

PROCEEDINGS OF THE
MINNESOTA STATE BAR ASSOCIATION
REPORT OF LIBRARY COMMITTEE
(1905)

To the President and Members of the Minnesota Bar Association:

The members of your Library Committee have the honor to make their report:

By Article VI. of the Constitution of the Association, it is provided that "a Library Committee consisting of three members, whose duty it shall be to assist the justices of the Supreme Court in maintaining and advancing the interest of the law library of this state," shall be appointed annually.

By Section 369 of our General Statutes, the Supreme Court judges are given the general oversight of the library, and are authorized to direct purchases, sales and exchanges of books. By the practice of the court this oversight has been delegated to one judge. For many years Judge Berry had this supervision. At his death he was succeeded by Judge Mitchell, and at the expiration of Judge Mitchell's term, Judge Lewis was selected to succeed him.

Your committee have conferred with Judge Lewis, and the librarians, and have visited the present quarters of the library and those designed for the library in the new capitol.

Three months ago a catalogue of the law books was issued. This is a volume of 620 pages, containing (1) a descriptive catalogue by author's names arranged alphabetically; (2) a subject index; (3) a chronological list of American and Foreign reports and statutes; (4) an index of the paper books and briefs in cases before the Supreme Court of this state, arranged according to titles of cases. Besides this book catalogue, a card index of the books has been prepared. This index is in the usual form, each title being entered on a separate card and the cards arranged alphabetically in cabinets. In this index there is one alphabetical arrangement by subjects and another by authors' names. Titles of volumes which appear in the book cata-

logue are on white cards, while the titles of books received since the completion of the book catalogue are entered on blue cards. This arrangement enables the searcher to tell at a glance whether there are any works under a given subject or name which do not appear in the book catalogue. There is also a card index of paper books and briefs from October 1, 1903, and an index of articles on legal subjects in the periodicals on the shelves of the library. Additions to these several card indices are made as soon as new books are received, so that at all times these catalogues are complete.

It may not be known to all members of the profession that the library has a collection of paper books and briefs in cases argued and determined by our Supreme Court since the year 1864. These printed records are bound in volumes which indicate the term of court and the calendar number of the cases included in the volume. A copy of the court calendar is placed on the shelf beside the first volume of each term, so that when the title of a case and the term of court at which it was decided are known it is very easy to turn at once to the volume containing the record. These briefs and paper books are for the use of the judges and the members of the Bar; they are kept where anyone can consult them without calling the librarian, and a more extended use of them by attorneys would be serviceable alike to the Bench and the Bar.

For many years the annual legislative appropriation for the purchase of books was \$2,000. This has been increased once or twice. In 1903 the legislature passed the act which is printed as Chapter 272 in the Laws of 1903. This provides an annual appropriation of \$4,000 for the purchase of books, \$700 for binding and \$500 for contingent purposes. While this appropriation is larger than the state has granted in the past, it is scarcely large enough, if the state intends that in the near future the library shall have a collection of reports and statutes of the different countries of the civilized world which shall practically be complete. These two adjoining cities of Minnesota in which we meet today are rapidly becoming the intellectual center, as they already are the business center, of the states northwest of Chicago. The State Library contains 47,000 or 48,000 bound volumes and many pamphlets, it is already resorted to by lawyers from other states, and Minnesota lawyers are or soon will be called upon to advise their clients respecting the laws of countries

other than those of English speech. The cost of complete sets of statutes and reports will be cheaper now than in the future, and when the library has been transferred to its permanent place in the new Capitol, it would seem wise to make a systematic effort to obtain as far as possible a complete set of statutes and reports of all civilized countries. Lawyers will note that Minnesota has already adopted the form of our ballot and the Torrens system of land transfer from Australia. And Judge Lewis calls our attention to the fact that reports of the several political divisions into which Australia is divided: Victoria, New South Wales, Queensland, etc., contain most of the decisions on such laws and the leading cases on the various aspects of the rights and duties of members of labor unions in respect to other citizens. Then, under the jurisdiction of our general government, we have Hawaii, Porto Rico and the Philippines, not to speak of Cuba, and soon we shall have possession of the Panama canal strip. In the near future \$4,000 will be too small an appropriation for a library of the size and practical value of the State Library.

Your committee have visited that part of the new Capitol devoted to the use of the library, and the chairman has inspected the architect's plans. The arrangement in the new building places the Supreme Court room in the center of the east wing of the Capitol. At the extreme eastern end of the building is the consultation room of the judges; on the south side of the court room are the judges' chambers and on the north side of the court room are various rooms for the library; a private office for the librarian, a reading room, a room containing the books most called for and a consultation room for attorneys. These are on the same floor as the court room. But another floor above these rooms, extending around three sides of the domed ceiling of the court room above the consultation room and h the judges' chambers, is likewise to be given to the library. On this upper floor will be the iron stacks containing the great majority of the volumes and affording space for future growth. This upper floor is reached by two narrow staircases, one at each corner of the building. We learn it is proposed to have one attendant stationed in the reading room and one on the floor above. There will be a speaking tube connecting the floors and a book lift after the fashion of a "dumb waiter" to carry books from one floor to the other.

By the act of 1903 mentioned above (chapter 272) the staff of the library consists of a librarian, an assistant librarian and a clerk. In the present library there is not room for any more persons in the service of the library. But your committee are unanimously of the opinion that in the new Capitol it will be literally impossible to administer the library with this force. Practically the entire time of the present clerk is or will be occupied in the work of preparing and arranging the new cards for the several card catalogues described. Much of the time of the librarian will be needed for the correspondence required in making purchases and exchanges with other libraries. This will leave the assistant librarian to answer calls from readers in the reading room and procure books from the stack on the upper floor—a physical impossibility. In the case of temporary sickness of one attendant the routine business of the library must be neglected in order to serve readers with the books needed by them. Your committee, therefore, unanimously recommend that this Association request its Committee on Legislation at the coming session of the legislature in its behalf to ask for an amendment to the act named, authorizing the employment of two additional assistants at such rate of compensation as shall seem wise to the Committee on Legislation, after conference with the librarians.

