ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

C A P. XXXVII.

An Act to amend and consolidate the Public Libraries Acts (*Scotland*). [15th *July* 1867.]

WHEREAS it is expedient to amend and consolidate the Public Libraries Acts relating to *Scotland*, and to give greater Facilities for the Formation and Establishment there of Public Libraries, Art Galleries, and Museums:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Public Libraries Act (*Scotland*), 1854, and so much of the Public Libraries Amendment Act (*England* and *Scotland*), 1866, as relates to *Scotland*, are hereby repealed, but such Repeal shall not invalidate or affect anything already done in pursuance of these Acts or either of them; and all Public Libraries and Museums established in *Scotland* under these Acts or either of them shall be held as coming under the Operation of this Act.

17 & 18 Vict. c. 64., and so much of 29 & 30 Vict. c. 114., as relates to Scotland, repealed.

2. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned, if not

Interpretation of Terms.

inconsistent with the Context or Subject Matter; that is to say,

The Expression "Burgh" shall mean a Royal Burgh or a Burgh or Town to which Magistrates and Councils were provided by the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-seven:

The Word "District" shall mean a Burgh of Barony, a Burgh of Regality, or any other populous Place, not being a Royal Burgh or a Town or Burgh to which Magistrates and Councils were provided by the said Act of the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-seven, where any Local or General Police Act is in force:

The Word "Board" in Parishes shall mean the Parochial Board acting under the Powers and in execution of the Act of the Eighth and Ninth *Victoria*, Chapter Eighty-three, and in Districts it shall mean the Commissioners, Trustees, or other Body of Persons, by whatever Name distinguished, for the Time being in Office, and acting in execution of any Special, Local, or General Police Act:

The Word "Householders" in all Burghs shall mean all Persons entitled to vote in the Election of Members of Parliament; but in Districts it shall mean all Persons assessed under and for the Purposes of any Local or General Police Act which may be in force therein; and in Parishes it shall mean all Ratepayers under the Act of the Eighth and Ninth *Victoria*, Chapter Eighty-three:

The Expression "Police Rates" shall mean the Rates, Tolls, Rents, Income, and other Monies whatsoever which under the Provisions of any Police Act shall be applicable for the general Purposes of such Act.

Meeting to be called for considering the Adoption of this Act in any Burgh, District, or Parish.

3. Upon the Requisition in Writing of the Magistrates and Council or of Ten Householders in any Burgh, District, or Parish, the Chief or Senior Magistrate of such Burgh, or in the Case of a District or Parish the Sheriff of the County or One of his Substitutes, shall, within Ten Days after the Receipt of such Requisition, convene a Meeting of Householders, and preside at the same for the Purpose of considering whether this Act shall be adopted for such Burgh, District, or Parish, such Meeting to be held in any convenient Place on a Day not less than Twenty-one Days or more than Thirty Days after the Receipt of such Requisition; and Notice of the Time and Place of such Meeting shall be given by affixing the same upon the Doors of the Parish Churches within such Burgh, District, or Parish, and also by advertising the same in at least One Newspaper published or circulated

circulated within such Burgh, District, or Parish not less than Seven Days preceding the Day of Meeting.

Act may be adopted at Meeting by a Majority, and Chairman to cause a Minute to be made, and to sign it.

4. If at such Meeting it shall be determined by a Majority of Householders present that the Provisions of this Act shall be adopted in such Burgh, District, or Parish, then the same shall from thenceforth come into operation therein; and the Chairman of the Meeting shall cause a Minute to be made of the Resolutions of the Meeting, and shall sign the same.

Expenses of carrying this Act into execution in Burghs and Districts to be paid out of the Police Rate.

