CHAPTER 325

The Public Libraries Act

1. In this Act,

(a) "board" in Part I means a public library board, in Part II means a board of management of a public library association, in Part IV means a county library board, and in Part V means any board established under this Act, or a predecessor of this Act;

(b) "branch library" means a library maintained as a subsidiary agency and in the same municipality as a public library;

(c) "Department" means the Department of Education;

(d) "library" means a collection of books which may comprise periodicals, magazines and other printed works for circulation or reference and includes branch libraries, reading rooms, museums, printing and binding bureaux and plants that may be established or used in connection with a library;

(e) "library co-operative" means a library co-operative established in accordance with this Act in a county or in one or more territorial districts;

(f) "Minister" means the Minister of Education;

(g) "regulations" means the regulations made under this Act or The Department of Education Act. R.S.O. 1950, c. 310, s. 1; 1957, c. 100, s. 1; 1959, c. 82, s. 1; R.S.O. 1960, c. 94, amended.

PART I

PUBLIC LIBRARY BOARDS

2. The provisions of this Part apply to every free public library maintained in whole or in part by municipal taxation and established under this Part or a predecessor of this Part. R.S.O. 1950, c. 310, s. 2.

3. A public library may be established in a city, town, village, police village, township, rural school section, union
4. The council of a city, town or village may, and upon the receipt of a petition (Form 1) signed, in the case of a city or town by at least sixty, and in the case of a village by at least thirty municipal electors, shall prepare and submit to the electors in the manner provided by The Municipal Act a by-law (Form 2) for the establishment of a public library. R.S.O. 1950, c. 310, s. 4.

5.—(1) The council of a township may and upon receipt of a petition (Form 1) signed by at least sixty municipal electors, exclusive of those resident within a police village that is not situate wholly in the township, shall prepare and submit to the electors of the township, exclusive of those resident within a police village that is not situate wholly in the township, in the manner provided by The Municipal Act a by-law (Form 2) for the establishment of a public library.

(2) No part of any police village situate in more than one township is subject to taxation for any public library established for a township.

(3) Where a township contains a police village or police villages, every such police village shall be considered as part of the township for the purpose of establishing a public library under this Part, and any public library established by a police village situate in a township shall, upon the establishment of a township public library, become part of such library, but the property of the police village library shall not be removed from the police village. R.S.O. 1950, c. 310, s. 5.

6. The council of a township or the councils of townships in which a police village is situate, upon receipt of a petition (Form 1) signed by at least thirty municipal electors resident in the police village, shall prepare and submit to the electors in the police village in the manner provided by The Municipal Act a by-law (Form 2) for the establishment of a public library therein. R.S.O. 1950, c. 310, s. 6.

7.—(1) Where a by-law submitted to the electors under this Part receives the assent of a majority of the electors voting thereon, it is the duty of the council, or in the case of a police village situate in more than one township, it is the duty of the councils of the townships to pass the by-law without unnecessary delay, and it is the duty of the head of every council and of the clerk to sign the by-law.
(2) The clerk of the municipality or the clerks of each of the municipalities in which a by-law has been voted upon by the electors and has received the assent of the electors, shall forthwith give notice to the Minister in writing of the number of votes for, and the number of votes against, the by-law in the municipality of which he is clerk.

(3) Where the by-law does not receive the assent of the electors, no new by-law for the same purpose shall be submitted to the electors in the same calendar year. R.S.O. 1950, c. 310, s. 7.

8. — (1) The petition for the establishment of a public library in a school section shall be in a form to be supplied by the Minister (Form 3) and shall be signed by a majority of the public and separate school supporters in the section, and upon filing the petition with an affidavit of the due execution thereof with the clerk of the township or the clerks of the townships in which the section or union school section is situate, or where the section or union school section is situate in territory without municipal organization with the school trustees of the section, the township clerk or township clerks, or the secretary of the school trustees as the case may be, shall examine the petition, and, if it is found that the petition contains the names of a majority of the public and separate school supporters in the section or union section, shall give notice in writing to the public school trustees and to the separate school trustees, if any, in the school section or union section of the filing of the petition.

(2) Upon receipt of such notice, it is the duty of the trustees to make appointments to the board of the public library as hereinafter provided.

(3) The clerk or secretary, as the case may be, shall forthwith give notice in writing to the Minister of the filing of the petition.

(4) A public library established in a school section or in a union school section shall become disestablished,

(a) when the township or one of the townships in which it is situate establishes a public library in which case the library established by the school section, if in a school section wholly situate in the township, shall become part of the township library, and if only partly situate therein the assets of the school section library may be distributed as the Minister may direct;

(b) when a petition demanding the disestablishment of a public library is signed by a majority of the public
and separate school supporters of the school section or union school section and is filed with an affidavit of the due execution thereof with the clerk of the township or with the clerk of each of the townships in which the section or union section is situate, or in case of a union section not situate in an organized township, with the secretary of the school trustees of the section, it shall be the duty of the clerk, or of each of the clerks, or of the secretary, as the case may be, to give notice in writing to the Minister of the disestablishment of the library. R.S.O. 1950, c. 310, s. 8.

9.—(1) The petition for the establishment of a public library in a township school area shall be in Form 3 with such alterations as may be necessary and shall be signed by a majority of the public and separate school supporters in the township school area, and upon the filing of the petition with an affidavit of the due execution thereof with the clerk of the township, or, where the township school area extends beyond one township, with the clerk of the township having the greatest equalized assessment within the township school area, the clerk shall examine the petition.

(2) If the clerk finds that the petition contains the names of a majority of the public and separate school supporters in the township school area, he shall forthwith give notice in writing to the Minister, to the public school trustees of the township school area, and to the trustees of any separate school in the township school area, of the filing of the petition.

