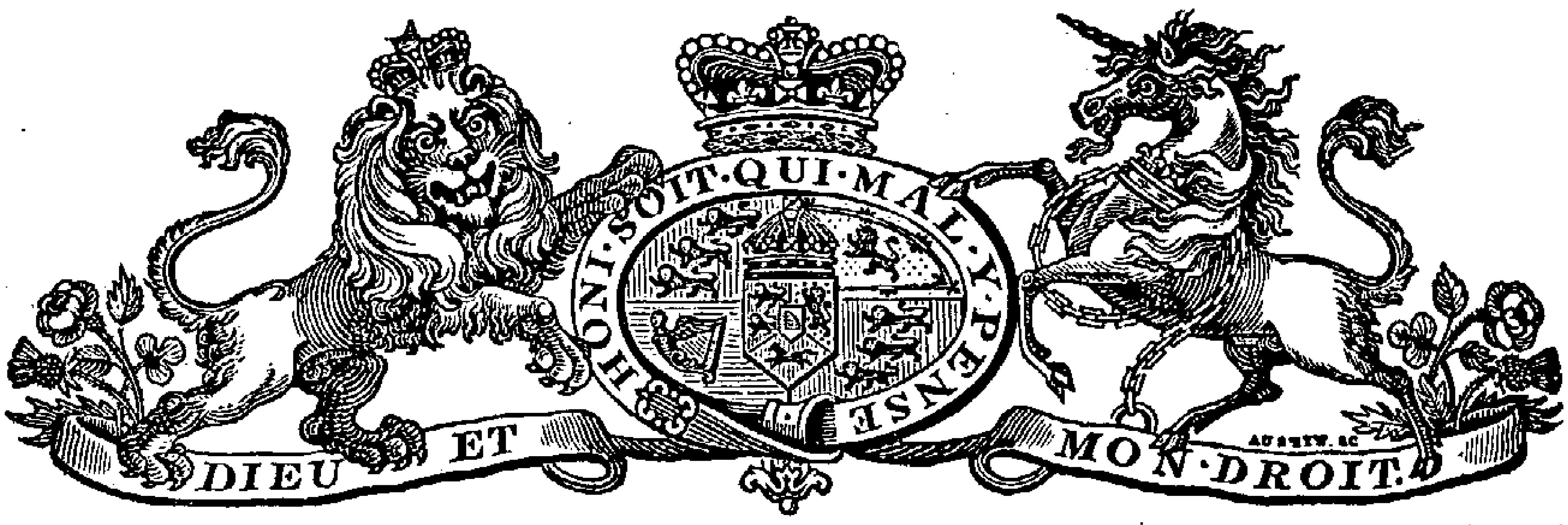


ANNO SECUNDO & TERTIO

GULIELMI IV. REGIS.

****

Cap. civ.

An Act for erecting and maintaining a new Court House and Public Offices for the County of *Inverness*. [4th *July* 1832.]

WHEREAS the present Court House of the Burgh and County of *Inverness* is altogether incommodious and unsuitable for the due Administration of Justice; and for the Accommodation of the Judges, Jurymen, Witnesses, and others assembled at the Circuit Courts of Justiciary and other Courts which are thereat in use to be held; and it is requisite that a proper Court House, and relative Public Offices and Accommodations, should be erected and maintained, and a proper Site and sufficient Funds provided: But as these Purposes cannot be effected without the Aid and Authority of Parliament, 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,

Commissioners appointed.

That the Lord Lieutenant of the County of *Inverness*, the Vice Lieutenant of the said County, the Convener of the said County, and the Sheriff and Principal Sheriff Substitute of the said County, and their Successors, together with Six Commissioners of Supply to be named and chosen in manner herein-after directed, shall be Commissioners for putting this Act into execution.

Election of the Six annual Commissioners from the Commissioners of Supply.

II. And be it enacted, That the Commissioners of Supply of the said County of *Inverness* shall meet within the Court House of *Inverness* between the Hours of Twelve and Two of the Clock, Afternoon, on the first *Tuesday* of the Month next after the Month in which this Act shall be passed (of which Meeting Ten Days previous Notice shall be given by Advertisement to be inserted by the Sheriff Clerk in the Newspapers published in the said County), and at such Meeting shall elect from among the Commissioners of Supply Six Individuals to be (along with the permanent Commissioners hereinbefore named) Commissioners for the Execution of this Act; and the said Commissioners so elected shall continue in Office until the said Court House and Public Offices shall have been declared to be completed, and till the next General Meeting on the Thirtieth Day of *April* thereafter, when the said Commissioners shall go out of Office, and the said Commissioners of Supply then assembled shall of new proceed to elect Six Persons, being Commissioners of Supply, to be Commissioners under this Act for the ensuing Year, and so on annually thereafter: Provided always, that no more than Three of the said Commissioners going out of Office shall be eligible to be re-elected.

For supplying Vacancies in the Number of Commissioners.

III. And be it enacted, That in case any Vacancy shall at any Time occur in the Number of Commissioners hereby authorized and directed to be elected, such Vacancy, as often as the same shall happen, shall be supplied by the Election of another Commissioner to be chosen from among the Commissioners of Supply of the said County by the remaining Commissioners appointed or elected under this Act, at a Meeting of the said last-mentioned Commissioners, to be specially summoned by Advertisement to be inserted by their Clerk in the Newspaper published in the said County of *Inverness* Ten Days at least before such Meeting, and the Commissioner to be so chosen shall remain in Office as long as the Commissioner in whose Stead he shall have been so chosen would have been entitled to remain in Office.

Meeting of Commissioners.

IV. And be it further enacted, That the said Commissioners named and appointed by or under this Act shall meet within the Court House of *Inverness* on the Fourteenth Day after the said Election, between the Hours of Twelve and Two, (of which Meeting Ten Days previous Notice shall be given by Advertisement to be inserted by the Sheriff Clerk in the Newspapers published in the said County,) and shall then and there proceed to carry the Powers committed to them by this Act into execution; and at such Meeting, and all the Meetings of the said Commissioners, the Commissioners present shall choose a Chairman, who, in Cases of Equality, shall, besides his deliberative Vote, have a casting Vote; and the said Commissioners shall have Power and they are hereby empowered and authorized to adjourn to such other Time and Place, or Times and Places, as to them or the Majority of them at such first or other Meetings shall seem meet and expedient; and all Acts, Matters, and Things hereby required to be done by the said Commissioners at any General Meeting shall and may be done by the Majority of them assembled at any such General or adjourned Meeting, the whole Number present at any such

Meeting not being less than Five, who are hereby declared a Quorum; and if it shall so happen that a sufficient Number of the said Commissioners shall not appear at any such General or adjourned Meetings, then the Commissioners or Commissioner present, or the Clerk to the said Commissioners, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fourteen Days from the Day on which such Adjournment shall be made, Notice of such Adjournment being immediately sent through the Post Office by the Clerk to each Commissioner.

