

## CHAPTER 42.

### An Act to amend and consolidate the Public Libraries (Scotland) Acts. [16th September 1887.]

WHEREAS it is expedient to amend and consolidate the Public Libraries (Scotland) Acts, 1867 to 1884:

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:

Short title.

1. This Act may be cited as the Public Libraries Consolidation (Scotland) Act, 1887, and shall apply to Scotland only.

Definitions.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

"Burgh" shall include royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, burgh of regality, burgh of barony, and any populous place or police burgh administered wholly or partly under any general or local police Act, and the boundaries of such burgh shall, for the purposes of this Act, be the boundaries to which such general or local police Act extends:

"Parish" shall mean a parish for which a separate poor rate is or can be imposed, or for which a separate parochial board is or can be appointed, and shall be exclusive of the area of any burgh or part of a burgh situated therein:

"Householders" shall mean, in the case of a burgh, all persons whose names are entered on the municipal register, and in the case of a parish, all persons entitled to vote in the election of a school board in such parish, under the provisions of the Education (Scotland) Act, 1872, and any Act amending the same:

"Magistrates and council" shall be applied collectively, and not separately, and shall include provost, magistrates, and town council, magistrates and commissioners of police, and any other body of persons for the time being in office, by authority of whom the burgh general assessment is levied; and where in any burgh the magistrates and council form a corporate body, and there is also in the same burgh a board of commissioners of police by whom the burgh general assessment is levied, the words "magistrates and council" shall, as regards the levying and recovering of the library rate, apply to such commissioners of police, but in every other respect it shall apply to such corporate body of magistrates and council:

35 & 36 Vict.  
c. 62.

“Chief magistrate” shall include provost, and shall apply to any magistrate legally acting as chief magistrate for the time being:

“Board” shall mean the parochial board acting under the Act eighth and ninth Victoria, chapter eighty-three, and any Act amending the same: 8 & 9 Vict. c. 83.

“Committee” shall mean the committee appointed under any Public Libraries Act affecting Scotland for the time being, or this Act:

“Municipal register” shall mean the register, list, or roll of persons entitled to vote in an election of town councillors or commissioners of police, in a burgh, made up according to the law in force for the time being:

“Burgh general assessment” shall mean an assessment which, under any general or local police Act, shall be applicable to the general purposes of such Act:

“Library rate” shall mean the rate or assessment authorised by this Act for the purpose of carrying the Act into execution:

“Libraries and museums” and “libraries or museums” shall include schools for science, art galleries, and schools for art, and these expressions, or either of them, when used in the singular, shall include a school for science, an art gallery, and a school for art:

Words importing the masculine gender shall, when applied to householders, include female householders.

3. The Public Libraries (Scotland) Acts, 1867 to 1884, so far as the same relate to Scotland, are hereby repealed; but such repeal shall not invalidate or affect anything already done in pursuance of these Acts, or any of them, and all burghs and parishes in Scotland which before the passing of this Act have adopted the recited Acts shall thereafter be subject to the provisions of this Act: Provided always, that nothing in this Act contained shall prejudice or affect the provisions of the Edinburgh Public Library Assessment Act, 1887. Repeal. 30 & 31 Vict. c. 37.; 34 & 35 Vict. c. 59., 40 & 41 Vict. c. 54., 47 & 48 Vict. c. 37. 50 & 51 Vict. c. lxxxv.

4. Upon the requisition in writing of the magistrates and council of any burgh, or of ten or more householders in any burgh or parish, the chief magistrate of such burgh, or in the case of a parish, the sheriff of the county in which such parish or the greater part of the area thereof is situated, shall ascertain the opinions of the householders in such burgh or parish as to the adoption of this Act in the manner set forth in Schedules (A.) or (B.) hereto annexed, which schedules shall be construed and have effect as part of this Act, provided that where in any burgh the number of householders exceeds three thousand, the chief magistrate shall adopt the procedure, by way of voting paper, set forth in Schedule (A.), but in any other case it shall be optional to the chief magistrate or to the sheriff, as the case may be, to adopt such procedure by way of voting paper, or the procedure by way of public meeting, set forth in Schedule (B.). Adoption of Act.