(3) Upon receipt of the notice it is the duty of the trustees to make appointments to the board of the public library as hereinafter provided. R.S.O. 1950, c. 310, s. 9.

10. A library association established under Part II of this Act or under any former Act relating to mechanics' institutes or library associations, may by resolution passed at an annual meeting of the association or at a meeting specially called for the purpose, declare its desire that the library of the association be transferred to a public library board appointed in the manner provided by this Part, and thereupon a public library board may be appointed and the assets and property of the association may be transferred to it and the necessary by-laws may be passed for that purpose and for the establishment of the library as a public library under this Part, but it is not necessary to submit such by-law to the electors. R.S.O. 1950, c. 310, s. 10.
11. Subject to the regulations and the approval of the Minister and with the consent of the councils by which the boards were established, any two boards may enter into an agreement by which one of them shall receive library service from the other for part or all of the municipality, police village or school section, as the case may be, but the board receiving such service is not entitled to representation on the board by which such service is rendered. R.S.O. 1950, c. 310, s. 12.

12. Subject to the regulations and to the approval of the Minister, any library co-operative or any municipality, police village, school section or township school area for which a public library has not been established, or any school board or board of education, may enter into an agreement with a public library board for securing library services. R.S.O. 1950, c. 310, s. 13.

13. The general management, regulation and control of the library are vested in a board which is a body corporate by the name of "The................................. Public Library Board" (inserting the name of the municipality, police village or school section, as the case may be). R.S.O. 1950, c. 310, s. 14.

14. Except as otherwise provided by this Act, no person who is a member of any one of the bodies entitled to appoint is qualified to be a member of the board and no person shall be appointed a member of the board who is not a British subject or who is less than twenty-one years of age, or is not a resident of the municipality, police village or school section. R.S.O. 1950, c. 310, s. 15.

15.–(1) The board in a city, town or village shall be composed of the mayor in the city or town, or the reeve of a village and three members to be appointed by the council, three to be appointed by the public school board or board of education qualified to deal with public school affairs in the municipality and two by the separate school board, if any.

(2) Of the three members first appointed by the council and public school board, or board of education respectively, one shall be appointed to hold office until the 1st day of February after his appointment, one until the 1st day of February of the following year, and one until the same day in the year next thereafter, and of the two members first appointed by the separate school board, one shall be appointed to hold office until the 1st day of February after his appointment, and one until the 1st day of February in the following year, but every member shall continue to hold office until his successor is appointed.
(3) Subject to the foregoing provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the 1st day of February in the year in which he is appointed, and each of the members appointed by the separate school board, for two years from the 1st day of February in the year in which he is appointed. R.S.O. 1950, c. 310, s. 16.

16.—(1) The board in a police village shall be composed of the chairman of the board of police trustees, and two persons appointed by the police trustees, two persons appointed by the board of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

(2) Of the members first appointed by the police trustees and public school board or boards and the separate school board, if any, respectively, one shall be appointed to hold office until the 1st day of February after his appointment, and one until the 1st day of February in the following year, but every member shall continue to hold office until his successor is appointed.

(3) Subject to the foregoing provisions, each of the members appointed to the board in a police village shall hold office for two years from the 1st day of February in the year in which he is appointed. R.S.O. 1950, c. 310, s. 17.

17. The board in a township shall be composed of the reeve of the township and four members appointed by the township council, one of whom shall be a separate school supporter if there is a separate school in the township, and the appointments shall be made annually, but every member shall continue to hold office until his successor is appointed. R.S.O. 1950, c. 310, s. 18.

18. The board in a school section shall be composed of five persons, all of whom shall be appointed by the public school trustees where there is no separate school and where there is a separate school three members shall be appointed by the public school trustees and two members by the separate school trustees, and the appointments shall be made annually. R.S.O. 1950, c. 310, s. 19.

19.—(1) Where there is no separate school in the township school area, the board shall be composed of five persons appointed by the public school trustees.

(2) Where there is a separate school in the township school area, the board shall be composed of three persons appointed
by the public school trustees, and two persons appointed by the separate school trustees.

(3) All appointments shall be made annually. R.S.O. 1950, c. 310, s. 20.

20.—(1) The councils of two or more municipalities may enter into agreement for the establishment of a union public library.

(2) Any agreement under subsection 1 shall provide for the proportion of the cost of the establishment, operation and maintenance of the union public library that shall be borne by each municipality.

(3) The general management, regulation and control of a union public library are vested in a board which is a body corporate by the name of “The .........................(inserting the names of the municipalities concerned) Union Public Library Board”.

(4) The union public library board shall be composed of such number of members appointed by the council of each municipality concerned for such term of office as the agreement may provide.

(5) All members of a union public library board who are not members of a municipal council shall be British subjects over twenty-one years of age and residents of the municipalities for which the union public library is established.

(6) When a union public library is established, every public library board formerly established in the municipalities for which the union public library board is established is thereby dissolved and the assets and liabilities of such public library boards are vested in and assumed by the union public library board. 1959, c. 82, s. 3, part.

21.—(1) Two or more public library boards, union public library boards or county library boards, or any of them, may enter into agreements for providing any library service on such terms and conditions as may be agreed upon. 1959, c. 82, s. 3, part.

(2) Where a board supplies library service to another board, it may charge a per capita fee for such service based on the population in the area under the jurisdiction of the board receiving the service, but such fee shall not exceed the per capita cost of operation, excluding the capital cost of land, buildings, furnishings, bookmobiles and other equipment, of the board supplying the service based on the population in the area under the jurisdiction of such board. 1960, c. 95, s. 1.
22. The first appointment of members shall be made at the first meeting of the appointing body after the final passing of the by-law, and in the case of a school section, after the filing of the petition, and the annual appointments thereafter shall be made at the first meeting of the appointing body after the 1st day of January in each year, and any vacancy arising from any cause, other than the expiration of the time for which a member was appointed, shall be filled at the first meeting thereafter of the appointing body, but if for any reason an appointment is not made at the prescribed time, it shall be made as soon as may be thereafter. R.S.O. 1950, c. 310, s. 22.

