

**A HISTORICAL SKETCH OF  
LIBRARY LEGISLATION IN NEW  
HAMPSHIRE, WITH A  
COMPILATION OF LIBRARY  
LAWS OF THE STATE, PP. 65-173**

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A Historical Sketch of Library Legislation in New Hampshire, with a Compilation of Library Laws of the State, pp. 65-173 by Herbert W. Denio

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BY HERBERT W. DENIO, A. M.

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Lawrence S. ...

This Article is from the Report of the New Hampshire State Library  
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## HISTORICAL SKETCH OF LIBRARY LEGISLATION IN NEW HAMPSHIRE.

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The remarkable public interest in libraries today is frequently spoken of. To establish and endow a library in one's native town, or to contribute largely to one already doing good work, is one of the most popular forms of public bequests. This interest is not the growth of a day, nor is there any reason to believe that it will diminish. While the desire to read and study remains and fortunes accumulate, we may expect libraries will multiply and flourish. This paper is an attempt to sketch the historical development of the various kinds of libraries in New Hampshire. A full compilation of all the library legislation from the beginning to date follows.

### PRIVATE ASSOCIATIONS.

Naturally the first public libraries in the state were those formed by associations, and their use was usually restricted to the membership of the associations. Voluntary library associations received their sanction at the hands of the legislature in 1831, in the same act which recognized fire engine companies, singing, and other musical societies. Many years before this, however, the state had granted by special acts charters to many associations. These were in no case free public libraries, but the terms on which any one could join and enjoy the advantages of the association usually were so low that very many became members. Such libraries accomplished much permanent good and paved the way for something better.

The act of 1831 provided that two or more persons could agree to associate for library purposes and assume a corporate name. This agreement was to be posted in two public places and recorded by the town clerk. The association could re-

ceive, hold, or sell property amounting to \$1,000. The following year an act provided by implication that non-dividend paying associations of any kind should not be taxed.

The Revised statutes of 1843 required that the notice of an intention to organize a library association and its name and object should be published three successive weeks in some county newspaper. Its annual income could not exceed \$1,000. This limit was raised to \$5,000 in 1867. Since 1891, \$500,000 may be held by an association, and five persons are required to organize. These libraries are entitled to receive the laws, the legislative journals, and the reports of the state officers.

From 1793 to 1897, 220 libraries have received special charters from the legislature. The earliest was the Social Library of Dover, in the year first mentioned. The Social Library of Tamworth and the Portsmouth Library were incorporated in 1796, twenty-four others in 1797, and a still larger number of others were chartered within the next fifteen years. Nine out of every ten of these libraries were called social libraries. Less than half a dozen of these 220 libraries exist today under their original names.

#### FREE PUBLIC LIBRARIES.

From first to last, all legislation for public libraries has been based on the principle that these institutions have an educative and a moral influence. Repeatedly in the preamble or in the whereas of an act incorporating a library association, this principle was plainly stated. When private funds began to be given for public or semi-public libraries, the donors often expressed the belief that they could not use their means for broadening and elevating the community in any other way so surely as in providing good reading for it. So, too, when the idea took root in the public mind that a community needed to supplement the public school instruction of the average citizen, the same reason was given for creating free libraries as had been given for establishing free schools—the object of each was the same. In addition, it was recognized that it was not enough to create a taste for learning by the free district and



graded schools, and then to expect the youth to continue his reading from books purchased wholly from his earnings.

Gradually it has become manifest that libraries established by associations too frequently cease to exist after a few years. Municipal action and municipal support generally are necessary for the perpetuation of a free public library.

#### THREE STAGES IN LEGISLATION.

Legislation respecting free public libraries may be divided into three progressive stages.

##### *(a) Permission.*

The first stage is that of permission. A general law is passed, the provisions of which affect only such towns as voluntarily assume its obligations. Such a law provides that a majority of the voters of a town may determine that each of its citizens shall assist in supporting a free public library for the welfare of all. Many of the states now have a law of this nature.

##### *(b) State Aid.*

The second stage is that of state aid. The usual form of this aid is for the state to grant to towns establishing free public libraries a gift of \$100 in books for the library. Frequently a state commission is appointed which has the charge of the matter. Its duties are to disseminate information respecting the library laws and library statistics, to require an annual report from all free libraries in the state, to distribute the state stipend, and to guard against immature attempts to establish libraries with the chief object of getting the stipend.

Another form which this stage assumes is that of traveling libraries. These libraries are a selection of books, usually about one hundred in number, sent out by a state commission or by the state librarian to any community or association agreeing to be responsible for them. The expense of carriage rests on the readers. The books may be retained six months, when perhaps another library is sent in its place. Study clubs or

Chautauqua Circles in some states may receive libraries especially adapted to their needs. Sometimes conditions are imposed on the communities, such as requiring them to pledge themselves to try within a given time to establish a free public library of their own. The establishment of small free libraries is looked upon as a natural sequence of the use of traveling libraries. One of the best features of these libraries is the fact that they serve at a comparatively small expense as a continuous aid to a town, so long as they are sent, while the initial gift of books by the state, when a town establishes a library, becomes familiar and worn, and so fails after awhile to excite interest.

A third form of this stage is seen when a state annually gives aid to the libraries. There are three states that do this. In Maine a law provides for the usual \$100 worth of books to any town establishing a free public library. In addition, municipalities may receive annually 10 per cent of what they expend for books and for the running expenses of their libraries; this sum is to be used in purchasing additional books. The state board of education of Rhode Island may give to any free public library, when established, \$50 for the first 500 volumes included in such library; and \$25 for every additional 500 volumes thereafter, but no library can receive more than \$500 annually from this source. The board shall determine for what purposes the funds so granted shall be used. Any Connecticut town establishing a free library may receive a sum equal to that which it appropriates for books, but not more than \$200; and annually thereafter an amount equal to that which it expends for the same purpose, or in case of a town whose grand list does not exceed \$600,000 the amount expended from any source for the increase of the library, but not more than \$100 annually. This sum shall be used for books selected by the state. Several states annually aid with funds their district or school libraries.

These methods of aiding yearly the free public libraries are perhaps one of the best means of keeping up the interest in the smaller communities, for if these communities are unaided

the local appropriations must necessarily be small. They are better than the system once in vogue in some states of granting aid to district libraries without requiring local appropriations at the same time. An annual stipend to the libraries from the state serves as a perpetual incentive, and in this respect it is better than the system of traveling libraries; for only a few of such libraries can be sent to the same town, and their resulting influence must often prove transitory in the nature of the case.

*(c) Compulsory Support.*

The most advanced step is that of compulsory support. A state arrives at this stage when it compels each town to appropriate a definite proportion of its public taxes to the establishment and support of a public library. This step is no more than the logical development of compulsory support of free schools. Historically the growth of library legislation has been along the same lines as school legislation. Among the earliest acts of all the states are those granting towns the right to tax themselves for free public schools. State aid for public schools, in one way and another, has been given nearly from the first, and the permissive acts long ago became compulsory acts. The truant laws, free text-books, and laws against child labor, all have for their purpose the education of each child.

As yet but two states have advanced to this third stage. These are New Hampshire and Ohio. In the latter state an act has been passed this year requiring boards of education, in towns of 5,000 to 10,000 population, already having a free public library, to levy an annual tax for the support of their libraries.

NEW HAMPSHIRE FREE PUBLIC LIBRARIES.

The earliest law granting to towns the opportunity to establish and maintain free public libraries was that of New Hampshire, enacted in 1849. This act enabled a town to raise money for books, for the purchase of land and erection of buildings, and for necessary expenses of establishing and care