The usefulness of a technical library of the size of our State Library depends in large degree on the special fitness of the librarians for their work. This is particularly noticeable during the session of the legislature when the library is in constant use by the members of both houses. When competent men are secured, as appears to be the case now, the value of their services increases with each succeeding year and they should be retained during good behavior. By the act of 1903, previously mentioned, the appointment of an assistant librarian must be approved by the judges of the Supreme Court, but section 4 of article 5 of the State Constitution, and section 366 of our general statutes, provide that the librarian shall hold office for two years and shall be appointed by the governor with the advice and consent of the senate. Your committee are unanimously of the opinion that it would be of decided advantage to the lawyers and members of the legislature were the law amended so that the appointment of the librarian should be made by the Supreme Court judges for an indefinite term, but subject of course to removal for cause, and the committee unanimously

recommend that the Association request its Committee on Legislation at the coming session of the legislature to ask for an act submitting an amendment to the constitution in this respect.

Respectfully submitted,

HENRY B. WENZELL,
WILSON BORST,
C. A. PIDGEON,

Committee.

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APPENDIX

1903 Laws, Chapter 272, at p. 405.

An act to codify and amend the laws concerning the state library and appropriating money for its care and maintenance.

Be it enacted by the Legislative of the State of Minnesota:

SECTION 1. The state library shall consist of the books, pamphlets, maps, charts and documents of every kind now belonging to the same, together with such others as it may acquire by gift, purchase, exchange or otherwise.

SEC. 2. The governor, by and with the advice and Librarian, consent of the senate, shall appoint a state librarian at a salary of two thousand dollars (\$2,000) per year, who shall hold his office for two years and until his successor is appointed and qualified. Before entering upon his duties he shall take the oath of office and give a bond to the state in the sum of two thousand dollars (\$2,000) with two sureties to be approved by the governor conditioned for the faithful performance of his official duties, the safekeeping and delivery to his successor of all property belonging to the library, and the proper disbursement or payment to his successor of all moneys coming into his hands as librarian. Such oath and bond shall be filed in the office of the secretary of state.

SEC. 3. The librarian is hereby authorized to appoint a clerk to assist in the duties of his office, whose salary shall be \$900 per annum and who shall hold office at the pleasure of the librarian. There shall also be appointed by the librarian an assistant librarian whose salary shall be \$1,500 per annum. *Provided*, that the

appointment of said assistant before taking effect shall be approved by the supreme court.

SEC. 4. The librarian shall have the custody and charge of all property belonging to the library. He shall under the direction and control of the judges of the supreme court attend to all sales and purchases. He shall furnish the custodian of public documents with a list of states, territories, countries and institutions with which he deems it desirable to carry on exchanges for the benefit of the state library, and it shall be the duty of said custodian of public documents to furnish and forward the volumes requested for such exchange, as provided by law.

He shall, as respects himself, obey, and, as respects other persons, enforce such rules and regulations as may be prescribed for the government and conduct of the library and its affairs. He shall with or without suit, collect in his own name, for the use of the library, such damages as may be sustained by injury to or failure to return any books or other property of the library, as well as all fines imposed by any of the rules or regulations before mentioned. He shall keep a book in which he shall enter a detailed and chronological account of all exchanges, purchases and sales of the books added to the library during the preceding twelve months designating which have been added by gift, which by exchange and which by purchase; a list of the books lost during the said twelve months; a statement of the amount collected for the use of the library during the same period for loss of books or injury thereto, and for fines; and also a statement of the amount expended for the library, designating in a general way the purposes for which such expenditures have been made.

SEC. 5. The judges of the supreme court shall exercise a general supervision of the library. They shall have power to adopt all such rules and regulations for the government and conduct of the same and its affairs as they may deem proper, and also rules prescribing penalties and fines for any violation thereof, such rules and regulations shall be posted in conspicuous places in the rooms occupied by the library. Such judges are authorized to direct such purchases of books, pamphlets and documents for the library, and to direct such sales and exchange of books, pamphlets and documents in the library as they may deem best.

SEC. 6. Every officer of the state who shall receive any volume of the laws, journals, reports or other documents of any other state or

territory of the United States or any foreign country, or any of the officers thereof for the use of this state shall immediately deliver the same to the state librarian for the state library.

SEC. 7. All moneys received for books sold or for injury to or failure to return books or other property of the library, or for fines shall be expended for the benefit of the library.

SEC. 8. The librarian is hereby authorized under the direction of the judges of the supreme court to expend not to exceed the sum of four thousand dollars (\$4,000) annually in the purchase of books for the library; seven hundred dollars (\$700) annually in binding and repairing books for the library, and five hundred dollars (\$500) annually for contingent purposes.

SEC. 9. For the purposes of this act there shall be and hereby is appropriated the sum of nine thousand six hundred dollars (\$9,600) for the fiscal year ending July thirty-first, nineteen hundred and four, and annually thereafter.

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed. *Provided, further*, that all standing appropriations heretofore made for any of the purposes herein specified are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after August first, 1903.

Approved April 18, 1903.

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SOURCES

The Report of the Library Committee was printed in the *Proceedings, Minnesota State Bar Association* 63-66 (1905). The 1903 revisions to the laws on operating and funding the State Library were not part of the Committee's report but have been added by the MLHP. ■

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