23.—(1) In case of a vacancy by death or resignation of a member, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of the term.

(2) If a member of the board is convicted of any offence against the criminal laws of Canada, or becomes mentally ill, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality or police village, he ipso facto vacates his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly. R.S.O. 1950, c. 310, s. 23.

24.—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise is void, and a member violating the provisions of this section ipso facto vacates his seat.

(2) On the complaint of any ratepayer of the municipality or police village or school section, or of the remaining member or members of the board, the judge of the county or district court or if he is a member of the board, the master of the Supreme Court shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. R.S.O. 1950, c. 310, s. 24.

25. No person is disqualified from being a member of a board, or from sitting and voting on such board by reason
only of being proprietor of or otherwise interested in a newspaper or other periodical publication that is subscribed for or in which an advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member is not entitled to vote where his own account is in question. R.S.O. 1950, c. 310, s. 25.

26.—(1) The board at its first meeting in each year shall elect one of its members as chairman.

(2) In the absence of the chairman from any meeting, the board may appoint one of its members an acting chairman for the meeting.

(3) The board shall appoint a secretary who may also be the librarian and who shall,

(a) conduct the official correspondence for the board; and

(b) keep a full and correct record of the proceedings of every meeting of the board in a minute book provided for that purpose by the board, and ensure that the minutes when confirmed are signed by the presiding officer.

(4) The board shall appoint a treasurer, who may also be the secretary or assistant secretary and who shall,

(a) receive and account for all moneys of the board;

(b) open an account in the name of the board in a chartered bank approved by the board;

(c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts; and

(d) disburse all moneys as directed by the board.

1959, c. 82, s. 4.

(5) The chairman or acting chairman of the board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative.

(6) The presence of a majority of all the members comprising the board is necessary to form a quorum, and a vote of the majority of a quorum is necessary to bind the board.

1960, c. 95, s. 2.

27.—(1) The board shall hold regular meetings at least once in every month from February to June inclusive and from September to January inclusive and at such other times as it
may think fit, provided that in a municipality having a population of less than 2,000 the board may hold its regular meetings in alternate months only.

(2) The chairman or any two members may summon a special meeting of the board by giving at least two days notice in writing to each member, specifying the purpose for which the meeting is called.

(3) The presence of a majority of all the members constituting a board is necessary for the transaction of business at any general or special meeting.

(4) All orders and proceedings of the board shall be entered in books to be kept for that purpose and after confirmation by the board shall be signed by the chairman.

(5) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be the originals thereof, and such books may be produced and read as evidence of the orders and proceedings in any judicial proceedings. R.S.O. 1950, c. 310, s. 27.

28.—(1) The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities and the accounts shall be audited by the municipal auditors in like manner as the accounts of a municipality, and shall after having been audited be laid before the council by the board.

(2) All books and records shall be open to the inspection of the Minister or to any person appointed to act on his behalf. R.S.O. 1950, c. 310, s. 28.

29. Subject to the regulations, an annual report shall be transmitted to the Minister for each library on forms supplied for the purpose. R.S.O. 1950, c. 310, s. 29.

30. A board shall not in any year purchase any land or erect any buildings or make any addition or alterations thereto and pay the cost thereof from current revenue without the authority of the municipal council if the cost exceeds a sum equal to one-fifth of the amount to which the board is entitled as a public library rate for the year. R.S.O. 1950, c. 310, s. 30.

31.—(1) Subject to the restrictions and provisions herein after contained, the board has power to acquire by purchase, expropriation, lease or otherwise, all lands required for library and branch library purposes, and to erect, lease or otherwise procure the necessary buildings therefor, and hold, maintain and repair the same, and has power, with the consent of the municipal council, to sell, exchange or otherwise dispose of
any lands or buildings that may no longer be required for such purposes. R.S.O. 1950, c. 310, s. 31 (1).

(2) The board, with the consent of the municipal council, may acquire, or may erect on any lands held by it, buildings larger than are required for library and branch library purposes, and may lease any parts of the buildings not so required. 1952, c. 87, s. 1.

(3) The provisions of The Municipal Act as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation *mutatis mutandis* apply to the public library board and to the exercise by it of the powers conferred by this section, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the board, or at his office, as the case may be. R.S.O. 1950, c. 310, s. 31 (2).

32. The board shall,

(a) ensure that every library under its charge is conducted in accordance with this Act and the regulations;

(b) fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;

(c) transmit to the Minister all reports required by this Act and the regulations or requested by him;

(d) make provision for insuring the buildings and equipment owned by the board;

(e) operate a main library and any number of branch libraries, mobile units, deposit stations, art galleries or museums that it deems necessary;

(f) submit to the council, as soon as possible in each year and in any case upon request, a detailed estimate of the sums required for the current year to meet the cost of operation and for capital expenditures and indicate any surplus or deficit from the preceding year in each account;

(g) take proper security for the treasurer or secretary-treasurer; and

(h) provide suitable furniture, equipment and an adequate supply of library books and magazines. 1959, c. 82, s. 5, *part.*
33. The board may,

(a) appoint such committees as it may deem expedient;
(b) appoint and remove such officers and servants as it may deem necessary, determine the terms on which they are to be employed, fix their salaries and pre-
scribe their duties; and
(c) collect fines for overdue or lost books and charge a
non-resident fee per year to a borrower who is not a
resident or a ratepayer in the municipalities or parts	herof that form part of the library service. 1959,
c. 82, s. 5, part.