5. In the event of the householders determining by a majority of votes that this Act shall be adopted in any burgh or parish, the If not adopted, no similar

procedure for two years.

same shall from thenceforth come into operation therein ; but if by a majority of votes they shall determine against the adoption, the like procedure shall not take place for the space of at least two years from the date of such determination.

Expenses of determining as to adoption.

6. The expenses of the procedure for determining as to the adoption of this Act shall, if the Act be not adopted, be paid, in the case of a burgh, out of the burgh general assessment, and in the case of a parish, out of the assessment for the relief of the poor in such parish, or where there is no such assessment, by a rate which the board are hereby empowered to levy and recover for this purpose, in the same manner and subject to the same conditions as are applicable to the library rate ; but if the Act shall have been adopted the expenses of the procedure under which it has been adopted shall be payable out of the library rate, and it shall be in the power of the chief magistrate or of the sheriff, as the case may be, immediately upon the adoption of the Act to borrow such sum or sums as may be necessary to defray such expenses on the security of the library rate to be afterwards levied.

Expenses of carrying Act into execution.

7. The expenses of carrying this Act into execution, when adopted, including all sums payable in respect of interest and sinking fund for money authorised to be borrowed, and all sums necessary for the maintenance and management of the libraries and museums established under this Act, or to which this Act applies, or for the purchase of the articles and things authorised by this Act to be purchased, shall be paid out of the library rate, which shall be levied and recovered, in the case of a burgh, by the magistrates and council, from the same description of persons and property, and with and under the like powers, provisions, and exceptions as the burgh general assessment, and in the case of a parish by the board, from the same description of persons and property, and with and under the like powers, provisions, and exceptions as the assessment leviable under the Act eighth and ninth Victoria, chapter eighty-three.

Rate not to exceed one penny per pound.

8. The amount of the library rate to be levied in any year shall in no case exceed the sum of one penny in the pound of yearly rent or annual value as appearing on the valuation roll, and where, under the provisions of any general or local police Act, the burgh general assessment is or may be levied at a higher rate upon lands or premises above a certain fixed rent than upon lower rented lands or premises, such provisions, so far as they authorise such differential rate, shall not be applicable to or affect the library rate.

Accounts to be open to inspection, and to be audited and published annually.

9. The magistrates and council of a burgh, or the board of a parish, as the case may be, 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, which books shall, at all reasonable times, be open, without fee or reward, to the inspection of every person liable to be assessed for the library rate ; and the magistrates and council or board, as the case may be, shall cause such accounts to be annually audited by one or more competent auditors, not being members of the committee, after which audit the accounts shall be signed by two of

the magistrates and council, or two members of the board, as the case may be, and an abstract thereof similarly signed shall be printed and shall be inserted in one or more newspapers published or circulated in the burgh or parish.

**10.** The magistrates and council or board, 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 may, out of the library rate, or out of money borrowed as herein provided, purchase, feu, or rent any land, or any suitable building; and may, upon the land so appropriated, rented, feued, or purchased, erect any building suitable for public libraries, public museums, schools for science, art galleries, and schools for art, or for any one or more of those objects, 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.

Lands, &c.  
may be appropriated, purchased, or rented.

**11.** The clauses and provisions of the Lands Clauses Consolidation (Scotland) Act, 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 title, and with respect to conveyances of lands, so far as such clauses and provisions are applicable to purchases, feus, or leases authorised by this Act, and are not herein expressly varied, shall be incorporated with this Act; and the expression "the special Act" used in such clauses and provisions shall be construed to mean this Act; and the expression "the promoters of the undertaking" used in such clauses and provisions shall be construed to mean the magistrates and council, or the board, as the case may be.

Parts of 8 & 9  
Vict. c. 19.  
incorporated.

