

THE STATE OF OREGON

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THE GENERAL LAWS

AND

JOINT RESOLUTIONS AND MEMORIALS

ENACTED AND ADOPTED BY

THE TWENTY-FIRST REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY

1901

BEGUN ON THE FOURTEENTH DAY OF JANUARY AND ENDED ON THE  
TWENTY-THIRD DAY OF FEBRUARY, 1901



SALEM, OREGON  
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1901

## AN ACT

[H. B. 2.]

To authorize the establishment and maintenance of public libraries, and to provide for their control and protection.

*Be it enacted by the Legislative Assembly of the State of Oregon:*

Section 1. *General Provisions.*—This act shall be known as the public library law. In this act, unless the context otherwise requires, “library” includes libraries with branches, loan, reference, traveling and reading room departments, lectures and museums; “city” includes town and village; “council” means the legislative body of an incorporated town, village or city; “mayor” means the chief executive officer of an incorporated city, town or village.

Section 2. *Establishment Tax.*—The council of every incorporated city shall have the power to establish; equip and maintain a public library, or maintain and support any public library already established therein, and may annually levy and cause to be collected, as other general taxes are collected, a tax not to exceed one-fifth of one mill upon each dollar of the assessed value of the taxable property of such city, to provide a library fund, which fund shall be kept separate from other money of the city, to be used exclusively to maintain such library; *provided*, that the said library tax shall not be included in the aggregate amount of taxes as limited by any provision of any charter under which any city is now organized.

Section 3. *Aid to Libraries Already Established.*—If there exists in any incorporated city a secular or non-sectarian library owned and controlled by a society or corporation, the council of such incorporated city may, when deemed best for the interests of the city, levy the tax hereinbefore provided for, and, in lieu of supporting and maintaining a public library, enter into a contract with such society or corporation for the purpose of providing the inhabitants of such city with the free use of the library upon such terms and conditions as may be agreed upon between the council and the society or corporation; and the terms of such contract may give the control and management of the library to such society or corporation, in which event section 4 of this act shall have no effect, but the other sections thereof shall be considered to be a part of said contract; *provided however*, that all money

paid to such society or corporation under said contract shall be expended solely for the maintenance of the library, and for no other purpose.

Section 4. *Directors—Appointment—Vacancies.*—For the government of such library, there shall be a board of nine directors, appointed by the mayor with the approval of the council, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the council shall be at any one time a member of said board; *provided*, that in cities of less than three thousand inhabitants there shall be six directors. Such directors shall hold their office for three years from the first day of September in the year of their appointment, and until their successors are appointed; but upon their first appointment they shall divide themselves at their first meeting by lot into three classes, one-third for one year, one-third for two years, and one-third for three years, and their terms shall expire accordingly. No person shall be ineligible to serve upon said board of directors by reason of sex. All vacancies shall be immediately reported by the directors to the council, and be filled by appointment in like manner, and, if in an unexpired term, for the residue of the term only. The mayor may, by and with the consent of the council, remove any director for misconduct or neglect of duty. No compensation shall be paid or allowed any director.

Section 5. *Board of Directors—Organization—Powers.*—Said directors shall, immediately after their appointment, meet and organize by the election of one of their number president, and by the election of such officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with this act. They shall have exclusive control of the expenditure of all money collected for the library fund, and the supervision, care and custody of the rooms or buildings constructed, leased or set apart for that purpose, and such money shall be drawn from the treasury by the proper officers upon the properly authenticated voucher of the board, without being otherwise audited. They may, with the approval of the mayor and the council (without which no lease, purchase or contract therefor shall be of any validity), lease and occupy, or purchase, or erect on purchased ground, an appropriate building, not, however, employing in such purchase or

building more than one-half of the income in any one year. They may appoint a librarian and assistants, and prescribe rules for their conduct, and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of this act in establishing and maintaining a public library.

Section 6. *Use of Library.*—Every library established under this act shall be forever free for the use of the inhabitants of the city where located, subject to such reasonable rules and regulations as the library board may find necessary to adopt and publish in order to render the use of said library of the greatest benefit to the greatest number; and they may exclude and cut off from the use of said library any and all persons who shall wilfully violate such rules. The board may extend the privileges and use of such library to nonresidents, upon such terms and conditions as said board may prescribe.

Section 7. *Annual Report.*—On or before the thirty-first day of December of each year, the said board of directors shall make a report to the council, stating the condition of their trust, the various sums of money received from the library fund, and all other sources, and how such money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with such other statistics, information and suggestions as they deem of general interest.

Section 8. *Donations to Vest in Board.*—All persons desirous of making donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title thereto in the board of directors created under this act, to be held and controlled by such board when accepted, according to the terms of the deed of gift, devise or bequest, and as to such property the said board shall be held and considered to be special trustees.

Section 9. *Penalty for Defacing Books.*—Whoever wilfully or maliciously writes upon, injures, defaces, tears or destroys a book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript, or statue belonging to a law, city, or other public or incorporated library shall be punished by a fine of not less than \$5.00 nor more than \$50, or by imprisonment not exceeding six months.

Section 10. *Penalty for Detention of Books.*—Whoever wilfully or maliciously detains any book, newspaper, magazine, pamphlet or manuscript belonging to a law, city, or other

public or incorporated library for thirty days after notice in writing from the librarian of such library, given after the expiration of time which by regulations of such library such book, newspaper, magazine, pamphlet, or manuscript may be kept, shall be punished by a fine of not less than \$5.00 nor more than \$25, or by imprisonment not exceeding six months; *provided*, that the notice required by this section shall bear upon its face a copy of this section.

Section 11. *Emergency Clause*.—Inasmuch as many cities in the state desire to take immediate advantage of this act, an emergency is hereby declared, and this act shall take effect upon its approval by the Governor.

Approved February 13, 1901.

#### AN ACT

[ S. B. 17 ]

To fix the fees and mileage of witnesses in Douglas, Jackson and Josephine counties.

*Be it enacted by the Legislative Assembly of the State of Oregon:*

Section 1. The following fees shall be allowed to witnesses in all criminal actions in the counties of Douglas, Jackson and Josephine: For each day's attendance on a court of record, one dollar and a half; for each day's attendance before a justice of the peace, referee, sheriff or other officer, one dollar. In all other criminal actions and proceedings witnesses subpoenaed in said counties, and jurors, shall receive five cents per mile necessarily traveled in going to and returning from the place of trial; *provided*, that witnesses and jurors residing within three miles of the place of trial, or the place where they are required to appear and testify, shall not be entitled to receive mileage.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 15, 1901.