggests "that an appropriation be made for the purpose of supplying the volumes necessary to the filling out of the deficient sets (of reports from other States), at least of the reports of those States which are regarded as most important."

It notes valuable contributions to the library, "the National History of New York," "Smithsonian Contributions to Knowledge," "United States Exploring Expedition," etc., which the librarian regards as "not only an ornament but a

credit to the Library."

It reports the purchase for the use of the Library, from funds received from the sale of Greene's Reports, the Collins Map of the United States and the Colton Map of Europe.

It reports "the expenses of the Library the present session" as \$30.

It reports also, a list of law books purchased with the appropriation above referred to. These include:

U.S. Condensed Reports, 6v; Peters' U.S. Con. Reports, 16 v.; Denio, New York, 4v.; Ohio, 14v.; Wilcox's Digest 1v.; Hills' New York Reports, 7v.; Barbour S.C., 7v.; Barbour, Ch., 3v.; Phillips Evidence, 5v.; Comstock's 3v.; Select Equity Cases, 1v.; Exchequer Reports, 3v.; Howard, 14v.; McLean, 4v.; Story, 3v.; Greenleaf Overruled Cases, 1v.; Story, Equity Jurisprudence, 2v.; Greenleaf on Evidence, 3v.; White's Leading Cases in Equity, 2v.; American Leading Cases, 2v.; Stephens' Nisi Prius, 3v.

These he totals at \$570.50--with a discount of \$20.50. The process by which he makes his subtraction leaving the net sum paid an even five hundred dollars--the sum appropriated for the purchase--is not apparent to the reader.

The report concludes with the hope that the then present legislature "will not fail to make an appropriation for Miscellaneous as well as Law Books, as it is well known the Library is very deficient in this department.

1854-55

On the 10th of January, 1855, Mr. Hamilton, in the Senate of the Fifth General Assembly, introduced a bill for the regulation of the State Library. The bill was referred to the Library committee, consisting of Senators Clark, McCachran, Love, Hogin and McCrary.

On the 15th, Chairman Clark, from that Committee, reported a substitute for the Hamilton bill, recommending its passage.

On motion of Mr. Browning, the substitute was amended by adding a provision that during the terms of the Supreme Court of the State and the Federal court, the judges and attorneys be permitted to take and use any number of books needed in the trial of causes, provided they be not taken from the seat of government, and are returned according to law. The substitute thus amended was read a third time and passed.

The Senate bill was messaged to the House and was referred. On the 23d of January the committee on the State Library through its chairman, Mr. Oakey, reported recommending the passage of the bill. It was read a third time and passed. Two days thereafter it received the signature of Governor Grimes.

A joint resolution, approved January 25, 1855, appropriated \$1,000 to be expended by the Governor "for the increase and improvement of the State Library." Of this sum \$400 was to be expended in law books, \$500 in miscellaneous works, and \$100 in binding.

THE STATE LIBRARY LAW OF 1855

The law passed by the Fifth General Assembly,²² made the State Librarian an appointee of the Governor, by and with the advice and consent of the Senate. It placed the librarian under bond in the sum of \$5,000, an amount absurdly out of proportion to the meager salary of \$150 provided by the law.

It required that the library be kept open during the sessions of the General Assembly and the Supreme Court, from 9 to 12 a.m., and from 2 to 9 p.m.; but, at other times, only during the afternoon of each Wednesday and Saturday.

It continued the strict rules prohibiting the loaning of books to other than officers of State, legislators and practicing attorneys during term times; and even these were limited to a ten-days loan. No one was permitted to remove books from "the seat of government." No one was permitted to borrow more than two books at a time, except judges and attorneys during the terms of the Supreme Court of the State and the Federal Court.

A fine of \$10 was to be imposed upon the librarian for permitting any person not authorized by law to remove a book or other property from the library, and it was the duty of the Governor to direct a strict enforcement of this penalty.

Any person not authorized by law who should take a book or other property from the library, "either with or without the consent of the librarian," was "deemed guilty of petit larceny," and must be punished for the offence by due process of law.

²²Acts of the Fifth General Assembly of Iowa. pp. 232-235.