**12.** The magistrates and council, or the board, as the case may be, may sell any lands, buildings, or other property vested in them for the purposes of this Act, or exchange the same for any lands, buildings, or other property better adapted for such purposes, and the money arising from such sale, and the property received in exchange, shall be applied and held for the purposes of this Act.

Lands, &c.  
may be sold or exchanged.

**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 or museum established under this Act or to which this Act applies, shall in the case of a burgh be vested in the magistrates and council, and in the case of a parish in the board.

Lands, &c.  
vested in magistrates, &c., and boards.

**14.** The magistrates and council, or the board, as the case may be, may from time to time borrow at interest on mortgage or bond on the security of the rate to be levied in pursuance of this Act, for the purposes thereof, a sum or sums of money not exceeding the capital sum represented by one-fourth part of the library rate, authorised by this Act, capitalised at the rate of twenty years purchase of such sum; and on repayment of such sum or sums, or any part thereof, they may from time to time re-borrow in manner and for the purposes aforesaid, but so that the whole sum borrowed at any one time shall not exceed the amount of the said capital sum

Powers of borrowing.

after deducting therefrom any sums set apart as a sinking fund as herein-after provided.

Sinking fund.

**15.** The magistrates and council, or the board, as the case may be, are hereby required to set apart annually, as a sinking fund for the extinction of capital sums, borrowed under the authority of any library Act in force for the time being, or of this Act, a sum equal to at least one-fiftieth part of the money so borrowed, and such sinking fund shall be from time to time applied in repayment of the money so borrowed, and to no other purpose whatever, and shall be lodged in a joint stock bank of issue in Scotland, or invested in Government securities, or lent out at interest in the name and at the discretion of the magistrates and council, or the board, as the case may be, until the same be applied for the purpose before specified.

Parts of  
10 & 11 Vict.  
c. 16. incor-  
porated.

**16.** The clauses and provisions of the Commissioners Clauses Act, 1847, with respect to the liabilities of the commissioners, and to legal proceedings by or against the commissioners, and with respect to mortgages to be executed by the commissioners, excepting sections eighty-four, eighty-six, and eighty-seven, shall, unless herein expressly varied, be incorporated with this Act, and the several words and expressions, to which by the last recited Act meanings are assigned, shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expression "the special Act" used in such clauses and provisions herewith incorporated shall mean this Act; and the expression "the commissioners" shall mean the magistrates and council or board and the committee in the discharge of their respective duties under this Act.

Power to  
accept par-  
liamentary  
grant under  
conditions.

**17.** When the magistrates and council, or board, as the case may be, accept a grant out of moneys provided by Parliament, from any Committee of the Privy Council on Education, towards the purchase of the site, or the erection, enlargement, or repair of any school for science and art, or school for science, or school for art, or of the residence of any teacher in such school, or towards the furnishing of any such school, they shall have power to accept such grant upon the conditions prescribed for the acceptance thereof by the said committee, and to execute such instruments as may be required by the said committee for carrying into effect such conditions, and upon payment of the grant shall, together with their successors, be bound by such conditions and instrument, and have power and be bound to fulfil and observe the same.

Committee to  
be appointed.

**18.** The magistrates and council of any burgh, or the board of any parish where this Act has been adopted shall, within one month after its adoption, and thereafter from year to year, in the case of a burgh, at the first meeting after the annual election of town councillors or commissioners of police, 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 less than ten nor more than twenty members, half of whom shall be chosen from amongst the magistrates and council, or board, as the case may be, and the remaining half from amongst the householders of the burgh or parish other than the

magistrates and council, or board, and three members of such committee shall form a quorum.

**19.** Any member of committee shall have power to resign office upon giving at least fourteen days previous notice to the clerk of the committee of his intention so to resign; and in the event of any vacancy occurring in the committee during their term of office by the resignation or death of any member, the committee shall forthwith cause the same to be intimated to the magistrates and council, or board, and the magistrates and council, or board, as the case may be, may at a meeting thereafter elect from among themselves, or from among the householders other than themselves, according to the class in which the vacancy has arisen, a member of committee in place of the member so resigning or dying, provided that no proceedings of the committee shall be invalidated or be illegal in consequence of a vacancy or vacancies in the number of the committee.