34. The board of any public library under this Part may,
subject to approval of the municipal council, pay to any
employee retiring by reason of advanced age, ill-health or
other disability such gratuity or retiring allowance as the
board may think proper. R.S.O. 1950, c. 310, s. 35 (1).

35. A public library board, by resolution, may provide
pensions for employees or any class thereof in accordance with
section 38 of *The Schools Administration Act* and the provisions
thereof apply *mutatis mutandis*. 1955, c. 67, s. 1, part.

36. A public library board, by resolution, may establish
a system of sick leave credit gratuities for employees or any
class thereof in accordance with section 39 of *The Schools
Administration Act* and the provisions thereof apply *mutatis
mutandis*. 1955, c. 67, s. 1, part.

37.—(1) Subject to the regulations, the board may make
rules for the use of the library, reading rooms and museums,
and for the admission of the public thereto, and for regulating
all other matters and things connected with the management
of the library, reading rooms and of all property under its
control, and may impose fines for breaches of the rules, not
exceeding $10 for any offence.

(2) Such rules shall be binding on all persons concerned
after they have been published once a week for at least two
weeks in a newspaper published in the municipality or police
village and if no newspaper is published therein, they shall
be posted in a conspicuous place within the library, and the
board shall have for distribution printed copies of the rules,
or keep the rules permanently posted in written or printed
form in a conspicuous place in the library. R.S.O. 1950,
c. 310, s. 36.
38. Nothing herein precludes the recovery of the value of articles or things damaged, or the amount of damage sustained from persons liable for the same. R.S.O. 1950, c. 310, s. 37.

39. Subject to the regulations, the Minister, upon the application of the board, may authorize the board to close the library for a limited number of days when in the opinion of the board such closing is necessary or expedient and if authorized by the regulations the board may close the library for a period not exceeding two successive weeks at any time during the period between the 1st day of June and the 31st day of August in any year. R.S.O. 1950, c. 310, s. 38.

40. A board may permit any part of its library buildings to be used for lectures or meetings to be held for patriotic, charitable or educational purposes, but nothing in this section shall be construed to mean that a board may furnish free light and heat to any municipal body that may occupy a room or rooms in the library or to any other tenant. R.S.O. 1950, c. 310, s. 39.

41. The board shall submit to the municipal council or councils and in the case of a school section not situate in an organized township to the trustees of the school section, on or before the 1st day of March in each year, a detailed estimate of the several sums required for the ensuing financial year to pay,

(a) the interest on any money borrowed, as hereinafter mentioned;

(b) the amount required to be raised for the sinking fund, or to pay any instalment of principal and interest;

(c) the expense of maintaining and managing the libraries, reading rooms, museums, evening classes, art schools and all other activities under its control;

(d) contributions to an employees' pension fund;

(e) retiring allowances to employees retired by reason of age or disability; and

(f) amounts required to be paid under statutory or other authority. R.S.O. 1950, c. 310, s. 40.

42.—(1) Where a public library is established for a city, town, village, township, police village, township school area or school section, the council of the city, town, village or township, the council or councils of the township or townships in which the police village, township school area or school section is located, or the council or councils of the township or townships in which the police village, township school area or school section is located, may levy an annual rate.
situate, or the trustees of a school section in territory without municipal organization, as the case may be, in addition to all other rates shall levy in each year on the rateable property in the city, town, village, township, police village, township school area or school section for which the public library is established, a special rate, to be called the Public Library Rate, sufficient to provide the amount estimated by the board as hereinbefore provided, but no such rate shall be levied that will yield more than 50 cents per capita of population of the municipality, police village, township school area or school section according to the last revised assessment roll except by a vote of a majority of the council or trustees present and voting thereon.

(2) Notwithstanding any other provision in this section, the council of any municipality that prior to the 1st day of January, 1917, in any way whatsoever entered into any contract with any person, persons or corporation to expend annually not less than a stated sum for public library maintenance, by reason of receiving a gift, may levy and assess each year a public library rate sufficient to provide a sum to carry out the terms of the contract entered into. R.S.O. 1950, c. 310, s. 41.

43.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for the purpose of acquiring a site, purchasing, erecting, or remodelling a building or buildings and, in the first instance, for obtaining books and other things required for the library, on the application of the board may be raised,

(a) where the board is established in a municipality, by the issue of municipal debentures; and

(b) where the board is established in a school section or union school section in territory without municipal organization, by the issue of debentures by the board of the section or union section,

and all sums required to pay off the debentures issued under clause a and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality, and all sums required to pay off the debentures issued under clause b and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the public and separate school supporters in the section or union school section.

(2) If the council or the board of the section or union school section refuses to issue the debentures at the request of the public library board, the question shall be submitted to
a vote of the electors of the municipality or school section, as the case may be, in the manner provided by The Municipal Act in the case of a money by-law, and, if the assent of the electors is obtained, the council or the board of school trustees, as the case may be, shall raise the required sums by the issue of debentures as aforesaid but without submitting the by-law to the electors. 1955, c. 67, s. 2.

44. The council of any municipality may at any time make a grant in money or lands or buildings to a board for public library purposes. R.S.O. 1950, c. 310, s. 43.

(Note.—As to power of public library board to receive gifts, devises or bequests, see The Mortmain and Charitable Uses Act, R.S.O. 1960, c. 246, s. 13.)

45. All libraries established under this Part shall be open to the public free of charge provided, however, that the board may impose such fee as seems proper on non-residents who may desire to use the library. R.S.O. 1950, c. 310, s. 44.

46. The board shall permit the public to have free access to the circulating and reference books of the library but the board may, with the approval of the Minister, prohibit free access to any particular section of the library or to any class of books. R.S.O. 1950, c. 310, s. 45.

47. No board shall make a rule for the establishment of an age limit for children who may receive library service. R.S.O. 1950, c. 310, s. 46.

