

SEC. 3. To take effect. This act shall take effect and be in force from and after its publication.

Approved, February 15th, 1847.

[60] CHAPTER 48.

STATE LIBRARY.

AN ACT to provide for the management of the state library, and the election of a librarian.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Where kept—librarian elected. That the library of the state of Iowa shall be placed in one of the rooms of the capitol, and be in the care and under the direction of a librarian, to be elected as hereinafter provided.

SEC. 2. Persons to remove books—fine. No person shall remove a book from the library during the session of the general assembly and the supreme court, except the governor, secretary of state, auditor, treasurer, members of the senate and house of representatives, judges of the supreme court, United States attorney and marshal, senators and representatives in congress and attorneys practicing in the supreme court of the state and district or circuit courts of the United States, and all officers of the legislative assembly, and clerks of the supreme court; and any person so offending shall be liable to a fine of one dollar.

SEC. 3. Receipt—fine. No person shall be allowed to remove a book from the library without giving a receipt therefor to the librarian, and any person so offending shall be liable to a fine of one dollar.

SEC. 4. Time books may be kept—penalty. No person shall be allowed to keep any work belonging to the library in his possession for a longer period than fifteen days, under a penalty of twenty-five cents for each day he holds it over the time.

SEC. 5. Revised statutes. No person shall take more than one copy of the Revised Statutes of Iowa from the library at any one time, nor retain the same for a longer period than three days, under a penalty of twenty-five cents for each day he holds it over the time.

SEC. 6. Failure to return books, etc. If any person injure or fail to return any book or other property belonging to the library, for a period of two months, he shall forfeit and pay to the librarian, for the benefit of the library, twice the value thereof, or of the set to which the volume or article belongs; and, upon the payment of said penalty, such persons shall be entitled to the set, if the lost or destroyed volume be incomplete in itself.

SEC. 7. Privileged persons. The persons privileged to remove books from the library may introduce citizens and strangers into the library, who shall have the privilege, during the hours that the library is required to be kept open, to read any of the books therein not required for the use of such privileged persons.

[61] **SEC. 8. Library hours.** The library shall be kept open during the sessions of the general assembly and supreme court, from the hour of 9 a. m. to 9 o'clock p. m.; at all other times, on every Wednesday and Saturday evenings, for three hours each day—the hours to be selected by the librarian, and notice thereof posted on the outside of the door of the library room.

SEC. 9. Librarian. That Lemuel B. Paterson be, and he is hereby appointed librarian, who shall hold his office for the term of two years, and until his successor is appointed and qualified.

SEC. 10. Bond and oath. The librarian shall give a bond to the secretary of state, in the penal sum of two thousand dollars, for the faithful performance of his duties, and shall take an oath to faithfully and impartially discharge the duties of librarian, which oath shall be endorsed on the back of said bond, with the certificate of the persons administering it, and the said bond shall be filed in the office of the secretary of state.

SEC. 11. Custody of books, etc. The librarian shall have the custody, safe keeping, management and direction of all books, papers, maps, charts, engravings, paintings, natural curiosities, and all other things of what nature soever, which may be donated to, or purchased for the library, and take especial care that none of them be lost or injured.

SEC. 12. Assistant. The librarian shall have authority to appoint an assistant, who may perform the duties of the office, and for whose acts the librarian shall be personally responsible: provided, however, that said assistant shall be paid out of the salary of the librarian.

SEC. 13. Report. The librarian shall, previous to the close of every regular session of the general assembly, report the number of volumes in the library; a list of books or other property missing, if any; an account of the fines imposed and paid, and such other information in relation to the library as he may deem expedient.

SEC. 14. Additional report. The librarian shall, previous to the close of every regular session of the general assembly, (and at every special session, if required by the house,) report to the two houses a true account of all the expenses incurred since the last session for fuel, stationery, postage, binding, and other necessary incidental expenses; and shall also quarterly report to the treasurer and auditor of state a similar account of all expenses, which, on being found correct, and audited, shall be paid out of the state treasury.

SEC. 15. Duty as to journals. It shall be the duty of the librarian to procure from the proper officers, as soon as they shall be printed, five copies of the journals of every session of the general assembly with the accompanying documents, and place the same in the state library for the public use.

SEC. 16. Salary. The librarian shall annually receive for his services the [62] sum of one hundred and fifty dollars, payable out of the state treasury.

SEC. 17. Library rules. Such other rules, not inconsistent with the provisions of this act, as may be necessary for the safe keeping and good management of the library, may be adopted by the governor and librarian, and such rules, together with a catalogue of the books, shall be kept in the library for the inspection of those concerned.

SEC. 18. As to fines, etc. The librarian shall carry this act into execution, and he is hereby authorized and empowered to sue for all penalties prescribed by this act, and for all injuries done to the library, in the name of the state for the use of the library; and shall pay into the state treasury all moneys collected by the provisions of this act.

SEC. 19. Duty of secretary. It shall be the duty of the secretary of state to bring suit on the bond of the librarian for a violation of any of the provisions of the foregoing act.

SEC. 20. Repealing section. That an act to provide for the appointment of a librarian, and for other purposes, approved, January 4th, 1840, be and the same is hereby repealed.

SEC. 21. Take effect. The secretary of state shall have this act published once in the Iowa Capital Reporter and the Iowa Standard immediately, and shall take effect from and after its publication.

Approved, February 15th, 1847.

Published in the Reporter Feb. 24th 1847, and in the Standard Mar. 18th, 1847.

CHAPTER 49.

GROCERY LICENSE.

AN ACT providing that the legal voters in each township determine at the township election, whether the county commissioners shall grant license for retailing intoxicating liquors in their respective counties or not.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Election. That the qualified electors in each county in this state, shall, at the first township election after the passage of this act, vote for or against a license being granted to any individual or individuals, in their proper county, for the retail of intoxicating liquors, by the county commissioners, agreeably to the existing license laws.

SEC. 2. Township election. That at the first township election to be holden in this state, there shall be a poll opened in each township of the several counties of the state, by the township officers or judges of election, for a vote to be taken upon a "license" or "no license;" which vote shall be by ballot. And at every annual township election thereafter, the [63] county commissioners of each county may order an election on the same subject, when in their opinion it may be proper to do so.

SEC. 3. Notice. That the notice shall be given of such election, at the time and in the manner required for the election of township and county officers.

SEC. 4. Election, how conducted. That said election shall, in all respects, be conducted in accordance with the laws now in existence, or which may hereafter be in existence, regulating township and county elections, so far as the same are applicable; and a majority of the votes cast in each county, at said election, shall determine the question of license in said county, and the county commissioners shall be governed accordingly.

SEC. 5. Certificate and returns. The result of said election shall be made out by the judges and clerks of the respective township elections, certifying how many votes were received for a license and also how many votes were received against a license, in their respective townships, sealed and directed to the county commissioner's clerk of their respective counties, and returned to said clerk within nine days from and after said election day.

SEC. 6. Duty of clerk. The said county commissioner's clerk shall, at the first session of said commissioner's court, after the returns from all the townships in said county are received, as provided in the foregoing section, open the same in the presence of the board of county commissioners, who shall determine from said returns whether or not license shall be granted in said county.

SEC. 7. Take effect. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and the Iowa Standard of this city.

Approved, February 15th, 1847.

Published in the Reporter and Standard, February 24th, 1847.