Appointments  
to vacancies in  
committee.

**20.** The committee appointed as aforesaid shall, in the case of a burgh, 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 falling to be transacted by them, and shall appoint a chairman from among their own number, who shall hold office until next election of committee; and such chairman shall, in case of equality, have a casting vote in addition to his vote as an individual; provided that, in the event of a vacancy occurring in the office of chairman, the committee shall at their first meeting thereafter appoint a new chairman, and in the absence of the chairman of committee at any meeting, the meeting shall appoint a chairman for the time being, who at that meeting shall exercise the privileges of the chairman of committee.

Meetings of  
committee, and  
appointment of  
chairman.

**21.** The committee shall manage, regulate, and control all libraries and museums established under this Act, or to which this Act applies; and shall have power to do all things necessary for such management, including the following powers; that is to say,

Powers of  
committee.

To appoint sub-committees of their own number:

To appoint a salaried clerk, and salaried librarians, officers, and servants to act during the pleasure of the committee, and to pay and dismiss them:

To purchase books, newspapers, reviews, magazines, and other periodicals, statuary, pictures, engravings, maps, specimens of art and science, and such other articles and things as may be necessary for the establishment, increase, and use of the libraries and museums under their control, and to do all things necessary for keeping the same in a proper state of preservation and repair:

To provide from time to time the necessary fuel, lighting, and other matters:

To sell or exchange any books, works of art, or other property of which there may be duplicates, provided that the money arising from such sale, and the property received in exchange shall be applied and held for the purposes of this Act:

To provide suitable rooms in the libraries within which the books, periodicals, and newspapers may be read:

To lend out, for the purpose of being read by the householders and inhabitants of the burgh or parish in and for which the committee has been appointed, the books of any library under their control, or such of them as they may consider proper; and at their discretion to grant the same privilege to the inmates of industrial schools, training ships, reformatories, barracks, and other similar institutions established for or in the burgh or parish; and also to any person carrying on business within the limits of the burgh or parish, or to any employee engaged in employment therein, although such person or employee may not be a householder, and may not reside within such limits:

To compile and print catalogues of all or any books, articles, and things in the libraries or museums under their control, and reports of their proceedings, and to sell the same, the proceeds to be applied for the purposes of this Act.

Power to committee to make byelaws.

**22.** It shall be lawful for the committee to make byelaws for regulating all or any matters and things whatsoever connected with the control, management, protection, and use of any property, articles, or things under their control for the purposes of this Act, and to impose such penalties for breaches of such byelaws, not exceeding five pounds for each offence, as may be considered expedient; and from time to time, as they shall think fit, to repeal, alter, vary, or re-enact any such byelaws, provided always that such byelaws and alterations thereof shall not be repugnant to the law of Scotland, and before being acted on shall be signed by a quorum of the committee, and, except in so far as they relate solely to the officers or servants of the committee, such byelaws shall be approved of by the magistrates and council, or the board, as the case may be, and shall be approved of and confirmed by the sheriff of the county in which the burgh or parish, or the greater part of the area thereof, is situated: Provided also, that nothing herein contained shall preclude the magistrates and council, or board, as the case may be, from recovering the value of articles or things damaged, or the amount of the damage sustained, against all parties liable for the same.

Newspaper publication of byelaws before confirmation, and time and manner of stating objections.

**23.** No byelaws or alterations thereof requiring confirmation shall be confirmed, as before mentioned, unless notice of the intention to apply for confirmation of the same shall have been given in one or more newspapers published and circulated in the district one month at least before the hearing of the application for confirmation, and any party aggrieved by any such byelaws or alterations thereof, on giving notice of the nature of his objection to the clerk to the committee ten days before the hearing of the application for confirmation, may, by himself or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one party to be heard upon the same matter of objection.

Exhibition of byelaws previous to confirmation.