48. The teachers' institute of any inspectorate in which a public library is situate may place the books held by such institute in any public library subject to the approval of the board, and in such cases every member of such teachers' institute is entitled to use the public library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1950, c. 310, s. 47.

49. Every farmers' institute or women's institute may affiliate with any public library on terms to be agreed upon with the board, and in the event of such affiliation every member of such farmers' institute or women's institute is entitled to use the library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1950, c. 310, s. 48.

50. Every public library heretofore established or continued as a free public library under any Act respecting public libraries is continued and is subject to the provisions of Part I and Part V of this Act. R.S.O. 1950, c. 310, s. 49.
PART II

PUBLIC LIBRARY ASSOCIATIONS

51. A public library association may be incorporated in the manner hereinafter provided, for the purpose of establishing a public library in any community situated in a municipality or school section that has no public library established under Part I of this Act. R.S.O. 1950, c. 310, s. 50.

52. Ten or more persons, being British subjects and not less than twenty-one years of age, may form an association for establishing a public library by making a declaration in duplicate on forms obtained from the Minister, and filing one copy with an affidavit of the due execution thereof in the office of the registrar of deeds for the registry division in which the public library is to be situated, and transmitting to the Minister one copy, with affidavit, and bearing the certificate of registration. R.S.O. 1950, c. 310, s. 51.

53. For the filing of the declaration and for every certified copy the registrar is entitled to a fee of 50 cents. R.S.O. 1950, c. 310, s. 52.

54. The persons whose names are subscribed to the declaration, while they remain members, and all persons not under twenty-one years of age who become members of the association and while they remain so, are a body corporate to be known as "The..................Public Library Association" inserting the name of the unincorporated settlement or the village, town or city, as the case may be, in which the library is to be established, but the name of a township or county may not be used and any name chosen is subject to the approval of the Minister. R.S.O. 1950, c. 310, s. 53.

55. A library association may not establish a branch library, but, subject to the approval of the Minister, may establish one or more distributing stations. R.S.O. 1950, c. 310, s. 54.

56. The membership shall be composed of individuals and not families or other groups of persons, and a register of the membership shall be kept showing the names of the persons, the dates of joining or of renewal of membership, and of expiration of membership, and records of fees paid, and in the register it shall be indicated which persons are twenty-one years of age or over. R.S.O. 1950, c. 310, s. 55.
57. Any person, regardless of age, may become a member of the association, and all persons over fifteen years of age shall be granted membership on the payment of a uniform fee, but a special uniform fee may be fixed for children under fifteen years of age. R.S.O. 1950, c. 310, s. 56.

58. No person shall vote or shall be elected as a member of the board who is not a British subject of the full age of twenty-one years. R.S.O. 1950, c. 310, s. 57.

59. Where any persons are granted free use of the library, such persons shall be considered as patrons and not as members of the association. R.S.O. 1950, c. 310, s. 58.

60. If from any source the association receives payment for free use of the library or for reduced fees for certain persons, the said persons shall be considered as patrons and not members of the association. R.S.O. 1950, c. 310, s. 59.

61. The general management, regulation and control of the library shall be vested in and exercised by a board of management, which shall be composed of not less than five and not more than nine persons. R.S.O. 1950, c. 310, s. 60.

62. The persons whose names are subscribed to the declaration of incorporation shall meet within thirty days after the filing thereof and shall elect from among their number the members of the board. R.S.O. 1950, c. 310, s. 61.

63. The members so elected shall hold office until their successors are elected. R.S.O. 1950, c. 310, s. 62.

64. Three members form a quorum for transacting the business of the board. R.S.O. 1950, c. 310, s. 63.

65. On the third Monday in January in each year the members of the association shall hold their annual meeting and elect the members of the board for the year, and, if for any reason it is not found practicable to hold the annual meeting on the third Monday in January, the board shall arrange for the association to meet as soon thereafter as possible, giving notice to the members of the change of the date of meeting. R.S.O. 1950, c. 310, s. 64.

66. The board shall, as soon after the election as is convenient, elect one of its members as president, and shall also appoint a secretary, treasurer, and librarian and such other officers as may be necessary for the purposes of the association. R.S.O. 1950, c. 310, s. 65.
67. In the case of a vacancy by death or resignation of a member, or by any cause other than the expiration of the term for which he was appointed, the remaining members of the board shall appoint a member of the association to fill the vacancy, but should the board be reduced to less than four in number, a meeting of the association shall be called for the purpose of filling the vacancies. R.S.O. 1950, c. 310, s. 66.

68. A member of the board shall not transact, with the board of which he is a member, any business in which he has a pecuniary interest and a member violating the provisions of this section ipso facto vacates his seat and every contract or agreement entered into by the board in which any member thereof is so interested is void, but no person is disqualified from being a member of the board by reason only of being interested in a newspaper that is subscribed for or in which an advertisement is inserted by the board if payment is at the usual rates. R.S.O. 1950, c. 310, s. 67.

69. Notice of any meeting of the association may be given by mailing a letter or postal card at least three days before the date set for the meeting to each member of the association, or by posting a notice in the library and in a prominent place not in the library for a period of at least two weeks before the date set for the meeting. R.S.O. 1950, c. 310, s. 68.

70. Subject to the regulations, the board shall provide suitable accommodations for the library, and has power to procure, erect or rent buildings for that purpose, and to purchase books, periodicals, newspapers and other reading matter for the library. R.S.O. 1950, c. 310, s. 69.

71. The board shall make rules for the management and use of the library and reading rooms and for conducting the business of the board, for holding regular and special meetings, for defining the duties of the officers of the board, and the fees to be paid by members, and generally for such other matters, not inconsistent with this Act or with the regulations, as may be necessary for promoting the usefulness of the public library. R.S.O. 1950, c. 310, s. 70.

