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Parochial Libraries Act 1708

1708 CHAPTER 14 7 Ann

An Act for the better Preservation of Parochial Libraries in England

Annotations:

Modifications etc. (not altering text)

C1 Short title given by Short Titles Act 1896 (c. 14)

Reasons for passing this Act.

Whereas in many places in England and Wales the Provision for the Clergy is so mean that the necessary Expence of Books for the better Prosecution of their Studies cannot be defrayed by them And whereas of late Years several charitable and well disposed Persons have by charitable Contributions erected Libraries within several Parishes and Districts in England and Wales but some Provision is wanting to preserve the same and such others as shall be provided in the same Manner from Embezelment

I.] Parochial Libraries to be preserved.

In every parish or Place where such a Library is or shall be erected the same shall be preserved for such Use and Uses as the same is and shall be given and the Orders and Rules of the Founder or Founders of such Libraries shall be observed and kept.

II Incumbent to enter into Security for the Preservation of Library, &c. Action for Books detained.

And for the Encouragement of such Founders and Benefactors and to the Intent they may be satisfied that their pious and charitable Intent may not be frustrated be it also enacted by the Authority aforesaid That every Incumbent Rector Vicar Minister or Curate of a Parish before he shall be permitted to use and enjoy such Library shall enter into such Security by Bond or otherwise for Preservation of such Library and due Observance of the Rules and Orders belonging to the same as the proper Ordinaries within their respective Jurisdictions in their Discretions shall think fit and in case any Book or Books belonging to the said Library shall be taken away and detained it shall and may be lawful for the said Incumbent Rector Vicar Minister or Curate for the Time being or any other Person or Persons to bring an Action of Trover and Conversion

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in the Name of the proper Ordinaries within their respective Jurisdictions whereupon Treble Damages shall be given with full Costs of Suit as if the same were his or their proper Book or Books which Damages shall be applied to the Use and Benefit of the said Library

III Power to Ordinary to inquire into State of Libraries, &c.

And it shall and may be lawful to and for the proper Ordinary or his Commissary or Official in his respective Jurisdiction or the Arch Deacon or by his Direction his Official or Surrogate if the said Arch-Deacon be not the Incumbent of the Place where such Library is in his or their respective Visitation to enquire into the State and Condition of the said Libraries and to amend and redress the Grievances and Defects of and concerning the same as to him or them shall seem meet and it shall and may be lawful to and for the proper Ordinary from time to time as often as shall be thought fit to appoint such Person or Persons as he shall think fit to view the State and Condition of such Libraries and the said Ordinaries Arch-Deacons or Officials respectively shall have free Access to the same at such Times as they shall respectively appoint

IV Incumbent to make and sign a Catalogue;

And where any Library is appropriated to the Use of the Minister of any Parish or Place every Rector Vicar Minister or Curate of the same within Six Months after his Institution Induction or Admission shall make or cause to be made a new Catalogue of all Books remaining in or belonging to such Library and shall sign the said Catalogue thereby acknowledging the Custody and Possession of the said Books which said Catalogue so signed shall be delivered to the proper Ordinary within the Time aforesaid to be kept or registred in his Court without any Fee or Reward for the same

V and to deliver the same to Ordinary, within the Time herein mentioned.

And where there are any Parochial Libraries already erected the Incumbent Rector Vicar Minister or Curate of such Parish or Place shall make or cause to be made a Catalogue of all Books in the same thereby acknowledging the Custody and Possession thereof which Catalogue so signed shall be delivered to the proper Ordinary on or before the Nine and twentieth Day of September which shall be in the Year of our Lord One thousand seven hundred and nine and where any Library shall at any Time hereafter be given and appropriated to the Use of any Parish or Place where there shall be an Incumbent Rector Vicar Minister or Curate in Possession such Incumbent Rector Vicar Minister or Curate shall make or cause to be made a Catalogue of all the Books and deliver the same as aforesaid within Six Months after he shall receive such Library

VI Upon Death or Removal of Rector, Library to be locked, &c. by Churchwarden.