5. The Expenses incurred in calling and holding such Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution when adopted, shall, in the Case of a Burgh or District, be paid out of the Police Rate, and the Magistrates and Council of such Burgh, or the Board of such District, shall yearly levy as Part of the Police Rate, or by a separate Rate, to be made, levied, and recovered by the Magistrates and Council of such Burgh or the Board of such District in such and the like Manner, from the same Descriptions of Persons and Property, and with and under the like Powers, Provisions, and Exceptions as the General Assessments leviable under the Acts of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three (in the Case of Burghs or Districts which on or before the First Day of *August* One thousand eight hundred and sixty-two had adopted in whole or in part the Act of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three), and of the Twenty-fifth and Twenty-sixth *Victoria*, Chapter One hundred and one (in the Case of all other Burghs or Districts), for Police and other Purposes, are authorized to be made, levied, and recovered, and as if such Magistrates and Council or the Board of such District were Commissioners elected under any of these Acts respectively, and the said Assessments were Part of the General Assessments authorized to be thereby made; and in the Case of a Parish the Board shall pay the Expenses aforesaid out of a Rate to be made, levied, and recovered in like Manner, and from the same Description of Persons and Property, and with and under the like Powers, Provisions, and Exceptions, as the Poor Rate leviable under the Act of the Eighth and Ninth *Victoria*, Chapter Eighty-three: Provided always, that nothing herein contained shall prevent the City of *Glasgow* or any other Place from levying a Rate for the Purposes of this Act, in conformity with the Provisions of any Local Police Act which may for the Time being be in force in said City of *Glasgow* or other Place.

Rate levied not to exceed the Sum of

6. The Amount of the Rate to be so levied for the Purposes of this Act in any Burgh, District, or Parish in any One Year shall not

One Penny in the Pound of yearly Rent.

not exceed the Sum of One Penny in the Pound of yearly Rent, and the Magistrates and Council of any Burgh, or the Board of any District or Parish, shall provide and keep Books in which shall be entered true and regular Accounts of their Receipts, Payments, and Liabilities with reference to the Execution of this Act, to be called "The Public Libraries Account;" and such Books shall, without Fee or Reward, and at all reasonable Times, be open to the Inspection of every Person liable to be assessed by virtue of this Act, who respectively may, without paying for the same, take Copies of or make Extracts from such Books; and in case such Magistrates and Council of any Burgh, or Board of any District or Parish, or any of them respectively, or any of their respective Officers or Servants having the Custody of such Books, shall not permit the same to be inspected, or Copies of or Extracts from the Accounts to be made or taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds, such Penalty to be recovered before the Sheriff or Justices of the Peace in like Manner as provided for the Recovery of Small Debts, and to be applied when recovered towards the Purposes of this Act.

The Accounts of the Magistrates and Council, or the Board of any District or Parish, to be open to Inspection.

Power to Council or Board to borrow on Mortgage or Bond.

7. For carrying this Act into execution, the Magistrates and Council of any Burgh or the Board of any District or Parish respectively may from Time to Time borrow at Interest on the Security of a Mortgage or Bond of the Rates to be levied in pursuance of this Act such Sums of Money, to be repaid by yearly Instalments within a Period not exceeding Thirty Years, as may be by them respectively required; and the Commissioners for carrying into execution the Act of the Ninth and Tenth *Victoria*, Chapter Eighty, may, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time advance and lend such Sums of Money.

Provisions of 8 & 9 Vict. c. 17. as to Borrowing Powers extended to this Act.

8. The Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the borrowing of Money on Mortgage or Bond, and the Accountability of Officers, and the Recovery of Damages and Penalties, so far as such Provisions may respectively be applicable to the Purposes of this Act, shall be held as incorporated with this Act.

Boundaries of Burghs, &c.

9. The Boundaries of Burghs and Districts shall be the same as the Boundaries declared for such Burghs and Districts by and for the Purposes of the Acts of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, and Twenty-fifth and Twenty-sixth *Victoria*, Chapter One hundred and one, or any Local Police Act which may for the Time being be in force in any such Burghs or Districts.

10. The

Lands, &c. may be appropriated, purchased, or rented for the Purposes of this Act.

10. The Magistrates and Council of any Burgh or the Board of any District or Parish, as the Case may be, may from Time to Time appropriate for the Purposes of this Act any Lands or Buildings vested in them, and also out of the Rates levied or Money borrowed as herein provided purchase, feu, or rent any Land or any suitable Building, and may upon any Land so appropriated, rented, feued, or purchased erect any Buildings suitable for Public Libraries, Art Galleries, or Museums, or each respectively, and may alter or extend any Buildings for such Purposes, and repair and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Certain Clauses of 8 & 9 Vict. c. 19. incorporated with this Act.