Meetings how to be called.

V. And be it further enacted, That it shall be lawful for the said Commissioners to hold any other and such Meetings as shall be necessary for carrying the Purposes of this Act into execution, and all Meetings of the said Commissioners for the Purposes of this Act, other than those hereby appointed, shall be called by the Clerk to the said Commissioners (on being required so to do by any Two of the Commissioners), and that by Ten Days previous Notice by public Advertisement in some Newspaper published in *Inverness*, and by such farther Intimation as the said Commissioners may, by any Rule or Order to be made and published by them, direct to be given.

Commissioners to defray their own Charges, and not to hold Contracts.

VI. And be it enacted, That at all the Meetings to be held under the Authority or in pursuance of this Act the Commissioners shall bear their own Expences; and no Person holding any Place, Office, Employment, or Contract under the said Commissioners shall be capable of being a Commissioner during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract.

Powers of Commissioners.

VII. And be it enacted, That the said Commissioners shall have Power, and they are hereby authorized and empowered to build and erect a Court House for the County and Town of *Inverness*, together with all the Public Offices and Buildings, and Yards, Courts, and Outoffices connected therewith, which the said Commissioners may find necessary, and all requisite Passages, Roads, and Avenues leading to and from the same; and afterwards to repair and maintain such Court House, and Buildings, Offices, and other Places, when so built and erected, and supply the same with Water; and to make and enter into all Contracts and Agreements necessary for effecting the above Purposes, or any of them, or of and concerning the same, or for lighting the said Court House, Offices, and Buildings, and generally for effecting and executing all the Powers and Purposes of this Act, and hereby committed to and appointed to be executed by the said Commissioners.

Clerk, &c. to be appointed.

VIII. And be it further enacted, That the said Commissioners at their first or any subsequent Meeting shall elect and appoint a Clerk, Collector, and Superintendant of Works, or other Officers, to execute the Duties to which they may hereby be appointed, at the Will and during the Pleasure of the said Commissioners, with reasonable Allowances for their Trouble; and such Clerk, Collector, Superintendant, and other Officers shall find Security for the due Execution of their Offices respectively, and shall at all Times obey the lawful Commands and Instructions of the said Commissioners:

Provided

Provided always, that if the said Commissioners shall lodge the Monies to be levied and collected in virtue of this Act in an Account to be opened in the Name of the said Commissioners or a Quorum of them with the Bank of *Scotland*, the Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or any of the Branches of the said Banks, it shall not be necessary to take Security from such Bank; and provided also, that any Motion or Proposition for the Removal of any of the Officers hereby authorized to be appointed shall be carried by a Majority of the Voices of the said Commissioners present at Two consecutive Meetings, and, such Motion being carried, any such Officer shall be *ipso facto* removed, and his previous Appointment be null and void.

Clerk not to be Treasurer, and vice versâ.

IX. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

Property how to be held.

X. And be it further enacted, That the said Commissioners shall be entitled to acquire all Rights of Property and Servitude necessary for the Erection of the said Court House and Public Offices, and for making Avenues leading to the same, and for that Purpose they are hereby authorized and empowered to treat and agree with the several Persons whose Names are set forth in the Schedule hereunto annexed, Owners and Occupiers, or reputed Owners and Occupiers of the Lands, Houses, Tenements, and Heritages therein mentioned, and upon Payment of the Price or Value of such Lands, Houses, Tenements, and Heritages respectively, or Consignation thereof, to enter into or on Possession thereof, as hereinafter mentioned; and the Rights and Conveyances thereof shall be taken and held in favour of the said Commissioners, and shall be and are hereby vested in them for the Purposes of this Act.

XI. Pro-

Misnomers, &c. not to afford Objections.

XI. Provided always, and be it enacted, That although any of the Owners or Occupiers of any of the said Lands, Houses, Tenements, and other Heritages shall have been omitted, or any of the said Lands, Houses, Tenements, or other Heritages have been wrong described, such Omission or Misnomer or erroneous Description shall not afford any Ground or Pretence for objecting to or interrupting the Execution of the Works to be done by the said Commissioners under this Act: Provided that it shall be made to appear to the Satisfaction of any Two Justices of the Peace of the said County of *Inverness* that such Omission, Misnomer, or erroneous Description proceeded from Accident or Mistake, and was not wilful.

Property not required may be sold.

XII. And be it further enacted, That the said Commissioners shall have full Power to sell and dispose of or feu such Portions of the Property to be acquired by them, as may not be found to be necessary, and shall apply the Price and Proceeds thereof, or Feu Duty arising therefrom, to the Purposes of this Act, and to no other Purpose whatever.

Commissioners may agree for the Purchase of Lands.

XIII. And be it further enacted, That the said Commissioners shall have full Power and Authority, and they are hereby empowered and authorized, to treat and agree with the Owners and Occupiers, Life Renters, Lessees, and every other Person interested therein, for the Purchase of such Lands, Houses, Tenements, and Heritages as may be required for building and erecting the said Court House and Offices, and for making the Avenues to the same, and with the Heirs or Disponees of all or any of the aforesaid Persons.

Incapacitated Persons authorized to sell.

XIV. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, furious or fatuous Persons, and Married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any Kind whatever, who are or shall be seised or possessed of or interested in any of the said Lands, Houses, Tenements, or other Heritages, whether held in Free Burgage, Feu Farm, Fee, or otherwise, or under Entail, to contract and agree for, sell, and convey to the said Commissioners all or any of such Lands, Houses, Tenements, or other Heritages, or any Part thereof, for the Purposes of this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes, any Laws, Statute, Usage, or any Matter or Thing, to the contrary notwithstanding; and all and every such Body or Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators, Married Women, and other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Sellers to grant Conveyances

XV. And be it further enacted, That it shall and may be lawful to and for all and every Person or Persons, Bodies Corporate or Collegiate, Trustees, Heirs of Entail, Tutors and Curators for Infants, Minors, furious or fatuous Persons, and Married Women, and to and for every other Person or Persons whomsoever, though under any

any legal Disability or Incapacity of any Kind whatever, selling any Lands, Houses, Tenements, or Heritages to the said Commissioners, to grant, and they are hereby required to grant, the Conveyance or Conveyances to such Lands, Houses, Tenements, or other Heritages in the following Words, or other Words to the like Effect:

Form of Conveyance.