The librarian was directed to prepare for publication a report to the Governor, before the first day of the following April, which should include an alphabetical catalogue of all the books in the library; and the Governor was directed to publish the report. The librarian was also directed to cause every book in the library to be labeled "Iowa State Library," with the number of the volume in the catalogue, and to write the same words at the bottom of the thirtieth page of each volume. All additions to the library were to be treated in the same manner.

A sum twice its value was to be exacted from any person defacing, destroying or losing a library book. In case the book was a volume of a set, the sum exacted was to be the full value of the entire set. It was the duty of the librarian to prosecute such persons, on such loss or injury coming to his knowledge. But should the offending party, within reasonable time, replace the book injured or lost, he was not liable to fine or prosecution.

It was incumbent on the Governor, the Secretary of State and the Librarian to adopt any further regulations, consistent with the provisions of this act, which might be deemed necessary for the preservation and management of the library; forfeitures recoverable in the name of the State, the same to be for the use of the library.

The librarian was directed to make a full and specific report to the General Assembly on the first of its sessions, and, on call, to make a special report to the Governor giving a list of books missing, also an account of fines and forfeitures imposed and collected and the amount uncollected, also a list of accessions to the library since the last report, and any other information in

relation to the library which the Governor might call for.

The Governor, the Secretary of State and the Librarian were to determine what books and articles might be taken from the library and what should remain in the library for reference.

The room in which the library was kept was, under no circumstances, to be used for any other purpose.

Other sections of the law cover details for the carrying out of the provisions outlined above.

1856-57

The only library record made by the Sixth General Assembly is a joint resolution, approved January 27, 1857, conferring upon the members of the Constitutional Convention of 1857 the same right and privilege of taking books from the State Library which had been conferred upon legislators.

The Sixth General Assembly received from "the members of the Iowa Bar, either residing or temporarily sojourning in Iowa City" a memorial from a committee appointed at a meeting held in Iowa City one evening during the session, the trend of which was a request that certain much-needed legislation should be passed.²³

That portion of the memorial relating to the library, recited that the law library of the State was "in wretched condition," in fact, "about worthless

²³Preserved in the Archives of the State.

in the investigation of law questions." The committee reported that there was hardly a complete set of reports in the library. It continues:

A lawyer can hardly do justice to his clients, so barren are his means of examination. Our Supreme Court that finally decides great questions of life, liberty and property is without the means of thorough investigation. The liberty of one citizen is worth more than the small sum requisite to rectify the evils. The members of the Bar, consulting the real good of the people of the State, as well as the interests of the Courts and the Profession at large, ask the Legislature--

First, an appropriation of \$1,500 annually, for the improvement and enlargement of the library; secondly, that a committee of three lawyers from the Iowa Bar be appointed to select suitable law books for the library without compensation; and, thirdly, an early publication of the Iowa Supreme Court Reports.

The memorial was signed by Charles H. Phelps, J.W. Rankin, W.M. Stone and J.C. Hall. Nothing came of the movement.

GOVERNOR GRIMES BUYS BOOKS

In a special message dated Iowa City, January 7, 1857, Governor Grimes reported that in obedience to instructions of the General Assembly, he had purchased of Banks, Gould & Co., New York, 101 volumes of law books at a cost of \$330, and of Daniel Appleton & Co., 303 volumes of miscellaneous books at a cost of \$564.66, and had deposited same in the State Library. He had been instructed by the resolution to expend \$400 in law books; but as the

catalogue furnished by the Judges of the Supreme Court of such books as they desired amounted in value to only \$274, he did not think it proper to expend more than the amount before stated for that purpose, and therefore expended the balance of \$64.66 for miscellaneous books. He had drawn from the Treasury \$900, and had expended \$894.66, and turned the balance, \$5.44 into the Treasury.²⁴

1858-59

In the Seventh General Assembly--the first to convene in Des Moines--a joint committee on the State Library, of which N.J. Rusch was Senate chairman and H. Anthony House chairman, made a report, February 16, 1858, that having examined the matters touching the condition of the State Library they find that the legal works do not meet the wants of our State judicial officers, and that those officers are laboring under many disadvantages, resulting in much uncertainty and lack of uniformity in legal determinations and decisions of the Supreme Court, this handicap proving "deleterious to the best interests of suitors whose rights are to be adjudicated." As judges and attorneys are dependent to a great extent on the library for facilities by which to prepare briefs, with full references to authorities, "they find it impossible to do so on account of the absence of reliable authorities."