72. Minutes of all the proceedings of the board shall be kept and entered in books to be provided for that purpose by the board. R.S.O. 1950, c. 310, s. 71.

73. The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited for the year before the annual meeting of the association by two members of the association not members
of the board, to be appointed by the chairman of the board. R.S.O. 1950, c. 310, s. 72.

74. Subject to the regulations, an annual report shall be transmitted to the Minister on forms supplied for the purpose. R.S.O. 1950, c. 310, s. 73.

75. All books and records of the library are subject to inspection by the Minister or anyone appointed for the purpose of inspection by the Minister. R.S.O. 1950, c. 310, s. 74.

76.—(1) The Minister may effect a dissolution of a public library association where,

(a) the membership does not include five persons who are of the full age of twenty-one years and five other persons; or

(b) no board has been organized for a period of one year.

(2) A public library association ipso facto becomes dissolved where,

(a) a board fails or neglects to keep the library open for one year;

(b) a board fails to furnish an annual report as required by this Act or by the regulations, for two consecutive years.

(3) After the dissolution of the corporation, the Minister may take possession of all its books, magazines and periodicals and dispose of them as he may deem proper, but nothing herein confers any authority or control over any land belonging to a board or library association. R.S.O. 1950, c. 310, s. 75.

77. Where the establishing of a public library under Part I is proposed, the association may, at its annual meeting or at a special meeting to be called for the purpose, by resolution declare that its assets and property shall be transferred to the public library board after the passing of a by-law under Part I, and the board of the association shall transfer the assets and property to the public library board appointed under Part I as directed in the resolution of the association, and after such transfer the association is dissolved. R.S.O. 1950, c. 310, s. 76.

78. Where a library or a collection of books exists that was the property of an association that has been dissolved under this Part, and a public library has been established under Part I, the Minister may transfer to the public library board appointed under Part I the books of the former association.
and may transfer any money received as insurance on books of the former association that were destroyed or damaged by or through fire, and the custodian of the books and magazines or money or both shall transfer the said books or money or both as instructed by the Minister. R.S.O. 1950, c. 310, s. 77.

79. Every public library heretofore established or continued as a public library of a public library association under any Act respecting public libraries or mechanics' institutes is continued, and is subject to the provisions of Part II and Part V of this Act. R.S.O. 1950, c. 310, s. 78.

PART III
COUNTY AND DISTRICT LIBRARY CO-OPERATIVES

80. The council of a county, upon receipt of a petition signed by the duly authorized officers of at least 50 per cent of the total number of library boards and boards of management established under this Act within the county, may, after the approval of the petition by the Minister, pass a by-law establishing such boards as a county library co-operative, to be known as "The.................County Library Co-operative". R.S.O. 1950, c. 310, s. 79.

81. The Minister, upon receipt of a petition signed by the duly authorized officers of at least five library boards and boards of management established in a territorial district, may establish such boards as a district library co-operative to be known as "The.................District Library Co-operative". R.S.O. 1950, c. 310, s. 80.

82. The Minister, upon the receipt of a petition of the boards of two or more district library co-operatives, may establish a regional library co-operative and, upon the establishment of a regional library co-operative, the uniting district co-operatives are dissolved and their assets and liabilities are assumed by the regional library co-operative. 1957, c. 100, s. 2.

83. In addition to the library boards and boards of management originally constituting a co-operative, any other library boards, boards of management, school boards and such other organizations as the Minister may approve, within the county or territorial district, may become members of the co-operative by agreement with the board of the co-operative, and the agreement shall be filed with the Minister. R.S.O. 1950, c. 310, s. 81.
84.—(1) The management, regulation and control of a library co-operative are vested in a board which is a corporation known as "The..................................County (or District or Regional) Library Co-operative Board" (inserting a name selected by the board and approved by the Minister) and the board is responsible to the member organizations of the co-operative.

(2) The board of a county library co-operative shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council.

(3) The board of a district library co-operative shall be composed of four members elected by the member organizations and three members appointed by the Minister.

(4) The board of a regional library co-operative shall be composed of two members from each territorial district within the jurisdiction of the regional library co-operative elected by the member organizations in the territorial district and such member or members as the Minister may appoint.

(5) The board of each member organization of a library co-operative shall elect two official delegates whose duties are to elect members and fill vacancies in the elected membership of a library co-operative board and to vote on questions submitted to any meeting of the library co-operative with its member organizations.

(6) The meeting of the official delegates of member organizations to elect the first board of the newly-established district or regional library co-operative and the first meeting of the board of a newly established library co-operative shall be called forthwith by the Director of Provincial Library Service.

(7) The annual meeting of a library co-operative board and its member organizations shall be held at such time and place as may be determined by the library co-operative board.

(8) Except in the case of a newly-established library co-operative, a member of a library co-operative board shall assume office on the 1st day of January of the year for which he is elected or appointed and shall continue in office for a period of one year. 1957, c. 100, s. 3.

85. The purpose of a library co-operative is to purchase and distribute books for circulation by its member organizations. R.S.O. 1950, c. 310, s. 83.
86.—(1) Where at least 75 per cent of the municipalities forming part of a county for municipal purposes request the county to establish a county library service, the council of the county may by by-law establish a county library service for all such municipalities.

(2) No request of a local municipality for the establishment of a county library service shall be acted on unless the request is authorized by a favourable vote of a majority of the members of the council of the local municipality.

(3) A by-law passed by the council of a county under this section is not effective until approved by the Minister and, when so approved, is effective on the 1st day of January of the year following unless otherwise provided in the by-law.

(4) When a county library service is established, every public library board, public library association and county library co-operative established for a municipality or any part thereof that is included in the county library service is thereby dissolved and the assets and liabilities of such boards are thereby vested in and assumed by the county library board unless otherwise provided in the by-law establishing the county library service. 1959, c. 82, s. 6, part.