'IN pursuance of an Act passed in the Year of the
'Reign of His Majesty King *William* the Fourth, intituled
'[*here set forth the Title of this Act*], I [*or* We]
'of , in consideration of the Sum of
'to me [*or* us] paid by the Commissioners appointed by the
'said Act, [*or other Consideration, as the Case may be,*] do hereby
'assign, dispone, and convey, to and in favour of the said Com-
'missioners and their Successors in Office, for the Purposes of the
'said Act, all and whole [*here describe the Subjects conveyed*],
'together with all my [*or* our] Right, Title, and Interest in and to
'the said Subjects above conveyed, and any Part, Pertinent, and
'Portion thereof, to be holden by the said Commissioners and their
'Successors in Office, but in Trust for the Purposes of the said Act,
'from the Day of and from thenceforth in all Time
'thereafter. [*Here insert the Conditions of Sale* (*if any*), *and a Clause*
'*of Warrandice and Registration.*] In witness whereof these Pre-
'sents, written upon this and the preceding Pages by
', are subscribed by me [*or* us] at ,
'the Day of in the Year One thousand
'eight hundred and , before these Witnesses
'and .'

Conveyances to be recorded.

And every such Conveyance to the said Commissioners, being registered in the particular Register of Sasines, Reversions, *et cetera*, kept in and for the said County of *Inverness* (and the Keeper of such Register is hereby authorized and required to record the same), shall have and receive the same Effect, and be as valid and effectual, to all Intents and Purposes, as if a formal, absolute, and irredeemable Disposition, or other Deed of Conveyance known in Law, had been granted and executed, and been followed by Infeftment and Sasine thereon, duly recorded, according to the Law and Practice of *Scotland*; any Law, Custom, or Usage to the contrary notwithstanding.

In case of Parties not agreeing.

XVI. And be it further enacted, That in case any Owner, Proprietor, Occupier, Body Politic, Corporate, or Collegiate, Trustee, Heir of Entail, or Tutor or Curator, Married Woman, or any other Person or Persons interested as aforesaid, after a written or printed Notice of Twenty-one Days given to them, if they reside within the County of *Inverness*, personally or at their Dwelling Place, or, if they reside without the said County, left with some Tenant or Tenants in possession of such Lands, Houses, Tenements, and Heritages respectively, shall neglect or refuse to treat, or shall not agree for the Sale of such Lands, Houses, Tenements, or Heritages, or any Part or Parts thereof, or for their Interest therein, or by reason of Absence or other Circumstances shall be prevented from treating, or shall not produce and evince a clear Title to the Premises they are in possession of, or to the Interest they

claim therein, to the Satisfaction of the said Commissioners, then and in every such Case it shall and may be lawful to and for the Commissioners to apply by Petition to the Sheriff or Sheriff Substitute of the said County, setting forth this Act, and that the Parties interested have refused or neglected to treat or contract, or are prevented from treating or contracting, for the Sale of such Lands, Houses, Tenements, or Heritages, or have not produced or evinced a clear Title to the Premises they are in possession of, or to the Interest they claim, and therefore praying him to fix and ascertain the just Amount and Value of such Lands, Houses, Tenements, or Heritages respectively; and it shall and may be lawful to the said Sheriff or Sheriff Substitute, and he is hereby empowered and required, upon receiving such Petition, to order Notice thereof to be given by Advertisement in a Newspaper published in *Inverness*, and also particular Notice to be given to the Owners and Occupiers of the several Houses, Tenements, or Heritages, if they reside within the County of *Inverness*, personally, or by a written Notice left at their Dwelling Houses, or, if they reside without the said County, at the Dwelling House of any of the Tenants or Occupiers of the Premises respectively, a full Copy of the said Petition, with an Order to give in their Answers or Objections, if they have any, within Ten Days after such Notice; after which Time is elapsed it shall and may be lawful for the said Sheriff or Sheriff Substitute, and he is hereby empowered and required, to issue his Precept or Precepts for summoning and impannelling a competent Number of substantial and disinterested Persons, in Number not less than Twenty nor more than Thirty, which Persons so to be summoned and returned are hereby required to come and appear before the said Sheriff or his Substitute at such Time and Place or Times or Places as in the said Precept or Precepts shall be directed and appointed, of which Time and Place or Times and Places for assembling the Jury the said Parties interested shall have Notice given them by Advertisement in the said Newspaper at least Six Days previous to the said Meeting, and out of such Persons so to be summoned and returned the said Sheriff or Sheriff Substitute shall appoint by Ballot a Jury of Fifteen Persons, before whom the said Commissioners and the Parties interested may bring a Proof by habile Witnesses for estimating and ascertaining the just and real Value and Price to be paid by the said Commissioners for the said Lands, Houses, Tenements, or other Heritages; and the said Sheriff or Sheriff Substitute is hereby authorized to summon before him such Person or Persons as shall by either Party be thought necessary to be examined as Witnesses before the said Jury touching or concerning the Premises, and also to compel the Parties interested, and all other Persons having in their Custody or Possession any Title Deeds or other Papers containing the Rights of or relative to the Premises to exhibit and produce the same in Judgment before the said Jury, and shall and may administer Oaths to such Person or Persons as shall be examined as Witnesses on the Matters aforesaid; and the said Sheriff or Sheriff Substitute, before proceeding to take the Evidence, shall administer an Oath to the Jury to return a true Verdict, and shall examine or allow to be examined on Oath in their Presence such Witnesses as shall be summoned for either Party; and upon the Depositions

positions of the Witnesses, or other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Commissioners, and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Tenements, or other Heritages, as aforesaid, and in making up their Verdict, the said Jury shall have Right and they are hereby empowered to take under their Consideration all Circumstances therewith connected; and after Verdict is pronounced as aforesaid the said Sheriff or Sheriff Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss, Price, or Damage thereby awarded to the Persons having a Right thereto; and the said Proceedings and Orders of the said Sheriff or Sheriff Substitute shall be final, and not removable by Bill, or Letters of Advocation or Suspension, to, or subject to Reduction by, any Court whatever, any Law or Usage to the contrary notwithstanding.