And to prevent any Embezelment of Books upon the Death or Removal of any Incumbent immediately after the Death or Removal of any Incumbent Rector Vicar Minister or Curate the Library belonging to such Parish or Place shall be forthwith shut up and locked or otherwise secured by the Church Warden or Church Wardens for the Time being or by such Person or Persons as shall be authorized or appointed by the proper Ordinary or Arch-Deacon respectively so that the same shall not be opened again till a new Incumbent Rector Vicar Minister or Curate shall be inducted or admitted into the Church of such Parish or Place

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VII Proviso for Case where Library used for Public Business.

Provided always That in case the Place where such Library is or shall be kept shall be used for any publick Occasion for Meeting of the Vestry or otherwise for the Dispatch of any Business of the said Parish or for any other publick Occasion for which the said Place hath been ordinarily used the Place shall nevertheless be made use of as formerly for such Purposes and after such Business dispatched shall be again forthwith shut and lockt up or otherwise secured as is before directed

VIII Register of Books given, &c, to be kept in Library.

And for the better Preservation of the Books belonging to such Libraries and that the Benefactions given towards the same may appear a Book shall be kept within the said Library for the entring and registring of all such Benefactions and such Books as shall be given towards the same and therein the Minister Rector Vicar or Curate of the said Parish or Place shall enter or cause to be fairly entred such Benefaction and an Account of all such Books as shall from Time to Time be given and by whom given

IX Power to Ordinary to make Rules and Orders concerning Library.

And for the better governing the said Libraries and preserving of the same it shall and may be lawful to and for the proper Ordinary together with the Donor of such Benefaction (if living) and after the Death of such Donor for the proper Ordinary alone to make such other Rules and Orders concerning the same over and above and besides but not contrary to such as the Donor of such Benefaction shall in his Discretion judge fit and necessary which said Orders and Rules so to be made shall from time to time be entred in the said Book or some other Book to be prepared for that Purpose and kept in the said Library

X Books not alienable. If Book lost, Warrant for Search.

And none of the said Books shall in any Case be alienable nor any Book or Books that shall hereafter be given by any Benefactor or Benefactors shall be alienated without the Consent of the proper Ordinary and then only when there is a Duplicate of such Book or Books and in case any Book or Books be taken or otherwise lost out of the said Library it shall and may be lawful to and for any Justice of Peace **[**[F1]for the commission area**]** to grant his Warrant to search for the same and in case the same be found such Book or Books so found shall immediately by Order of such Justice be restored to the said Library Any Law Statute or Usage to the contrary in any wise notwithstanding.

Annotations:

Amendments (Textual)

F1 Words in s. 10 substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3), **Sch. 10 para. 1**

Modifications etc. (not altering text)

C2 S. 10 excluded by Faculty Jurisdiction Measure 1964 (No. 5), **s. 4(1)**

C3 S. 10 amended (E.) (1.4.1996) by S.I. 1996/674, regs. 1(2), 2, **Sch. Pt. II para. 5(2)(a)**
S. 10 amended (W.) (1.4.1996) by S.I. 1996/675, arts. 1(2), 2, **Sch. Pt. II para. 7(2)(a)**

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XI Proviso for Library of Riegate.

[[X1] Provided always That nothing in this Act contained shall extend to a publick Library lately erected in the Parish of Ryegate in the County of Surrey for the Use of the Freeholders Vicar and Inhabitants of the said Parish and of the Gentlemen and Clergymen inhabiting in Parts thereto adjacent the said Library being constituted in another Manner than the Libraries provided for by this Act.**]**

Annotations:

Editorial Information

X1 annexed to the Original Act in a separate Schedule.

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2 words repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 5
- s. 5 words repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 5
- s. 6 repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 5
- s. 7 repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 5
- s. 10 words repealed by 2003 c. 39 Sch. 8 para. 1 Sch. 10
- s. 10 words repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 5

Commencement Orders yet to be applied to the Parochial Libraries Act 1708:
Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2005/910 art. 3 commences (2003 c. 39)

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