The committee found that the State's library did not contain "a full and complete set of law or equity reports of any of the States, . . . thus rendering it almost impossible to trace with certainty the general current of authorities, and thereby rendering decisions uncertain, and often not in unison with the established rules, which by proper references could at all times be

²⁴Messages and Proclamations, v. 21, pp. 99-100.

obviated."

In view of these facts the Joint Committee recommended an act appointing some suitable person to act as agent for the State, whose duty would be to check the reports and purchase all found necessary to complete the sets, so far as it might be necessary to meet the wants complained of, and that an appropriation be made to that end.

Mr. Rusch, from the Senate Committee, supplemented the joint report with a briefer report in which the statement was made that at the time there was no sufficient appropriation, nor had there been one, sufficient "to secure in a proper manner the discharge of duties resting upon the State Librarian." The salary then paid was \$150. In view of the fact that the State had invested a large amount of money in the library, and was about to invest more, in justice to the State its library "should be cared for and guarded in a proper manner." The salary paid the librarian was "grossly inadequate to the services required," and the committee recommended that a law be passed fixing a reasonable salary for the State Librarian, also that provisions be made in the bill by which the librarian should be liable on his bond for all loss of books through his negligence or carelessness.

Mr. Rusch moved, and the motion was adopted, that the Committee on Ways and Means be instructed to report a bill at an early day for the appointment of an agent to examine into the Law Department of the State Library and empowered to purchase all the legal works necessary and appropriating a sum sufficient for that purpose.

A joint resolution passed the session requiring the State Librarian and the State Superintendent to turn over to the State University such books as they might select from duplicates in the State Library.

The salary of the librarian for the years 1858-59 was fixed at \$600.

LIBRARIAN J.P. COULTER'S REPORT FOR 1858-59

Speaking from the historiographer's standpoint, the darkest period in the history of Iowa is, perhaps, that which immediately precedes the removal of the capital from Iowa City to Des Moines, between 1851 and 1858. The archives, now for the first time available for historical research, will doubtless throw much light upon the official history of the State covering that period; but the data which should contribute to make those years alive with events and occurrences will in all probability forever remain inadequate.

The official history supplied by State papers is wanting to make complete the early history of the State Library.

A bond and oath of office on file in the Archives Department indicate that J.P. Coulter was appointed Librarian March 30, 1858.

The next unpublished manuscript report found covering the activities--or inactivities--of the library is that of State Librarian J.P. Coulter, made December 12, 1859, and covering the years ending with that date.²⁵

²⁵Marked "G" in supplement to this sketch.

The report, addressed to Governor Lowe, begins; with a reference to a complaint made by the Judges of the Supreme Court and the members of the Bar, that the Reports of the several States are not in the library, their absence rendering it "almost impossible for them to trace up their authorities on important points of law."

The steady increase in the business of the courts of the State makes "more and more apparent every year" the necessity of a complete Law Library. In '59 there were in the library only two complete sets of State Reports, whereas at the present time the sets of State Reports in the library are nearly all complete.

The Librarian respectfully asks for a binding fund, that valuable pamphlets and worn-out books may be preserved.

The number of volumes in the library in 1859 was reported as 5,855. Of this number about 150 volumes were subject to the selection of the Secretary of the Board of Education for the State University Library, as per a joint resolution of the previous year.

Then follows a list of donations and exchanges from several States, societies and individuals, showing much progress toward that goal so nearly attained at present, when the fullest cooperation, including inter-state and inter-society exchange and inter-state and inter-society loans, is the library policy everywhere.

The chief attention paid the Library by the Eighth General Assembly was in the nature of an attempt to discredit that department and minimize its importance to the State.