Sheriff may impose Fines for Nonattendance of Jurors or Witnesses.

XVII. And be it further enacted, That the said Sheriff or Sheriff Substitute shall have Power and he is hereby authorized from Time to Time to impose any reasonable Fine or Fines, not exceeding the Sum of Five Pounds Sterling, on any Person who shall be summoned and returned on such Jury or Juries who shall not appear, or who shall refuse to be sworn (or being Quakers to affirm) on the said Jury or Juries, or being so sworn shall not give his or their Verdict, and also on any Person or Persons who shall be summoned as aforesaid to give Evidence touching any of the Matters aforesaid, and shall not attend, after being paid or tendered a reasonable Sum for his or their Costs and Expences, or shall refuse to be sworn (or being Quakers to affirm), or who, being sworn, shall refuse to give his, her, or their Evidence, and on any other Person or Persons who shall in any Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act, and shall or may from Time to Time levy such Fine or Fines by Poinding and Sale of the Offender's Goods, together with the reasonable Charges of such Poinding and Sale, returning the Overplus (if any) to the Owner, and also shall and may use such Compulsitors as are competent by the Laws and Practice of *Scotland* to compel any Person or Persons who may be summoned as a Witness or Witnesses, or as Custodiers of Writings and Title Deeds, to appear and give Evidence as aforesaid, and to exhibit and produce such Writings and Title Deeds; all which Fines shall be paid and applied to and for the Purposes of this Act.

On Payment of Price awarded, or Consignation thereof, Property to be vested in Commissioners.

XVIII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be settled and ascertained as aforesaid, within Thirty Days after the same shall be so settled or ascertained, to the lawful Owner or Owners of the said Lands, Houses, Tenements, or other Heritages, or upon Judicial Tender thereof made to him, her, or them respectively, by a Minute in the said Process before the Sheriff or Sheriff Substitute for ascertaining the said Value, whether Appearance be made in the Process for the Party or Parties interested or not, or in case they shall not be able to evince their Title to the Premises to the Satisfaction of the Sheriff or Sheriff Substitute, or in case the Subjects are encumbered or entailed so that the Price of the same cannot be legally paid to the Parties interested, then, upon

upon Payment and Consignation thereof, within Thirty Days thereof, as aforesaid, with the Approbation and Warrant of the said Sheriff or Sheriff Substitute, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, for the Use of the Parties interested, there to remain till it shall be issued in manner by this Act directed, and upon Notice of such Payment or Consignation, if the Party or Parties interested have made Appearance in the said Process, by proper Evidence adduced of the said Payment or Consignation, or if the Party or Parties interested have not made such Appearance, and reside within the County of *Inverness*, then upon such Notice being made to them personally or at their Dwelling Houses, but if they reside without the said County, then upon such Notice being given at the Dwelling House of some Tenant or Occupier of the Premises, by a Notary Public and Witnesses, and the Evidence being adduced of the said Payment or Consignation, then and in any of these Cases it shall be lawful for the said Sheriff or Sheriff Substitute to decree and adjudge the full Right and Property of the Lands, Houses, Tenements, or other Heritages respectively to belong to the said Commissioners, as fully and effectually as if the respective Proprietors had disponed or conveyed or had resigned the same to and in favour of the said Commissioners; and it shall then and not before or otherwise, be lawful to and for the said Commissioners to enter upon the absolute Possession of the Premises, and to dispose of and use the same for the Purposes of this Act.

Expences of Jury how to be paid.

XIX. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands, Houses, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, shall be defrayed by the said Commissioners, and such Costs and Expences shall be settled and determined by the said Sheriff or Sheriff Substitute; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within One Calendar Month after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners, or of the Treasurer of the said Commissioners, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Inverness*, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for an equal or for a less Sum than shall have been previously offered by the said Commissioners, one Moiety or Half of the said Costs and Expences shall be defrayed by the Party or Parties with whom the said Commissioners shall have such Controversy

or Dispute, and the Remainder shall be defrayed by the said Commissioners; and the former Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party or Parties as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken, to all Intents and Purposes, to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners.

Application of Compensation Money when amounting to or exceeding 200*l.*

XX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the Bank of the *British* Linen Company; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or Annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

XXI. Pro-

If under 200*l.* and above 20*l.*

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors and Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any one of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners or a Majority of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, so far as the case may be applicable.

If 20*l.* and under.

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be or be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act in such Manner as the said Commissioners shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if the Person entitled cannot be found.

XXIII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded or payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded or payable as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in manner before directed, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, without any Description of them,) subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person

Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank as aforesaid.

In case of questionable Title Possessors to be deemed to have a Title till the contrary be shown.

XXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into any of the said Banks, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Assessments on County.

XXV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to raise and levy, for the Purposes of this Act, a Sum not exceeding in the whole, Eight thousand Pounds, which shall be leviable upon and from the Lands, Salmon Fishings, and other Heritages situated within the said County of *Inverness*, and beyond the Bounds of the ancient and extended Royalty of the Burgh of *Inverness*.

Assessments how to be levied.

XXVI. And be it further enacted, That for the said Sum not exceeding Eight thousand Pounds to be raised upon the said County the said Commissioners are hereby authorized to assess and levy, upon and from all and sundry the Lands, Salmon Fishings, and other Heritages within the said County, situated beyond the said Burgh, Royalty, and Freedom thereof, such an annual Rate or Assessment as the said Commissioners shall judge necessary for defraying the Interest of the Money to be borrowed for the Purposes

of this Act, and for the gradual Extinction of the Principal, and for defraying the current Expences, and the necessary Repairs and Alterations on the said Court House and Public Offices; and to impose and levy, or cause to be levied, the like Assessment, or to increase or diminish the same, as Circumstances may require, annually thereafter, not exceeding the Rates herein-after provided; which Assessment shall be levied from and upon all Lands, Fishings, and other Heritages within the said County valued in the Cess Books, rateably and proportionally according to the valued Rent of such Lands and Heritages in the said Books, and from and upon all such Lands and Heritages as are not valued in the Cess Books, according to the real Rent or annual Value thereof as stated in the annual Tax Roll or Stent Books by which the Cess payable by the said Burgh of *Inverness* is levied and collected: Provided always, that such Assessment shall not exceed the Sum of Two-pence Sterling for every Pound *Scots* of valued Rent where the Assessment is upon valued Rent, and One Penny in the Pound Sterling where the Assessment is upon real Rent, and shall not in the whole exceed in any One Year the Sum of Six hundred and fifty Pounds Sterling.