87.—(1) The general management, regulation and control of a county library service are vested in a board which is a corporation known as “The... (inserting the name of the county) County Library Board”.

(2) A county library board shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council, who represent a local municipality included in the county library service and three of whom shall be British subjects, over twenty-one years of age and residents of the municipalities included in the county library service who are not members of the council.

(3) The members of the board who are not members of the county council shall hold office for three years, except that, when appointments are made to a newly-established board, one member shall be appointed for one year, one for two years and one for three years.

(4) The council of the county at the first meeting of council in each year after the board is established shall appoint three
members of the council and one other qualified person as members of the board.

(5) Each member shall hold office until the 31st day of December of the last year for which he is appointed and until his successor is appointed.

(6) Where a vacancy occurs from any cause before the expiration of the term of office for which a member has been appointed, the council of the county shall appoint a qualified person to fill the vacancy for the unexpired portion of the term of office.

(7) The members of the board shall serve without remuneration but each member shall be paid his proper travelling and living expenses incurred in the work of the board.

(8) The first meeting of a newly-established board shall be called by the clerk of the county forthwith after the members of the board have been appointed. 1959, c. 82, s. 6, part.

88. Sections 12, 22 to 41 and 45 to 50 of Part I apply mutatis mutandis to the board and any reference to municipal council therein shall be deemed to be a reference to the county council that established the county library service. 1959, c. 82, s. 6, part.

89. Every county library board shall operate and maintain a library as a branch in each municipality that operated a public library prior to the date upon which that municipality became part of the county library service. 1959, c. 82, s. 6, part.

90. The Board shall appoint a librarian who shall,

(a) hold a Class A, B or C certificate of librarianship issued by the Minister;
(b) be the chief executive officer of the board; and
(c) attend the meetings of the board or designate a person to represent him. 1959, c. 82, s. 6, part.

91. A county by-law establishing a county library service shall provide for the levying of an annual rate upon the equalized assessment of the municipalities that form part of the county for municipal purposes and that are included in the county library service sufficient to meet the amount estimated by the board to meet its operating costs and the principal and interest payable under any debentures issued for the purposes of the county library service, and such rate shall form part
of the county rates for such municipalities. 1959, c. 82, s. 6.

PART V

GENERAL PROVISIONS

92. Subject to the provisions of any statute in that behalf, the Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

(a) for the apportionment and distribution of all money appropriated by the Legislature for library purposes;

(b) for delegating to the Minister power to make special grants to any board;

(c) for the establishment, organization, management, accommodations and rules of public libraries;

(d) for the establishment, organization, management and courses of instruction of library schools, examinations of students, and for the issuance of certificates to successful students at library schools;

(e) governing the qualifications of librarians and assistants and library clerks in public libraries;

(f) for conducting the examinations and practical tests prescribed by the regulations and settling the results thereof;

(g) for granting temporary, interim, special permanent and renewed certificates of qualification to librarians and assistants;

(h) for accepting such courses and examinations as the Minister may deem adequate for the academic and professional training of librarians and assistants;

(i) providing for the suspension and cancellation of certificates of qualification granted by the Department;

(j) for the appointment of an examination board for work in connection with examinations in librarianship and in the general education of candidates wishing to qualify as librarians and assistants, and for prescribing the fees to be paid to members of the examination board, other examiners and presiding officers;

(k) for the management, use and circulation of the travelling libraries of the Department, and for prescribing
the terms upon which they may be obtained by borrowers;

(l) for the management and organization of library institutes. R.S.O. 1950, c. 310, s. 84.

93. Where a board in any year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant payable to the board for that year. R.S.O. 1950, c. 310, s. 85; 1957, c. 100, s. 4.

94. Subject to the regulations, the Minister may authorize grants to boards for public libraries, branch public libraries, library associations and library co-operative boards;

(a) salaries and expenses of officers of the Department employed in work in the interest of libraries in general, and in giving special instructions to boards and librarians;

(b) the cost and preparation of books, pamphlets, blueprints, plans of library buildings and of library equipment, engravings, models, manuscripts, photographs, lantern slides, moving-picture films, phonograph records, library supplies, library equipment, apparatus for demonstrating and illustrating library methods, and of such other apparatus or things for libraries or for promotion, organization and advancement of libraries as the Minister may deem necessary and useful;

(c) the cost of experimenting in the interest of new and improved library methods, and of purchasing the copyright or copyright privileges of any publication useful in the promotion of librarianship and of libraries;

(e) the cost of library publicity in the interest of libraries as institutions for popular education, and for the purpose of encouraging the establishing of libraries, including cost of publication, preparation of manuscripts, engravings, and the fees and expenses of speakers;

(f) the expenses of librarians and other library experts to meet in conference with officials of the Department for the purpose of discussing library affairs, and of any librarian or other library expert to represent the Department at a convention, at a library, or at any place for the promotion of library interests;
(g) expenses incurred in holding meetings of library institutes;

(h) the cost of fees and expenses of members of an examining board in connection with examination work and with meetings for the discussion of examinations;

(i) the cost of storage, packing and shipping of books upon which the Minister holds a claim. R.S.O. 1950, c. 310, s. 86; 1957, c. 100, s. 5.

95. — (1) Subject to the regulations, the Minister may establish and maintain travelling libraries out of such sums as may be appropriated for that purpose, and may purchase books, pamphlets, pictures, phonograph records, maps, globes, charts, lantern slides, moving-picture films and lanterns and appliances, objects and specimens for illustrating the arts, sciences and literatures, book-cases and other containers, and library equipment, and may pay for transportation, rent and storage and librarian's service at distributing centres, and for publicity and for cataloguing, classifying and annotating lists of books, and may employ and pay assistants to aid in circulating the libraries and to operate apparatus, demonstrate and lecture, and may pay the travelling expenses of the assistants and of persons appointed to perform librarian's service.