On the 13th of January, 1860, the Speaker presented to the House the report of the State Librarian. On motion the report was laid upon the table and 200 copies of same were ordered printed for the use of the House.

On the 20th of March, 1860, Mr. Bowen introduced in the Senate a bill for an act to abolish the office of State Librarian, and devolving his duties on the Clerk of the Secretary of the Board of Education. The bill was read twice, and on motion of Mr. Watson was referred to a special committee of three. The President appointed as that committee Senators Watson, Bower and Duncombe.

On the following day, Chairman Watson of that Committee reported the bill back "with the recommendation that it do not pass." Mr. Bowen moved that the committee's report be not concurred in; which motion prevailed.

Mr. Mann moved the indefinite postponement of the bill. Mr. Bowen called the yeas and nays. The motion carried by a vote of 23 to 18.²⁶

²⁶The yeas were--Senators Ainsworth, Bailey, Buechel, Drummond, Duncombe, English, Gray, Green, Hammer, Johnson, Mann, Patterson of Muscatine, Powers, Rankin, Reiner, Saunders, Sherraden, Thompson, Trumbull, Taylor, Udell, Watson, Wilson of Dubuque-23.

The nays were--Senators Anderson, Angle, Bowen, Brown, Coolbaugh, Davis of Clinton, Davis of Polk, Hagans, Hastings, Henderson, Kent, Lewis, McPherson, Neal, Pusey, Pattison of Marshall, Scott, Wilson of Jefferson--18.

On the 2d of March, Mr. Robb, in the House, submitted a report from the committee on public library, together with a resolution by Mr. Baker, the nature of which is not indicated in the House Journal of that date, or elsewhere. Mr. Kellogg moved that the report with the resolution be referred to the committee on ways and means, with instruction to report "by bill, joint resolution, or otherwise." Mr. Cleggett moved to amend, and the amendment carried, instructing that committee "to inquire into the expediency of requiring the State Librarian to be accountable for all books lost from the library, and requiring said librarian to take semi-annual inventories of all books in the library." The House Journal has no record of any action recommended by the ways and means committee.

On the same day, Mr. Clark, of Johnson, offered a resolution to the effect "that the committee of ways and means be instructed to inquire into the expediency of purchasing the law library of Mr. J. Grant, for the use of the State, and to report by bill or otherwise."

Mr. Bereman offered a resolution of inquiry as to what security the State had against loss by fire "and to report by bill or otherwise for the insurance of the library and other property of the State, if deemed necessary." The matter was referred to the committee on public buildings, where, presumably, it died.

In the report of J.W. Cattell, Auditor of State, April 18, 1860, the Librarian's salary is itemized as \$700.

In an act approved April 3, 1860, making appropriations for the pay of State

officers, etc., the salary of the Secretary of the Board of Education, for the term of two years, was placed at \$3,000; "for traveling expenses and for the pay of deputy for the term of two years, . . . the sum of \$1,800" or \$900 a year.²⁷ Evidently the sum of \$200 was intended to be used for traveling expenses, and the balance of \$700 went to the acting librarian.

LIBRARIAN L.I. COULTER'S REPORT FOR 1860-61

The seven-page, coverless report of L.I. Coulter, who had succeeded his father as State Librarian, dated Des Moines, January 13, 1862, covering the years 1860 and 1861, was issued "in compliance with Section 704 of the Revision of 1860."²⁸ It reports the number of volumes in the library at the close of the year 1859 as 5,810. Since that date the librarian had delivered to the library of the State University, in accordance with Joint Resolution No. 6, passed by the Seventh General Assembly, 415 duplicate volumes. By exchanges with other States and donations of scientific societies and private individuals, additions during the years 1860 and 1861 amounted to 6,433. To shelve these accessions, an additional alcove had been constructed. Then follows a list of the duplicates sent the State University. This is followed by a list of the accessions during the years 1860-61. These consist of documents from thirty-two States and two territories, also government documents and scientific publications from Berlin and Vienna, one valueless donation and sixteen law-text books received in exchange for Iowa reports.

1862-63

The Ninth General Assembly had little time for legislation other than that of providing men and means for the prosecution of the War for the Union. The

²⁷Acts of the Eighth G.A. Sec. 7, p. 102.