Time of Payment of Assessment.

XXVII. And be it further enacted, That the said Assessment and every Portion thereof shall be payable on the Second Day of *August* in each Year for the Year preceding; and from and after the Second Day of *October* in each Year, Interest shall be chargeable on all Assessments then in arrear; and the said Assessment, and every Part thereof, and Interest thereon, shall be levied and recovered by and at the Instance of the Collector to be appointed by the said Commissioners, according to the common Course of Law, before any competent Court, in the same Way and Manner as any Debt or lawful Claim can or may be recovered by the Laws of the Realm.

Heritors considering themselves disproportionally assessed to give in their Rentals.

XXVIII. Provided always, and be it enacted, That it shall be in the Power of any Heritor assessed upon the valued Rent of any Lands or Heritages belonging to him who shall consider himself disproportionally assessed to give into the Collector under this Act, on or before the First Day of *March* annually, a detailed Rental of his Estate, with the Name and Description of every Farm or Subject of every Kind thereon, the Names of the Tenants, the Amount of Rent payable, and also the Lease or other Obligation or Tenure under which the same may be let or possessed, as also the annual Value of all Lands, Salmon Fishings, Kelp Shores, Mines, and Quarries in the natural Possession of such Heritor or Owner, estimated at the Value thereof as if the same were let on a Lease for Nineteen Years, together with the Amount of the Cess or Land Tax, Minister's Stipend, Schoolmaster's Salary, and Feu Duties payable out of his Estate; which Burdens, and no others, shall be allowed as a Deduction from the said Rental; which Rental shall be attested by the Heritor or Owner, or his Factor, upon Oath, before any Justice of the Peace of the District in which the Estate is situated (which Oath such Justice is hereby

authorized to administer); and the said Commissioners or their Collector shall thereupon, after Deduction of the Burdens aforesaid, assess on the free Rental of such Estate after the Rate of One Penny in the Pound Sterling of real Rent for every Penny levied on the valued Rent of the said County: Provided also, that unless such Rental shall be duly given in and lodged with the Collector on or before the First Day of *March* in each Year the said Collector shall levy the Assessment for the Year ensuing upon the valued Rent of such Lands or Heritages, according to the Assessment imposed thereon by the said Commissioners.

Contribution by the Burgh of Inverness.

XXIX. And be it further enacted, That the Magistrates and Town Council of the Royal Burgh of *Inverness* shall be bound and obliged to contribute and pay out of the Common Good of the said Burgh, to the said Commissioners for the Purposes of this Act, the Sum of Three hundred and fifteen Pounds Sterling, payable at the first Term of *Whitsunday* next ensuing after the passing of this Act; and in consideration of such Sum the said Commissioners, for and on behalf of the said County of *Inverness*, shall renounce all Interest in or Concern with the present Court House of *Inverness*, and Pertinents thereof, leaving the same as the sole Property of the said Burgh, and applicable to such Purposes as the said Magistrates and Council may deem advisable.

Commissioners may borrow Money.

XXX. And be it further enacted, That for raising the Money for defraying the Costs and Expences incident to or attending the obtaining and passing of this Act, and in carrying the several Powers thereof into execution, or for any other Purpose authorized by this Act, it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered, from Time to Time to raise, borrow and take up at Interest, from any Person or Persons whomsoever, who shall be willing to advance and lend the same, any Sum or Sums of Money on the Credit of the Rates or Assessments hereby authorized to be raised, not exceeding in whole the said Sum of Eight thousand Pounds, and by Writing under the Hands of the said Commissioners or of their Quorum to convey or assign over the Rates or Assessments hereby imposed upon the Lands and Heritages in the said County, or any Part thereof, as aforesaid, to the Person or Persons who shall lend or advance such Money, as a Security for, or for the Repayment of the Money so to be borrowed as aforesaid, together with such Interest as the said Commissioners and the Parties lending such Money shall agree upon; and the Charges and Expences of such Security or Securities respectively shall be from Time to Time defrayed out of the Money advanced upon such Security.

Additional Sum may be borrowed.

XXXI. And whereas it may be expedient and necessary for the said Commissioners to acquire a greater Extent of Property, to enable them to improve the Accesses and Avenues leading to the said Court House and other Buildings, than can be purchased with the said Sum of Eight thousand Pounds; be it enacted, That it shall be lawful to the said Commissioners, and they are hereby authorized and empowered,

empowered, to borrow, in addition to the said Sum of Eight thousand Pounds, any Sum of Money not exceeding Two thousand Pounds Sterling on the Credit of the clear annual surplus Revenue or Income arising by virtue of this Act, and on the Security of such Portions of the Property to be acquired by the said Commissioners for the Purposes of this Act, as may not be found to be necessary therefor; and the said Commissioners shall be and they are hereby empowered to convey the same, and the Rents, Profits, and Produce thereof, to the Lender or Lenders, in Security of the Money so to be advanced and lent.

Form of Assignation.

XXXII. And be it enacted, That the Assignation to be granted for the Sums of Money so to be borrowed upon the Credit of the said Assessments shall and may be granted by the said Commissioners or by their Quorum, in the Words following, or Words to the like Effect:

'BY virtue and in pursuance of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled '*An Act* [*here insert the Title of this Act*], we, the Commissioners '[*or* a Quorum of the Commissioners] thereby appointed, in consideration of the Sum of advanced to us 'by *A. B.* for the Purposes of this Act, of which we hereby acknowledge the Receipt, do therefore hereby, in virtue of the Powers 'granted to us by the said Act, assign and convey to the said *A. B.*, 'his Executors, Representatives, or Assignees, all the Rates or Assessments by this Act authorized to be raised and levied in Security 'and for Payment to him and his foresaids of the said Sum of , together with the Interest at the Rate of *per Centum per Annum* thereupon, or upon so much 'thereof as at each half-yearly Day of Payment shall be due and 'owing upon this Assignation, until the whole of such Principal 'Sum and Interest shall be discharged. In witness whereof we 'have subscribed these Presents, written, upon Paper duly stamped, 'by *C. D.* [*describing him*], at the Day of in the Year , 'before these Witnesses, *E. F.* and *G. H.* [*describing them.*]'

Assignations transferable by Indorsation.