11. All the Clauses and Provisions of the "Lands Clauses Consolidation Act (*Scotland*), 1845," with respect to the Purchase of Lands by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making a Title, and also with respect to Conveyances of Lands, so far as the same Clauses and Provisions respectively are applicable to the Cases contemplated by the last Section, shall be held as incorporated in this Act; and the Expression "the Special Act," used in the said Clauses and Provisions, shall be construed to mean this Act; and the Expression "the Promoters of the Undertaking," used in the same Clauses and Provisions, shall be construed to mean the Magistrates and Council of the Burgh or the Board of the District or Parish in question.

Lands, &c. may be sold or exchanged.

12. The Magistrates and Council of any Burgh and the Board of any District or Parish may sell any Land, Buildings, or other Property vested in them for the Purposes of this Act, or exchange the same for any Land, Buildings, or other Property better adapted for the Purposes, and may also sell or exchange any Books, Works of Art, or other Property of which there may be Duplicates; and the Monies to arise from such Sale or Exchange shall be applied for the Purposes of this Act.

Property of Library, &c. vested in Magistrates, &c., Burghs, and Boards of Districts or Parishes.

13. The Lands and Buildings so to be appropriated, purchased, or rented, and all other Real or Personal Property whatever presented to or purchased for any Library, Art Gallery, or Museum established under this Act, shall, in the Case of a Burgh, be vested in the Magistrates and Council, and in the Case of a District or Parish in the Board.

General Management to be vested in a

14. The Magistrates and Council of any Burgh or the Board of any District or Parish where this Act has been adopted shall, within One Month after its Adoption, and thereafter from Year

Committee appointed by Magistrates and Councils of Burghs and Boards of Districts or Parishes.

to Year, in the Case of a Burgh at the First Meeting after the annual Election of Town Councillors, in the Case of a District at the First Meeting after the annual Election of Police Commissioners, and in the Case of a Parish at the First Meeting after the annual Meeting for the Election of representative Members of the Parochial Board, appoint a Committee, consisting of not more than Twenty Members, Half of whom shall be Magistrates and Members of the Council or Members of the Board respectively, and the remaining Half shall be chosen by the Council or Board from amongst the Householders not Members of the Council or Board within such Burgh, District, or Parish, as the Case may be, Three to be a Quorum; and such Committee so appointed shall have Power, under the Authority of the Magistrates and Council or Board, as the Case may be, to purchase Books, Newspapers, Reviews, Magazines, and other Periodicals, Statuary, Pictures, Engravings, Maps, and Specimens of Art and Science, for the Establishment, Increase, and Use of such Libraries, Art Galleries, and Museums, and to do all things necessary for keeping the same in a proper State of Preservation and Repair; and such Committee, subject as aforesaid, shall manage, regulate, and control such Libraries, Art Galleries, and Museums, and shall make Rules and Regulations for the Safety and Use of the same, and shall also have Power to appoint salaried Officers and Servants, to pay and dismiss them, and from Time to Time to provide the necessary Fuel, Lighting, and other Matters.

Meetings and Chairman of Committee.

15. The Committee appointed as aforesaid shall, in the Case of a Burgh or District, meet once in every Three Months, or oftener if necessary, and in the Case of a Parish as often as may be necessary, to determine as to any Business connected with such Libraries, Art Galleries, or Museums; and in the Case of a Burgh the Provost, in the Case of a District the senior Magistrate, and in the Case of a Parish the Chairman of the Parochial Board, shall be Chairman of such Committee, and such Chairman shall, in the Case of an Equality of Votes, have a Casting Vote in addition to his Vote as an Individual; but in the Absence of such Chairman, the Meeting shall elect a Chairman who, for the Time being, shall exercise the Privileges of the Chairman appointed under this Act.

If Meeting determine against Adoption of Act, no other Meeting to be called for Two Years.

16. If any Meeting called as aforesaid to determine as to the Adoption of this Act for any Burgh, District, or Parish shall determine against the Adoption, no Meeting for a similar Purpose shall be held for the Space of Two Years at least from the Time of holding the previous Meeting.

17. Wherever

Art Galleries or Museums may be added to Public Libraries.

17. Wherever a Public Library has been established under any Act relating to Public Libraries or Museums, or shall hereafter be established under this Act, an Art Gallery or Museum, as the Case may be, may at any Time be established in connexion therewith, without any further Proceedings being taken under this Act.

Libraries, &c. to be free.

18. All Libraries, Art Galleries, or Museums established under this Act shall be open to the Public free of all Charge.

Short Title.

19. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Public Libraries Act (*Scotland*), 1867."

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