²⁸Not mentioned in the Check List of State Publications.

Librarian's report was received January 27, 1862, and on motion of Mr. Ainsworth was ordered laid on the table and printed. Copies of this report are scarce.

On March 4, 1862, Mr. Teter introduced in the Senate a resolution which, had it passed, would have been of incalculable value to the recently created Legislative Reference Bureau and to legislators. It was that the Secretary of the Senate and the Chief Clerk of the House severally preserve a file of all bills printed by order of their respective Houses, and that at the end of the session they deposit such files with the Secretary of State who was directed to bind same and place them in the State Library. On motion of Mr. Holmes the resolution was laid on the table.

Mr. Jennings introduced in the Senate, April 2, a concurrent resolution reciting that, whereas a large number of valuable works in the State Library, in pamphlet form, were suffering damage; and, whereas it was "the duty of the General Assembly to look to the preservation of said library," that the Secretary of State be authorized and directed to have the important pamphlets "neatly bound into proper separate volumes in half binding with leather tips." The resolution was referred to the committee on Library. On the 8th, that committee, through Mr. Woodward, reported. The committee had visited the Library and noted its condition. It was found that there were various valuable works of and relating to the laws, etc., which were bound in pamphlet form, "two or three copies of which should be on the shelves of the Library, and should be preserved;" also that there were publications of other States in pamphlet form, one copy of which, at least, shall be bound for preservation. Then followed a few details not essential to the record. The

committee reported a bill embodying these recommendations. The bill was at once taken up, and passed by a vote of 27 to 12.

The House promptly took up the bill messaged from the Senate, and, on motion of Mr. Shipman, it was indefinitely postponed.

LIBRARIAN L.I. COULTER'S REPORT FOR 1862-63

A manuscript report has been found, signed by L.I. Coulter, State Librarian, dated January 11,²⁹ 1864. This, the first of a new series of separately printed reports, mentioned in the Check List of State Publications, covers only seven pages, copies of which are scarce. This report covering the years 1862-63 is devoid of interest beyond the list of additions to the library during the period, and this list is chiefly interesting because of its revelation that not a single general work was added to the library during the years covered by the report. The only additions were exchanges with the several States in the nature of laws, law reports and State documents, Smithsonian Institute collections and donations from foreign literary and scientific associations, made through the agency of the Smithsonian Institute. The total of receipts for the period was 835 volumes.

1864-65

Governor Kirkwood in his second biennial Message, January 12, 1864, declares that "the absolute necessity for a good Law Library, to a court of last resort, must be apparent to all." He adds: "It is as unreasonable to expect learned and correct decisions from a court deprived of a good library, as it is to expect good and well finished work from a mechanic without tools. The

²⁹Marked "H" in supplement to this sketch.

Reports of other States contain the well considered opinions of their most learned Judges; the elementary works contain the principles upon which our whole legal system is based, and to require our Judges to decide cases involving questions affecting the most vital rights and interests of our people without the opportunity to consult these fountains of law, is unreasonable in itself, and tends to render doubtful and uncertain the principles controlling and protecting these rights and interests."³⁰

THE GENERAL ASSEMBLY RESPONDS

The Tenth General Assembly responded to Governor Kirkwood's appeal with a generous appropriation. That portion of the Governor's Message relating to the library was promptly referred and on the 23d of January 1864, Mr. Hailey from the Senate Committee on Library, reported that a bill appropriating money for the State Library had been under advisement, and he had been instructed to recommend its passage and its immediate publication. February 1, the bill came to a vote and passed with only ten opposing.^{30a}

On the 11th the bill came back from the House, amended by a reduction of the appropriation from \$5,000 to \$3,000, and substituting "Auditor of State" for "Governor," as the officer to whom the Judges of the Supreme Court should give an account of their purchases of books.

³⁰Messages and Documents, v. 2, pp. 335-36.

