ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. CXXII.

An Act to enable His Majesty, under certain Regulations, to erect independent Burghs of Barony in that Part of *Great Britain* called *Scotland*; and for removing certain Difficulties as to the granting of Leases in Towns and Villages on the Fishing Coasts of that Kingdom. [26th *June* 1795.]

Preamble. 20 *Geo.* II, Cap. 43, recited.

WHEREAS Doubts have arisen whether by an Act, passed in the Twentieth Year of the Reign of His late Majesty King *George* the Second, *for taking away and abolishing the Heritable Jurisdictions in that Part of* Great Britain *called* Scotland, the Prerogative of His Majesty to erect free and independent Burghs of Barony in that Part of *Great Britain* called *Scotland* was taken away or abolished: And whereas the Erection of such independent Burghs of Barony may be very beneficial for encouraging the Erection of Villages, which are particularly necessary upon the Sea Coasts of *Scotland*, in those Places where the Fishings are carried on, and which are generally at a great Distance from the ordinary Courts of Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That it shall and may be lawful for His Majesty, His Heirs and Successors, to erect such independent Burghs of Barony, in such Parts of the Sea Coasts of *Scotland*, where the Fisheries are or shall be carried on, in the usual Manner practised before the passing of the said Act of the Twentieth of His late Majesty; and that it shall and may be lawful for all Persons who are enabled by an Act, passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for incorporating certain Persons by the Name and Stile of 'The* British *Society for extending the Fisheries and improving the Sea Coast of this Kingdom,' and to enable them, when incorporated, to subscribe a Joint Stock, and therewith to purchase Lands, and build thereon free Towns, Villages, and Fishing Stations, in the Highlands and Islands in that Part of* Great Britain *called* Scotland, *and for other Purposes*; and who have agreed or shall hereafter agree to sell or feu Lands to the said *British* Society, for the Purpose of erecting Villages and of encouraging the said Fisheries, to resign the same into the Hands of the said Barons of Exchequer in *Scotland*, for a new Charter thereof, and for erecting the same into independent Burghs of Barony, with Powers to the Inhabitants, or to such Descriptions of them as may be described in such Charter, to elect a Baron Baillie or Baillies, or other Magistrate or Magistrates, annually, in the same Manner as such Charters were usually made and granted before the passing of the said Act of the Twentieth Year of

His Majesty may erect independent Burghs of Barony in certain Parts of *Scotland*, as practised previous to recited Act; and Persons selling Lands to the society incorporated by 26 *Geo.* III, Cap. 106, may resign them to the Barons of Exchequer in *Scotland*, for erecting them into such Burghs, &c.

His late Majeſty, and with ſuch Powers and Juriſdiction, Civil and Criminal, to the ſaid Magiſtrate or Magiſtrates, as are reſerved by the ſaid Act to the Magiſtrates of independent Burghs of Barony then exiſting; and it ſhall be lawful for ſuch Perſons, after obtaining ſuch Charter and Infeftment thereon, to grant in feu to the ſaid Society ſuch Lands, reſerving ſuch Feu Duty as ſhall be agreed upon; any Thing contained in the ſaid Act of the Twentieth of His late Majeſty to the contrary notwithſtanding.

Magiſtrates within the Limits of ſuch Burghs to exerciſe the Power of Juſtices concurrent with the County Juſtices.

II. And be it enacted, That the Magiſtrate or Magiſtrates ſo elected annually ſhall, within the Limits of the ſaid reſpective Burghs of Barony, have and exerciſe all the other Powers which now belong, or which ſhall hereafter belong, to any of His Majeſty's Juſtices of the Peace in that Part of *Great Britain* called *Scotland*, by virtue of their reſpective Offices, without the Qualification in reſpect to Property uſually required in the Caſe of other Juſtices of the Peace: Provided always, that the Juſtices of the Peace of the reſpective Counties within which the ſaid Villages lie, ſhall have a concurrent Juriſdiction within ſuch Villages with ſuch Magiſtrate or Magiſtrates reſpectively: Provided alſo,

Previous Notice of Reports to His Majeſty, relating to granting Charters, to be given Parties concerned.

that before any Report ſhall be made to His Majeſty, in conſequence of any Reference to the Court of Exchequer in *Scotland*, relating to the granting of ſuch Charters, or any of them, due Notice ſhall be given to all ſuch Perſons as, in the Opinion of ſuch Court, may be affected by the granting the ſame, in ſuch Manner as the ſaid Court ſhall direct, that they may be heard againſt the granting ſuch Charters reſpectively, if they ſhall ſo think proper.

III. And whereas, for promoting the Purpoſes of the ſaid Act, the ſaid *Britiſh* Society have purchaſed Lands for building Villages in ſeveral Places in the remote Parts of *Scotland*, and have agreed to grant Leaſes, renewable for ever, to ſuch Perſons as are inclined to ſettle there and to build Houſes, with a View of carrying on the ſaid Fiſheries: And whereas many of the Settlers have not been taught to write, and cannot ſign and execute legal and effectual Counterparts of ſuch Leaſes otherwiſe than according to the Formalities required by the Law of *Scotland* in the Caſe of Perſons who cannot write, which are that Two Notaries Publick and Four Witneſſes ſhould be preſent when ſuch Perſons do affix their Mark to any Deed or obligatory Writing, and ſhould atteſt the ſame, and that, from the great Diſtance of ſuch Places from the Reſidence of any Notaries Publick, great Expence and Delays have ariſen, and muſt ariſe, in ſigning ſuch Leaſes, which has retarded and muſt retard the Progreſs of ſuch Villages; be it therefore enacted, That, from and after the paſſing of this Act, it ſhall and may be lawful for ſuch Settlers in any of the Villages erected or to be erected on any Lands purchaſed by the *Britiſh* Society for the Purpoſes aforeſaid, to ſign with their reſpective Marks if they cannot write, in the Preſence of the Reſident Miniſter of the neareſt Church to ſuch Settlement, and of Two Elders of ſuch Church, who ſhall atteſt the ſame, or in the Preſence of the Sheriff Subſtitute, or of any Juſtice of Peace, of the reſpective Counties, and of Two ſuch Elders, who ſhall in like Manner atteſt the ſame, inſtead of Two Notaries and Four Witneſſes; and that all Leaſes ſo ſigned by a Mark by the ſaid Settlers, and atteſted in Manner aforeſaid, ſhall be as binding and effectual in Law, as if the ſame had been ſigned in the Preſence of Two Notaries and Four Witneſſes, and that no Objection ſhall lie againſt the Validity of ſuch Leaſes on Account of their being renewable for ever; any Law or Uſage of *Scotland* to the contrary notwithſtanding.

Leaſes ſigned by a Mark of Settlers on Lands purchaſed by the *Britiſh* Society, and witneſſed by the Miniſter, &c. valid.

FINIS.