**24.** For one month at least before any such application for confirmation of any byelaws or alterations thereof, a copy of such proposed byelaws or alterations shall be kept at the office of the clerk to the committee, and shall also be put up in some conspicuous place in each of the libraries and museums of the committee, and all persons may, at all reasonable times, inspect such copy without

fee or reward; and the clerk to the committee shall furnish every person who shall apply for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words so to be copied.

**25.** The clerk to the committee shall give a printed copy of the confirmed byelaws, for the time being in force, to every person applying for the same, without charge; and a copy thereof shall be painted or placed on boards, and put up in some conspicuous part of each of the libraries and museums of the committee, and such boards with the byelaws thereon shall be renewed from time to time as occasion shall require, and shall be open to inspection without fee or reward.

Printed copy  
of byelaws to  
be provided.

**26.** All byelaws or alterations thereof made and confirmed according to the provisions of this Act, when so published and put up, shall be binding upon and be observed by all parties, and shall be a sufficient warrant for all persons acting under the same.

Byelaws when  
confirmed and  
published to be  
in force.

**27.** The production of a written or printed copy of the byelaws requiring confirmation as aforesaid, authenticated by the signature of the sheriff who shall have confirmed the same, and a written or printed copy of the byelaws not requiring such confirmation, authenticated by the common seal of the committee, and signed by the chairman of the committee at the time when the same were made, shall be evidence of the existence and making of such byelaws in all cases for prosecution under the same, without proof of the signature of such sheriff, or the common seal of the committee, or the signature of their chairman; and with respect to the proof of the publication of such byelaws it shall be sufficient to prove that a board containing a copy thereof was put up and continued in manner by this Act directed.

Evidence of  
byelaws.

**28.** All penalties and forfeitures exigible under this Act, and the Acts incorporated wholly or partially herewith, or under any byelaw made in pursuance thereof, may be recovered by an ordinary small-debt action in the name of the clerk to the committee for the time being before either the sheriff or justices of the district; and the same shall be payable to the committee, and shall, when recovered, be applied by them for the purposes of this Act; and in any prosecution under this Act an excerpt from the books of the committee, certified by the clerk or other proper officer, shall be held equivalent to the books of the committee, and all entries in the books of the committee bearing that any book or books mentioned or referred to therein has or have been borrowed by the person complained against shall be taken and received as evidence of the fact, and the onus probandi shall be thrown on the party complained against, and if decree passes against such party, he shall be found liable in costs.

Recovery of  
penalties and  
forfeitures.

**29.** All actions at the instance of the committee shall be brought in name of the clerk to the committee, and in all actions against the committee, it shall be sufficient to call the clerk to the committee for the time being as defender, and service on him shall be sufficient service; and all actions brought by or against the clerk to the committee in his official character shall be continued by or against his successors in office without any action of transference.

Actions by or  
against  
committee.



Estimates to be made up.

**30.** The committee shall in the month of April in every year make up, or cause to be made up, an estimate of the sums required in order to defray the interest of any money borrowed, the payment of the sinking fund, and the expense of maintaining and managing all libraries or museums under their control for the year after Whitsunday then next to come, and for the purpose of purchasing the books, articles, and things authorised by this Act to be purchased for such libraries or museums, and shall report the same to the magistrates and council in the case of a burgh, or to the board in the case of a parish, and the magistrates and council or the board, as the case may be, shall provide the amount required out of the library rate to be levied by them, and shall pay over to the committee the sum necessary for the annual expenditure by them in terms of their estimate.

Power to add to institutions established.

**31.** Where any of the following institutions, namely, a public library, a public museum, a school for science and art, a school for science, a school for art, or an art gallery has been established under any Public Library Act in force for the time being, or under this Act, there may at any time be established, in connexion therewith, any other of the said institutions without further proceedings being taken for the adoption of this Act.

Libraries, &c. to be free.

**32.** All libraries, museums, or art galleries established under this Act, or to which this Act applies, shall be open to the public free of charge, and no charge shall be made for the use of books or magazines issued for home reading.