XXXIII. And be it further enacted, That all Assignations to be granted for Security of Money to be so borrowed for the Purposes of this Act shall be transferable from Time to Time by Indorsation by the Creditor on the Back thereof, in Words to the following or to the like Effect:

'I *A. B.* do hereby transfer this Assignation, with all my Right to 'the Principal thereby secured to me, and now due, unto *J. K.*, 'his Executors, Representatives, and Assignees. Witness my Hand 'at , the Day of in the Year , before these Witnesses, '*L. M.* and *N. O.* [*describing them.*']

Assignations to be pro-

XXXIV. And be it further enacted, That all such Assignations of the said Assessments in Security of Money to be borrowed as aforesaid, and

duced to the Clerk, and entered.

and all Transferences thereof, shall within Thirty Days of the Date thereof respectively be produced to the Clerk of the said Commissioners for Entry, and shall be entered by him in a Book or Books to be kept for that Purpose; and the said Clerk shall be entitled to a Fee of One Shilling for the Entry of each such Assignation, and of One Shilling for the Entry of each such Transference; and after such Entry made, but not before, every such Assignation or Transference shall entitle the Assignee or Transferee to the Benefit of the Principal Sum and Interest thereby assigned or transferred respectively, without other or farther Registration; and the Person or Persons to whom any such Principal Money and Interest shall be assigned or transferred, and their respective Executors, Representatives, or Assignees, shall be Creditors on the said Assessment, and of the Heritors or Owners of the Lands and Heritages, and of the Occupiers of the Houses assessed as aforesaid, and their Heirs and Assignees, so far as such Assessments respectively are due and remain unpaid by them or their foresaids; and no such Creditor shall have any Preference by reason of Priority in Date of any such Security or Assignation.

Assignations may be paid up and cancelled at any Time, on Notice.

XXXV. Provided always, and be it enacted, That it shall be competent and lawful to the said Commissioners at any Time to pay up and cancel any such Assignations, but only after Six Months Notice in Writing previous to the Term at which the same is intended to be paid up, given to the Creditor in such Assignation, personally, or, in case of Absence, to his or her known Factor or Agent; and if after such Notice such Creditor shall refuse or neglect to receive Payment of so much of the Sum contained in such Assignation as shall be then due, the said Commissioners shall not thereafter be liable to such Creditor in the Payment of any Interest upon such Sum as shall be then due as aforesaid.

Money to be lodged in Bank.

XXXVI. And be it further enacted, That the said Commissioners shall, in so far as the same is not otherwise directed by this Act, lodge all and every Sum or Sums which they shall receive on account of or in relation to the said Court House and Public Offices, either with the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or with some Branch of one or other of the said Banks, therein to remain until the same shall be required for the Purposes committed to them by this Act.

Application of Monies to be raised.

XXXVII. And be it further enacted, That the said Assessment, and the Money to be borrowed on the Credit thereof, together with the foresaid Sum of Three hundred and fifteen Pounds to be paid by the Magistrates of *Inverness*, and the Price and Produce of any Property which may be sold or feued by the said Commissioners, shall be applicable and be applied in defraying the Expences of procuring and passing this Act, and to the other Purposes of this Act, and to no othe Purpose whatever.

Account of Expence to

XXXVIII. And be it further enacted, That when the said Court House and Offices shall be built and erected according to the

Authority

Authority contained in this Act, an accurate Account of the whole Expence laid out shall be made up and attested by the said Commissioners or their Quorum aforesaid; which Account, with the Books, Papers, Receipts, and all other Writings and Vouchers, Plans, Drawings, and Designs relative to the Execution of the Building, shall be deposited with the Sheriff Clerk of the said County of *Inverness*, for which a Receipt shall be given by him to the said Commissioners.

be deposited with Sheriff Clerk of Inverness.

XXXIX. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Treasurer for the Time being, in which Book or Books such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money assessed, received, paid, laid out, and expended by virtue or in pursuance of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been so disbursed, laid out, and paid, under the Authority of this Act, which Books shall be made up and brought to Balance on the Twenty-fifth Day of *March* in each Year, and shall within Ten Days thereafter be examined, with the Vouchers, and docqueted by the said Commissioners; and an Abstract of the Receipt and Expenditure exhibited, authenticated by the Signature of Two or more of the said Commissioners, shall immediately thereafter be lodged with the Commissioners of Supply of the said County, to be by them laid before the General Yearly Meeting of the Commissioners of Supply on the Thirtieth Day of *April*, or on the Day on which they meet to assess the Land Tax; and the Books so kept shall at all reasonable Times be open to the Inspection of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, or paying the Rates imposed by this Act, or otherwise affected thereby, without Fee or Reward; and the said Commissioners and Persons aforesaid, or any of them, shall and may take Copies of or Extracts from the said Book or Books, and any other Book or Books by this Act directed to be kept, or any Part or Parts thereof respectively, without paying for the same; and in case the said clerk shall omit or neglect to make up the said Accounts, or refuse to permit the said Commissioners, or others aforesaid, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money, not exceeding Five Pounds, to be levied, recovered, and applied in manner herein-after provided.

Books to be kept.

XL. And be it further enacted, That every Officer and Person who shall be appointed or employed under the Authority of this Act shall from Time to Time, when thereunto required by the said Commissioners, or others having their Authority, by Writing under the Hands of a Quorum or Committee thereof, make out and deliver to the said Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what

Officers to account.

what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Accounts, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Commissioners, or by any Person on their Behalf, to any Justice of the Peace of the County of *Inverness*, such Justice may and he is hereby authorized and required, by Warrant under his Hand, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Accounts, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Accounts in Writing as aforesaid, or to produce and deliver to such Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the Justice may and he is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Gaol of the said Burgh of *Inverness*, there to remain, without Bail, until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Commissioners for such Money and Charges, and paid the Composition Money to the said Commissioners (and which Composition the said Commissioners are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof,

thereof, to the said Commissioners: Provided always, that no Person who shall be committed for Want of sufficient Distress or Means of Payment shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Costs may be recovered from Clerk.

XLI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid, in pursuance of the Directions of this Act, as or by Way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Commissioners, in which Demand the Order of the Judge or Judges making the same shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of the Clerk for the Time being, under a Warrant to be issued for that Purpose by any such Judge or Judges, under his or their Hand or Hands, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by Way of Compensation or Satisfaction for any such Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain, after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to the Clerk for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Clerk to recover from the said Commissioners all such Damages, Costs, Charges, and Expences as he shall have sustained or be put to by virtue of any such Warrant as aforesaid.

For Recovery of Penalties.