^{30a}Yeas--Bassett, Burdick, Bronson, Brayton, Boardman, Bridges, Crookham, Clark, Cutts, Foote, Gray, Gue, Hart, Hogin, Hillyer, Hunt, Hatch, Hilsinger, King, McJunkin, McCrary of Lee, McCrary of Van Buren, Moore, McMillan, Merrill, Parvin, Saunders, Shippen, Wharton and Woolson--30.

Nays--Brown, Clarkson, Flaugh, Hesser, Hilsinger, Jennings, Knoll, Patterson, Ross, Udell--10.

Two days later, on motion of McCrary of Lee, the Senate refused to concur in the House amendments. A conference followed. Messrs. Stiles, Moir and Mills for the House and McCrary, of Lee, Hatch and Gue for the Senate. Chairman McCrary reported to the Senate recommending that that body recede from its refusal to adopt the House amendments, and concur in said amendments.

On the 8th of March the question of concurrence was settled affirmatively, by a vote of 40 to 1, Senator Burdick alone voting in the negative. The bill, as passed,³¹ appropriates \$3,000 "for the purpose of increasing the law part of the State Library," the funds to be expended under the supervision of the judges of the Supreme Court.

LIBRARIAN L.I. COULTER'S REPORT FOR 1864-65

The scarce report of Librarian L.I. Coulter, dated January 8, 1866, and covering the years 1864-65, is simply an inventory of additions made to the State Library during the biennial period by exchange and by donations from scientific sources and individuals and by purchase. The list includes the books purchased by the judges of the Supreme Court with the money appropriated by the Tenth General Assembly.

WITHROW, WRIGHT AND DILLON'S INTEREST IN THE LIBRARY

The papers of 1865 bring out the active interest taken by several famous Iowa jurists in the upbuilding of the Law Library.

Hon. Thomas F. Withrow, representing the judges of the Supreme Court, submits a report on the purchase of books "for the law part of the State Library, to

³¹Laws of the Tenth General Assembly, ch. 42, p. 41.

the total amount of \$2,985.42." "The expense of making these purchases (aside from freight and express charges) . . . amounted in the aggregate to \$149.02." Evidently the buyer then sought the seller--not the seller, the buyer, as at the present time.

Hon. George G. Wright, chief justice, makes a supplemental report, in which he declares the appropriation "insufficient to purchase all the books needed for the Library"--a condition not entirely unique in the library's history! The judges deemed it advisable to purchase the leading text books and such reports as were deemed necessary to fill up broken sets, many of which were even then "difficult to obtain." Judge Wright adds: "Indeed, they were only secured by correspondence and personal interviews with most of the law publishing houses of the United States." And even those purchased "were found to be out-of-print and had to be picked up in private libraries where they were duplicates, or the owners were willing to sell." The Judge with what seems to be a touch of his well-remembered humor--"the humor of understatement" as Lowell terms it--concludes with the remark: "We deem it not improper to state that the Library is still incomplete!" He recommends that some means be adopted at an early day to round it out into completeness. That "early day" has not arrived, though the State has since dealt liberally by its library. When a librarian, or a board, pronounces a State Library complete, the time will have fully come for a change, for a working library is essentially incomplete, and the most a library board or a librarian, can expect to do is to approximate toward completeness as closely as its maintenance fund and favoring opportunities will permit.

The name of Judge John F. Dillon appears on a voucher of this year as having bought for the State twelve volumes of the American Law Register at \$5 per volume, with 20 per cent off.

It is notable, in a country of frequent changes in the commercial world, that the two business houses from whom these purchases were made, namely: Banks, Gould & Company, succeeded by Banks & Bros., New York, and Callaghan & Cutter, succeeded by Callaghan & Company, Chicago, are still the leading handlers of law-books in the United States. The presence of the 2-cent revenue stamp on the receipts of one of these firms, with the absence of the stamp on those of the other, suggests either an evasion of the internal revenue law by one, or excessive conscientiousness on the part of the other!

1866-67

In his first biennial message of January 8, 1866, Governor Stone incidentally refers to the State Library as "a valuable auxiliary to a Law School," presenting this as one of the "peculiarly strong reasons for the location of this school at the Capital." The Governor seemed to be satisfied with the meager equipment of the library, as he makes no recommendation for increased appropriation therefore.³²

1866-67

In the Eleventh General Assembly an effort was made by Senator Brayton "to provide for increasing the State Library, and to levy and collect taxes for the purpose." But the Brayton bill never even reach the House. It was introduced January 29, 1866, and referred to the committee on State Library.