## SCHEDULES.

### SCHEDULE (A.)

#### PROCEDURE FOR DETERMINING BY VOTING PAPER AS TO THE ADOPTION OF THE ACT.

(1.) Upon receipt of the requisition specified in the Act, the chief magistrate or the sheriff, as the case may be, shall, without unnecessary delay, cause to be printed, and to be delivered or sent by post to each householder, an intimation and a voting paper, in the respective forms appended hereto, and the intimation may be prefixed to the voting paper and on the same paper therewith, or may be printed separately, provided it be delivered or posted simultaneously with the voting paper.

(2.) In the case of a burgh, the voting paper shall bear the number of the householder on the municipal register, and where the burgh is divided into wards, the number of the ward; and in the case of a parish the voting paper shall bear a number relative to the entry of the householder in a copy of the valuation roll applicable to such parish, or in a list of the householders in such parish, which copy or list, distinguishing the amount of rental at which each person is assessed, the assessor, under the Acts in force for the valuation of lands and heritages in Scotland, is hereby required to make, certify, and furnish to the sheriff, within fourteen days of an application by him to that effect, on payment of a fee of not more than one shilling for each hundred names; and such copy or list, certified as aforesaid, shall be sufficient proof of the qualification of the householders named therein.

(3.) The intimation foresaid shall specify the place at which the voting paper is to be collected, and shall also specify a day for collection, hereinafter called the day of the poll, being not less than three lawful days, nor more than ten days from the last date of the delivery or of the posting of the voting papers to the householders.

(4.) The chief magistrate or the sheriff, as the case may be, shall, before the issue of such voting papers, appoint a competent person as collector thereof, on such terms and for such remuneration as may be reasonable; and he shall also, by himself or through the collector aforesaid, at any time before or during the collection or scrutiny of the voting papers, appoint such number of assistant collectors as may be necessary for carrying out the procedure herein specified.

(5.) The chief magistrate or the sheriff, as the case may be, shall, at least three days previous to the day of the poll, intimate such day and the place or places and hours fixed for collecting such votes by advertisement in one or more newspapers published or circulating in the burgh or parish; and the said advertisement shall also specify the name of the collector appointed as aforesaid, and an address where voting papers may be received from such collector, in terms of the immediately succeeding article.

(6.) The collector, or an assistant collector, shall attend at the address specified in such advertisement for at least three specified hours of each of the two lawful days immediately preceding the day of the poll, and shall, on the application of any householder, and on being satisfied that such householder has not already received a voting paper, supply a voting paper to such applicant; and the collector, or any assistant collector, shall, at any time after the issue of the voting papers, and before seven o'clock afternoon of the day of the poll, on being satisfied that a voting paper has been inadvertently lost, destroyed, or rendered useless, have power to supply a duplicate voting paper, which shall be marked "duplicate" before being issued.

(7.) Voting papers duly filled up and subscribed by the householders, to whom the same are respectively applicable, may be transmitted by post to the collector, at the address specified in the foresaid advertisement, provided that such voting papers reach the collector before eight o'clock of the afternoon of the day of the poll, and that the householders so transmitting prepay the postage thereof, otherwise the same shall not be received.

(8.) On the day of the poll the chief magistrate, or the sheriff, as the case may be, shall cause the place or places specified in the intimation accompanying the voting paper to be kept open from eight o'clock morning till eight o'clock afternoon, and such place, or each of such places, if more than one, shall be under the charge of the collector, or of an assistant collector, who shall give his personal attendance during the hours specified for the purpose of receiving all voting papers which may be handed to him.

(9.) In the case of a burgh divided into wards, there shall be at least one place for the collection of voting papers in each ward, and in any burgh or parish where more than one place for collection shall have been appointed, the collection in all of such places shall take place on the same day, and the intimation accompanying the voting paper shall specify the particular place where such voting paper is to be collected. The collector, or assistant collector, in charge of any such place for collection shall not be bound to receive a voting paper which shall have been directed to be lodged at some other such place.