XLII. And be it further enacted, That all Expences incurred, and also all Penalties, Forfeitures, and Fines by this Act imposed, or by any Bye Law, Rule, or Regulation made in pursuance of this Act, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before the Sheriff or Sheriff Substitute or any Justice of the Peace for the said Shire of *Inverness*) either by the Confession of the Party offending, or by the Oath of any credible Witness, or other competent Evidence, be levied, together with the Expence attending the Information and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hands of such Sheriff, Sheriff Substitute, Justice, or Magistrate, which Warrant such Sheriff, Sheriff Substitute, Justice, or Magistrate is hereby empowered and required to grant; and the Surplus (if any), after deducting such Expences, Penalties, Forfeitures, and Fines, and the Charges of such Poinding and Sale, shall be returned to the Owner of such Goods and Effects; and in

case

case such Expences, Penalties, Forfeitures, Fines, and Charges shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff, Sheriff Substitute, or other Judge as aforesaid to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poinding, such Time not to exceed Eight Days, unless the Offender shall give sufficient Security, to the Satisfaction of such Sheriff, Sheriff Substitute, or Justice, for his or her Appearance before such Sheriff, Sheriff Substitute, or Justice on such Day as shall be appointed before the Return of such Warrant of Poinding, which Security such Sheriff, Sheriff Substitute, or Justice is hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for such Sheriff, Sheriff Substitute, or Justice, and he is hereby authorized and required, by Warrant under his Hand, to cause such Offender to be committed to the Gaol of *Inverness*, there to remain for any Time not exceeding Three Months, unless such Expences, Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid, and the Monies recovered or levied for such Expences shall be applied to the Payment of the same respectively; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid (if not otherwise directed to be applied by this Act), shall be paid to the said Commissioners who shall have sued for the same, to be applied and disposed of for the Purposes of this Act.

Summary Process.

XLIII. And be it further enacted, That in recovering the different Penalties imposed by this Act it shall be lawful for the Sheriff, Sheriff Substitute, Justice, or Magistrate before whom any Complaint for the Recovery thereof may be brought, to proceed, if there shall be Cause, in a summary Way, and to grant Warrant for bringing the Parties complained upon before him, for Examination, and on Confession of the Party, or Probation by the Oath of any credible Witness, or other competent Evidence, to proceed to determine thereon, without any written Pleadings or Record of Evidence: Provided always, that a Record shall be preserved of the Charge, and of the Judgment pronounced.

Proceedings not to be quashed for Want of Form.

XLIV. And be it further enacted, That no Order, Verdict, Judgment, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Advocation, Suspension, Reduction, or by any other Process whatsoever, to the Court of Session, any Law or Statute to the contrary notwithstanding.

For compelling Witnesses to attend.

XLV. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Sheriff, Sheriff Substitute, Justice or Justices of the Peace of the said County, or Magistrate or Magistrates of *Inverness*, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor

or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before such Sheriff, Sheriff Substitute, Justice, or Justices of the Peace, or Magistrate or Magistrates, then and in any of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Testimony of Officers.

XLVI. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard and determined relative to this Act, by reason only or on account that such Person or Persons shall act officially under the Appointment of the said Commissioners.

Commissioners may sue in Name of the Clerk.

XLVII. And be it further enacted, That the said Commissioners may sue and be sued for any Matter or Thing to be done in execution of this Act in the Name of their Clerk for the Time being; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders, in the Name of their Clerk, by virtue of this Act, shall abate by the Death or Removal of any such Clerk, but the Clerk for the Time being to the said Commissioners shall be deemed to be the Pursuer or Defender in every such Action.

Records to be removed to new Building.

XLVIII. And be it further enacted, That when the said Court Houses and other Public Offices shall be completed, and fit for the Custody of Writings and Records, and so declared by Intimation published Twice in an *Inverness* Newspaper, the Sheriff Clerk and Justice of the Peace Clerk, and the Collector of Cess of the said County, respectively, shall thereafter, as soon as may be, remove or cause to be removed into the Public Offices hereby authorized to be erected all the public Books, Records, Documents, and Writings in their Custody and keeping as public Officers respectively; and such Sums shall be paid annually to the said Commissioners, by such Clerks and Collector, in Name of Rent for such Offices or Accommodation respectively, as shall be fixed by the said Commissioners; and in case of Difference as to the Amount of such Rent the Amount thereof shall be fixed by the Sheriff of the County, whose Determination shall be final and conclusive, and not subject to Review by any Process at Law or in Equity; and the Rents to be so paid shall be appropriated by the said Commissioners to the Maintenance of such public Offices, and the other Purposes of this Act.

Extension of Royalty of Burgh of Inverness.

XLIX. And be it further enacted, That from and after the passing of this Act the Royalty of the Burgh of *Inverness* shall be extended over the Grounds known by the Name of the *Castlehill* of *Inverness*, comprehending the Grounds lying between the *Castle Street* of *Inverness* and the River *Ness*; and the Magistrates and Town Council of the said Burgh shall from henceforth have and enjoy the same Rights, Privileges, and Jurisdictions over the said Ground hereby

annexed to and comprehended in the said Royalty as they do now enjoy and exercise over and within the Limits of the present Royalty; but neither the said Extension of the Royalty, nor any thing herein contained, shall infer Liability for Burgh Taxes in respect of such Extension.

Application of Penalties imposed by Sheriff.

L. And be it enacted, That all Fines and Penalties imposed by the Sheriff Depute or Sheriff Substitute and Justices of the Peace of the County of *Inverness*, upon Individuals, for Offences not connected with the Revenue Laws, shall be accounted for and paid over by the Procurators Fiscal, or other Officers into whose Hands such Payments may be made, to the Clerk of the said Commissioners, and shall be, together with the Penalties imposed by this Act, of which the Application is not otherwise directed, applied to the general Purposes of this Act.

Appeal to the Quarter Sessions.

LI. And be it further enacted, That any Person or Persons who shall be aggrieved by any Order or Judgment not hereby declared to be final, made or given in pursuance of any Rule or Order of the said Commissioners, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given (first giving Fourteen Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall in a summary Way hear and determine the said Complaint, and may order any Money to be returned which may have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured, or do otherwise in the Premises, as they shall judge reasonable; and no such Proceeding under this Act shall be quashed or vacated for Want of Form, or be liable to Suspension or Reduction, or to be removed by Advocation to the Court of Session; but the Determination of the Justices of the Peace at such Quarter Sessions shall be final and conclusive to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

Limitations of Actions.