³²Messages and Proclamations, v. 3, p. 44.

Three days later that committee, through its chairman, J.H. Smith, reported the bill back recommending its indefinite postponement. Mr. Brayton presented a minority report amending the bill and recommending its passage as amended. On the 27th of February, the majority report was adopted, and so the bill was indefinitely postponed.

But Senator Brayton persisted. By consent he at once introduced Senate File, No. 157, presumably eliminating the objectionable features of the original measure. The bill was referred to the committee on ways and means, was reported out and, on the 19th of March, was put upon its passage, receiving 26 votes, with 15 nays.

In the House, March 20, the bill went to the committee on Library. March 16, Mr. Tisdale from that committee reported a new bill to the same end. This bill, in effect a substitute for the Senate bill, was referred to ways and means. It was reported by the "sifting committee" too far down the revised calendar to be reached, and hence the bill "lost out."

The only other legislation attempted in the interest of the library was a Senate joint resolution appropriating funds for the purchase of 300 copies of Stewart's "Iowa Regiments and colonels," to be used by the State Library and the Historical Department as a basis of exchange for the laws and documents of other States. This also failed.

LIBRARIAN L.I. COULTER'S REPORT FOR 1866-67

The next unpublished manuscript report³³ found among the Archives is by

³³Marked "I" in the supplement to this sketch.

Librarian L.I. Coulter, and dated January 13, 1868. This report like the rest is simply a list of laws, documents, translations, etc., received during the years 1866 and 1867, the total number of which was 928 volumes. The librarian respectfully suggests that the publication of foreign scientific and literary societies be transferred to the Library of the State University. The report includes a number of purchases made by Judge C.C. Cole, namely copies of North Carolina, Tennessee, Mississippi, South Carolina and Vermont reports with a view to completing the sets of State Reports necessary to the practice in Iowa.

1868-69

The Twelfth General Assembly's only contributions to the interests of the State Library were a series of provisions to facilitate free exchanges with the libraries and societies of other States. By separate statutes, 100 copies of the Adjutant General's report were turned over to the librarian for exchange purposes; the Secretary of State was directed to distribute two copies of the Session Laws, as they appear, to the librarian of each State and Territory; and to supply the Iowa librarian with ten copies of the annual reports of the Iowa State Agricultural Society. It adjourned without making any provision, whatever, for the librarian's support.

On the 30th of January, 1868, a communication from the State Librarian was taken up in the Senate and on motion was referred to the Committee on State Library. This communication is doubtless the Librarian's Report covering the years 1866-67, to which reference has been made.

THE COULTERS--FATHER AND SON

There appears to be no official record of the appointment of J.P. Coulter's son, L.I. Coulter, as State Librarian. As stated, the elder Coulter was appointed in 1858, and his first and only report, dated December, 1859, covered the previous year. The Eighth General Assembly practically eliminated the elder Coulter by a clause in the salary appropriation bill permitting the Secretary of the Board of Education to appoint a deputy for two years, "provided said deputy shall act as State Librarian."³⁴ The son, formerly a clerk in the office of the Clerk of the Supreme Court, was appointed deputy and served until the provision of the appropriations committee was withheld in 1868. He served two years more in the office of the Board of Education, and then secured a position with the book-publishing house of Iveson, Blakeman & Co., of Chicago. The elder Coulter, Capt. John P., is dead. The younger is still living in Chicago and actively engaged in the service of the American Book Company.³⁵

1870-71

In Governor Merrill the State Library found an enthusiastic supporter. In his first biennial Message, January 11, 1870, the Governor noted the fact that the general library had received no additions "since the removal of the capital from Iowa City," except a few donations. He urged that the 10,961 volumes in the library "should be replenished." He noted the addition of 1,631 volumes, by exchange and donation, during the biennial period. He referred with satisfaction to the act of the previous General Assembly, "reviving a law of 1864, giving the Secretary of State authority to dispose

³⁴Chapter 84, Laws of Eighth G.A., p. 102.