(10.) Where any householder is unable to write, he may attach his mark to the voting paper, provided that such voting paper be signed by a witness, whose address shall be appended to his signature.

(11.) Any person fabricating a voting paper, or presenting or returning a fabricated voting paper, or any voting paper, knowing that the same does

not bear the true signature of the householder to whom such voting paper is intended to apply, shall be guilty of personation, and shall be liable to the penalties of that offence as set forth in the Ballot Act, 1872.

(12.) No voting paper shall be received after eight o'clock afternoon of the day of the poll; and in the event of there being more than one place for collection, each assistant collector shall immediately after the close of the poll transmit the voting papers received by him to the collector, and the whole voting papers shall thereafter be under the charge of the collector subject to the directions of the chief magistrate, or of the sheriff, as the case may be.

(13.) The collector, subject as aforesaid, shall, as soon as may be after the conclusion of the poll, proceed to a scrutiny of the voting papers, and shall, with such assistance as may be necessary, compare the same with the municipal register, or with the copy roll, or list of householders, as the case may be, and shall ascertain how far the voting papers have been filled up in terms of the directions thereon, and have been duly signed by the householders to whom such voting papers were respectively issued; and immediately on the conclusion of such scrutiny he shall report to the chief magistrate, or to the sheriff, as the case may be, the number of householders who have voted for the adoption of the Act, and the number who have voted against its adoption. He shall also report the total number of voting papers received, and the number, if any, which have been rejected by him, and the cause of such rejection.

(14.) Upon receiving the report of the collector, the chief magistrate, or the sheriff, as the case may be, shall, if satisfied of the accuracy of such report, cause the result of the poll to be made public in such manner as he shall think most expedient.

#### FORM OF INTIMATION.

##### *Public Libraries Consolidation (Scotland) Act, 1887.*

Burgh [*or* parish] of

No. [*insert number of householder on register, roll, or list*].

[*Insert place and date of issue.*]

To [*insert name of householder*].

In terms of the Public Libraries Consolidation (Scotland) Act, 1887, I have to intimate that a requisition having been presented to me by the prescribed number of householders of the burgh [*or* parish] of to take the opinion of the householders as to whether the Act should be adopted in said burgh [*or* parish], I have caused the subjoined [*or* accompanying] voting paper to be issued to you as a householder of said burgh [*or* parish], which voting paper, duly filled up and subscribed by you, will be received within [*name of place*] on the day of next, between the hours of eight o'clock morning and eight o'clock afternoon.

The voting paper may be delivered personally or by a messenger, provided it bear your signature.

In lieu of delivery of the voting paper in manner above mentioned, it is competent to any householder to post it addressed to [*name and address of collector*], provided the postage be prepaid, and that the voting paper reach the collector before eight o'clock afternoon of the said [*insert day of poll*]. The risk of delivery before the hour specified rests with the householder adopting this method of return.

(Signed) A.B., Chief Magistrate,  
[*or* Sheriff].

## FORM OF VOTING PAPER.

*Public Libraries Consolidation (Scotland) Act, 1887.*

Burgh [or parish] of  
No. [insert number of householder on register, roll, or list].

## VOTING PAPER.

To be delivered on the                      day of                      18    [insert day  
of poll] between the hours of eight o'clock morning and eight o'clock  
afternoon, at [insert place of collection].

In reply to the question whether the Public Libraries Consolidation  
(Scotland) Act, 1887, should be adopted    the burgh [or parish] of  
I vote\*

[Signature of householder.]

\* Fill in "Yes"  
or "No," ac-  
cording as the  
voter does, or  
does not, desire  
the adoption of  
the Act.

NOTE.—Any person fabricating a voting paper, or presenting or  
returning a fabricated voting paper, or any voting paper, knowing that the  
same does not bear the true signature of the householder to whom such  
voting paper is intended to apply, is guilty of personation, and is liable to  
the penalties of that offence as set forth in the Ballot Act, 1872.

## SCHEDULE (B.)

Section 4.

