



ANNO DECIMO

# GEORGII IV. REGIS.

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## *Cap. cxxxii.*

An Act for authorizing a Division of certain Commons in the County of *Caithness* and Stewartry of *Orkney*, in which His Majesty has an Interest.  
[19th *June* 1829.]

**W**HEREAS the Lands, Feu Duties, and Heritages which belonged to and were possessed and enjoyed by the Bishops of *Caithness* and *Orkney* became the Property of His Majesty, by reason of an Act of the Parliament of *Scotland* passed on the Twenty-second Day of *July* One thousand six hundred and eighty-nine, in the First Year of the Reign of King *William* and Queen *Mary*, intituled *An Act abolishing Prelacy*, and by which Act all Superiority of any Office in the Church above Presbyters is abolished: And whereas there are certain Commons, Pastures, Moors, and Mosses situated in the County of *Caithness* and Stewartry of *Orkney*, in which His Majesty has an Interest, highly improveable, but which cannot be brought to a State of Cultivation, or rendered useful to His Majesty, or others interested therein, unless divided, and the Proportions belonging to His Majesty and the conterminous Heritors duly and legally ascertained: And whereas by another Act of the Parliament of *Scotland*, passed in the First Year of the Reign of King *William*, on the Seventeenth Day of *July* One thousand six hundred and ninety-five, intituled *An Act concerning the Division of* 1689, c. 4.  
1695, c. 69.  
[*Local.*] 38 A *Commonties,*

Summonses of Division may be raised by His Majesty's Advocate, in Manner prescribed in the last-recited Act.

Court of Session empowered to proceed thereupon.

*Commonties*, and which statutes and ordains that all *Commonties*, excepting those belonging to the King and Royal Burghs, that is, all that belongs to His Majesty in Property or Royal Burghs in Burgage, may be divided at the Instance of any having Interest, by Summons raised against the Persons concerned before the Lords of Session, who are empowered to discuss the Relevancy and to determine the Rights and Interests of all Parties concerned, and to value and divide the same according to the Value of the Rights and Interests of the several Parties concerned: And whereas it is expedient that the Commons before mentioned, in which His Majesty has an Interest, should be divided, and the Proportions to which the Property belonging to His Majesty allotted and determined by competent Authority; be it therefore 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's Advocate in *Scotland* now and for the Time being to direct Summonses to be raised in his Name against all Persons concerned, before the Lords of Council and Session, for having the Commons in the County of *Caithness* and in the Stewartry of *Orkney*, in which His Majesty has any Right or Interest, divided according to the Manner and Way prescribed in the said Act of the Parliament of *Scotland* last before recited.

II. And be it enacted, That it shall and may be lawful for the Court of Session, and such Court is hereby authorized, to proceed in all such Actions so raised by His Majesty's Advocate, and to pronounce final Sentence therein, in the same Manner in all respects as if *Commonties* belonging to His Majesty had not been excepted from the last-recited Act.

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