(2) Subject to the regulations, the Minister may extend the use of travelling libraries to schools, colleges, universities, other educational institutions and charitable institutions in the Province, and may procure the necessary requirements and organization to render special service to such schools and other institutions. R.S.O. 1950, c. 310, s. 87.

96. Subject to the regulations, the Minister may establish a bureau of home study for the benefit of the people of the Province, and may pay the cost thereof from any money voted by the Legislature for public libraries or for travelling libraries, and may pay for,

(a) the compilation of reading courses by the specialists;

(b) the compilation and annotation of bibliographies;

(c) written lessons of instruction for study and practice. R.S.O. 1950, c. 310, s. 88.

97. Subject to the regulations, money appropriated for library school purposes may be applied under the direction of the Minister, in providing schools and classes for the training of librarians and assistants, for holding examinations of persons desiring to qualify in librarianship and as assistants in
libraries, and providing accommodation for such schools, classes and examinations, for the payment of the fees and expenses of the instructors and examiners, for providing supplies and equipment for such schools, classes and examinations, for the payment of the travelling expenses of students and travelling and board and lodging expenses of students holding positions in small libraries when the Minister deems it necessary or expedient, and for such other purposes in connection with the qualifications of librarians and assistants in libraries and the promotion of their efficiency and usefulness, as the Minister may deem necessary and expedient. R.S.O. 1950, c. 310, s. 89.

98. Subject to the regulations, the Minister may,

(a) provide for the establishment of library institutes and for the holding of the meetings thereof;

(b) employ library experts to attend library institute meetings and pay their travelling and other necessary expenses in going to, staying at and returning from the meetings, but nothing shall be paid to them for services;

(c) pay the travelling and other necessary expenses of one delegate from each board in attending a meeting of the institute. R.S.O. 1950, c. 310, s. 90.

99. The judge of the county or district court, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be a special constable whose special duty it shall be to preserve the peace in the rooms of the library and in the building in which the library is situate, and to prevent the stealing, injuring or destroying of the property of the board or association, and to apprehend offenders, and he has generally all the powers and privileges and is liable to all the duties and responsibilities that pertain to the office of constable. R.S.O. 1950, c. 310, s. 91.

100. Any person who wilfully interrupts or disquiets a public library, reading room, museum, art school or any class in connection therewith, by rude or indecent behaviour, or by making a noise either within the building or so near thereto as to disturb the persons using the same, is guilty of an offence and on summary conviction is liable, for each offence, to a fine of not more than $20. R.S.O. 1950, c. 310, s. 92.
FORM 1
(Sections 4, 5 and 6)

PETITION

To the council of...

We, the undersigned electors of the...

of..., respectively, pray that a public library may be established in this municipality under The Public Libraries Act.

R.S.O. 1950, c. 310, Form 1.

FORM 2
(Sections 4, 5 and 6)

BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY

A by-law to provide for the establishment of a public library in the...

Whereas... electors have petitioned the council of the...

of..., praying for the establishment of a public library under The Public Libraries Act.

Be it therefore enacted by the council that:

1. In case the assent of the electors is given to this by-law, a public library be established in this municipality in accordance with the provisions of The Public Libraries Act.

2. The votes of the electors shall be taken on this by-law on...19..., commencing at...o'clock in the forenoon and continuing until...o'clock in the afternoon, at the undermentioned places: [Here insert (1) the words; (2) the polling subdivisions; (3) the places for holding the poll and the names of the deputy returning officers].

3. On the... day of..., at... o'clock in the... noon, the mayor (or reeve or as the case may be), shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons desirous of promoting, and a like number on behalf of the persons desirous of opposing the passing of this by-law.

4. The clerk shall attend at the... at the hour of... o'clock in the... noon, on the... day of..., 19..., to sum up the number of votes given respectively for or against the by-law.

A. B.,
Mayor (or Reeve).
C. D.,
Clerk.

Passed the... day of..., 19...

Notice by Clerk

The above is a true copy of a proposed by-law which will be taken into consideration by the council of... after one month from the... day of..., 19..., being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and places named in the by-law.

R.S.O. 1950, c. 310, Form 2.
FORM 3

P ETITION FOR ESTABLISHMENT OF PUBLIC LIBRARY IN SCHOOL SECTION

PETITION for the establishment of a Public Library in School Section ............................................(or School Sections) in ..........................................................

We, the undersigned, constituting a majority of the public and separate school supporters in the section (or sections) pray that a public library may be established in and for the school section (or sections) under and subject to the provisions of The Public Libraries Act.

Dated this..............day of.............................................., 19..........................

Signatures Addresses

Witness:

Province of Ontario, County (or District) of...........

To Wit.

I,...............................................................of the...........................................

(occupation)......................................................, make oath and say:

1. That I was actually present and did see the above petition signed by the persons whose names are thereto subscribed as petitioners.

2. That I believe the petition to have been signed in good faith and that the signatories are all of them supporters of public or separate schools.

3. That I am a subscribing witness to the petition.

Sworn before me at the ...........

of............................in the County (or)

District) of............................

this..............day of.............., 19..............

A Commissioner, etc.
(or J.P.)

I,...............................................................of the...........................................

being the clerk of the township of ........................................ (or in territory without municipal organization) being the secretary of the public school (or separate school) board in school section No...............................in the township of........................................(or as the case may be) do certify:

That I have examined the above petition and that the names subscribed thereto are the names of persons entitled to be and who are assessed as public and separate school supporters in school section No..........................

That the number of names subscribed to the petition constitute a majority of the public and separate school supporters in the section.

Dated this..............day of.............................................., 19..............

Clerk of the Township (or secretary of the board of public or separate schools)

R.S.O. 1950, c. 310, Form 3.