PROCEDURE FOR DETERMINING BY PUBLIC MEETING AS TO THE  
ADOPTION OF THE ACT.

(1.) Upon receipt of the requisition specified in the Act, the chief  
magistrate, or the sheriff, as the case may be, shall convene a meeting of  
the householders in some convenient place within the burgh or the parish,  
as the case may be, for the purpose of determining whether the Act shall  
be adopted within such burgh or parish.

(2.) Such meeting shall be held on a day not less than fourteen days or  
more than thirty days after the receipt of the requisition, and notice of the  
meeting shall be given not less than seven days preceding its date by  
posting within the burgh or parish, as the case may be, handbills in the  
form annexed hereto, and also by advertisement, in the said form, inserted  
at least once in every daily newspaper published within the burgh or  
parish, as the case may be, and in the event of there being no daily  
newspaper so published, then at least once in one or more newspapers  
published or circulating within the burgh or parish.

(3.) The chief magistrate, in the case of a burgh, shall provide himself  
with a copy of the municipal register, and the sheriff, in the case of a  
parish, shall provide himself with a copy of the valuation roll applicable to  
such parish, or a list of the householders therein, which copy or list shall  
be made, certified, and furnished to the sheriff on his application in the  
manner directed in Schedule (A.).

(4.) At the meeting called as aforesaid all householders on the municipal  
register, in the case of a burgh, or on the copy or list furnished and certified  
as aforesaid, in the case of a parish, shall be entitled to vote, and no other  
person or persons whatever shall be so entitled, and the chief magistrate,  
or the sheriff, as the case may be, shall take such measures as may be  
necessary for the exclusion of non-qualified persons from the meeting,  
or for preventing such persons from voting, and for securing that the votes  
of such persons, if given, shall not be counted; and, if necessary for this  
purpose, he may require that every householder intending to be present at  
the meeting, or present thereat, shall enter his name and address on a card  
to be furnished to him, and that all such cards shall be delivered up before

CH. 42, 43. *Public Libraries Consolidation (Scotland) 50 & 51 VICT.  
Act, 1887.*

entering the meeting, or before the votes are recorded; and every person knowingly and falsely representing himself to be a householder in such burgh or parish, and as such entitled to vote, shall be guilty of personation, and shall be liable to the penalties of that offence as set forth in the Ballot Act, 1872.

(5.) The chief magistrate, or the sheriff, as the case may be, shall attend and shall preside at the meeting, and shall appoint a clerk who shall make regular minutes of the proceedings thereof, and the chief magistrate, or sheriff, as the case may be, shall in case of equality have a casting vote.

(6.) The result of the vote, whether for or against the adoption of the Act, shall be announced by the chief magistrate, or sheriff, as the case may be, at the meeting itself, or in any other way he may think most expedient, provided such announcement be made without unnecessary delay.

FORM OF NOTICE OF PUBLIC MEETING.

Burgh [*or* parish] of

Notice is hereby given, that under and in virtue of the powers contained in the Public Libraries Consolidation (Scotland) Act, 1887, the householders of the burgh [*or* parish] of \_\_\_\_\_ are required to meet upon \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next, at \_\_\_\_\_ o'clock, within \_\_\_\_\_ when a vote will be taken as to whether the Act shall be adopted by the said burgh [*or* parish].

[*In the case of a burgh add*] By the Act "householders" are defined to mean "all persons entered on the municipal register," and "municipal register" is defined to mean "the register, list, or roll of persons entitled "to vote in an election of town councillors or commissioners of police in "a burgh, made up according to the law in force for the time being."

[*In the case of a parish add*] By the Act "householders" are defined to mean "all persons entitled to vote in the election of a school board in "a parish under the provisions of the Education (Scotland) Act, 1872, "and any Act amending the same."

[The chief magistrate, or the sheriff, as the case may be, may append any regulations he may think expedient for securing order, and for effecting the purpose of the meeting.]

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

(Signed) \_\_\_\_\_ A.B., Chief Magistrate  
[*or* Sheriff].