³⁵The writer is indebted to Messrs. W.H. Fleming and John M. Davis for information concerning the Coulters.

of Supreme Court Reports in exchange for books on law and equity to be selected by the Judge of the Supreme Court." This system of exchange he finds "has caused an accession to the law library of 542 volumes of valuable and needed works"--with more coming. He optimistically concludes that from this source the library might rely on receiving about a thousand dollars' worth of books a year, and these with exchanges and donations would add to the library about 2,000 volumes during the next two years. He then calls the legislature's attention to the fact that the library apartments are too small even for present demands, adding that "a great number of books are boxed up and otherwise put away," for want of room. He urges the necessity of providing more shelf-room for the library. He suggests that "the room now occupied by the Supreme Court might be taken, and other provision be made for the accommodation of that tribunal." He also recommends a revision of the law relating to the State Library, adding:

The present act was passed many years ago, when the number of volumes in the library was quite small, and when one of the State officers could readily attend to it without neglect of his other duties. Now, the proper care of the room and books requires the time and attention of one person, who should receive appropriate compensation therefor, and be held responsible for the safe keeping of the property. He should also have charge of the reception and distribution of all books connected with the library under the laws of the State."³⁶

Through the active exertions of Justice Cole, of the Supreme Court, the General Assembly enlarged the library's facilities for exchange and purchase

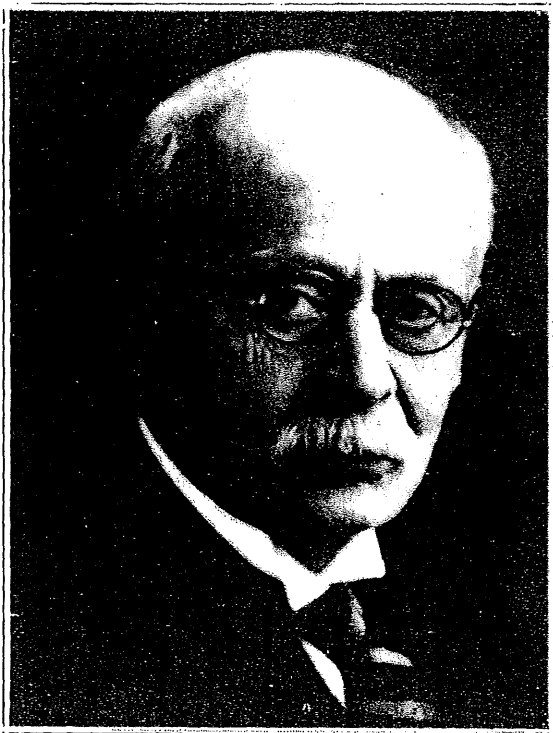
³⁶Messages and Proclamations, v. 3, pp. 274-5.

by authorizing the sale of 200 copies of Greene's Reports for the benefit of the library.

In 1871 the library was moved into the vacated Supreme Court room in the old capitol, and was thus given nearly double the floor and shelving space it had before. With one of those inconsistencies incident to legislation by the many, the General Assembly neglected to act upon the Governor's suggestion that the separate office of librarian should be restored and that the incumbent should receive appropriate compensation for his services. The Governor's appointee, John C. Merrill, filed his bond May 16, 1868; but the Twelfth General Assembly, while relieving the deputy of the State Superintendent from duty as librarian, adjourned without making any provision for the librarianship. Consequently Mr. Merrill was appointed by the Census Board an extra janitor.³⁷ He continued to receive pay as a janitor until his death, which occurred in September 1871. Mr. Merrill served the State with rare fidelity, industry and intelligence, preparing the way for the eminently successful administration of Mrs. Ada North, who succeeded him, and upon whom the title, "State Librarian," was worthily bestowed.

The subsequent history of the State Library is a matter of record and the records are complete, though several of the Librarian's reports are scarce.

³⁷Mrs. North's Historical Sketch of the Iowa State Library, 1875.



JOHNSON BRIGHAM