LII. And be it further enacted, That no Claim or Action for Damages, or other Cause, in respect of any thing done or caused by the said Commissioners in the Execution of this Act (except for the Value of any Lands, Tenements, Buildings, or Heritages taken or occupied by the said Commissioners), shall be competent against the said Commissioners, or any others acting under their Appointment, unless such Action be commenced within Three Months after the Fact so done, or Cause is known to the Party or Parties who may bring such Claim or Action.

LIII. And

All Magistrates to assist in execution of the Act.

LIII. And be it further enacted, That all Judges, Sheriffs, Justices of Peace, and other Magistrates, with their Officers, Messengers at Arms, and all other Officers of the Law whatsoever, and every one of them, shall and they are hereby required to be aiding and assisting in putting this Act into due and effectual Execution.

Public Act.

LIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The SCHEDULE to which this Act refers.

No.	Description of Property.	Names of Owners or alleged Owners.	Names of Occupiers.
1	Houses with Shops upon Ground Floor at the Foot of Castle Wynd, and facing Bridge Street.	Mr. John Mackenzie, late Merchant, Inverness.	Archibald Hill Rennie, Corn Merchant. Miss May Mackenzie. Alexander Grant, Sadler (Shop and Cellar). William Smith, Watchmaker (Shop and Lodging). Simon Fraser, Merchant (Shop). Messrs. Alexander and John Ross, Merchant (Shop).
2	House and Shop facing Bridge Street.	Alexander Fraser, late Tidewaiter.	Owner as Occupier of Part of House. Alexander Munro, Draper (Shop). Miss Margaret Kay, Dressmaker. John Mackenzie, Cabinetmaker (Back Shop).
3	Houses, Stables, Yard, and Areas upon East and West Sides of Castle Wynd.	Miss Elizabeth Ettles, No. 2. Hermitage Hill, Leith.	William Napier, Vintner. Andrew Taylor, Tinsmith (Shop).
4	Tenement of old Dwellings, House No. 1.	John Hossack, residing in Wick, County of Caithness.	Catherine Pettrie. James Eaches. Henry Robertson, Nailor (Workshop).
5	Tenement of old Dwellings, House No. 2.	John Hossack, above mentioned.	John Mac Bean, Slater. Angus Fraser. Kenneth Bissett, Tailor. Hugh Fraser, Road Contractor. Roderick Mackenzie, Shoemaker. Simon Mackenzie, Bridgeman.
6	Tenement of Houses, North Side of Aboyn's Close.	Hugh Robertson, Merchant, Castle Street.	James Morrison, Vintner. Alexander Macpherson, Shoemaker. James Munro, Tailor.
7	Tenement of Houses, South Side of Aboyn's Close.	James Fraser, residing at Forfar.	Catherine Mac Gillivray. Thomas Clark, Blacksmith. Alexander Mac Rae, Silversmith. Alexander Fraser, Shoemaker. John Fraser alias Craggy. William Fraser, Sheriff Officer.

No.	Description of Property.	Names of Owners or alleged Owners.	Names of Occupiers.
8	Houses and Garden Ground.	James Macpherson, Merchant in Rotterdam.	Roderick M'Lean, Vintner (House and Garden.) Kenneth Mackenzie, Shoemaker (Shop). Sergeant John Mackenzie (House and Shop). William Grant. Widow Christian Sutherland. Ann Fraser. Mrs. Isabella M'Coll.
9	House and Shop.	Misses Catherine and Jane Robertson, Castle Street.	James Munro, House Carpenter (House). Thomas Fleming, Tinsmith (Shop).
10	House and Shop.	William Simpson, Merchant, Castle Street.	James Campbell, Confectioner (Shop and Lodging). Robert Fraser, Tailor.
11	Houses and Shops.	The late Bailie William Chisholm's Trustees.	Mrs. Janet Macdougall. Donald Fraser, Merchant. Miss Maria Cumming. John Tullock, Merchant (Shop).
12	Houses and Shops.	David Fraser, Culloden, near Inverness.	Hugh Robertson, Merchant (Shop and Lodging). John M'Killican, Merchant (Lodging).
13	Dwelling House, Offices, and Pertinents.	Phineas Mackintosh Esqr.	Owner Occupier.
14	Houses on North Side of M'Lean's Close.	James Fraser, Painter, Castle Street.	Andrew Taylor, Tinsmith (Lodging). Alexander Shaw, Baker (Shop and Lodging).
15	House and ruinous Tenements on South Side of M'Lean's Close.	The Executors of the late Lockhart Kinlock Esq., Sheriff Clerk of Inverness-shire. Alexander Davidson, Musician, Castle Street. Widow Ann Fraser or Macdonald, Liferenter, and Donald M'Donald, Strathpeffer, Well Proprietor.	Widow Ann Fraser or Macdonald, Liferenter. Isabella M'Bean. John M'Lean, House Carpenter.
16	Houses and Shop.	James Beaton, Vintner, Castle Street, Inverness.	James Forbes, Pensioner. Donald Fraser, Pensioner. Margaret Dallas. John Bain, Tailor (Shop and Lodging). Ewen Kennedy. Donald M'Kenzie. Jean Mackintosh. Betty Mac Culloch.
17	Garden.	Donald M'Donald, Turner, Castle Street.	Owner Occupier.
18	Piece of Waste Ground in Castle Street.	John Inglis Nicol, Surgeon, in Inverness.	Waste Ground.

No.	Description of Property.	Names of Owners or alleged Owners.	Names of Occupiers.
19	House and Gardens.	Mr. George Fraser, Carpenter, Castle Street.	Owner Occupier.
20	House and Garden.	Mrs. Janet Denoon, Castle Street.	Owner Occupier.
21	Dwelling House and School room, Head of Castle Street.	Alexander Anderson Esq., Castle Street.	Alexander Mackay, Merchant (Lodging). Donald M'Kenzie, Schoolmaster.
22	Dwelling House and Gardens in ditto.	Alexander Anderson Esq., above mentioned.	Owner Occupier.
23	The Castle Hill of Inverness.	His Grace the Duke of Gordon and the Trustees of the late George Duke of Gordon.	Charles Ross, Merchant, Castle Street, as a Grass Park.
24	Dyehouses or Bothies, South-west Corner of the Castle Hill, near the River Ness.	Murdoch Paterson, Dyer, Bridge Street.	Owner Occupier.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1832.