



ANNO QUINQUAGESIMO QUARTO
GEORGI II. REGIS.

Cap. 102.

An Act for erecting a new Gaol and Court-House in
the Burgh of *Inveraray* in the Shire of *Argyll*.

[17th June 1814.]

WHEREAS the present Gaol in the Burgh of *Inveraray* is insecure, confined, damp, and ill adapted for the Purposes thereof; and it has become necessary to build a new Gaol in a dry and healthy Situation, of sufficient Dimensions to receive all Criminals committed for Trial before the Circuit Court of Justiciary at *Inveraray*, and all Debtors, Vagrants, and other Delinquents in the Shire of *Argyll* and Burgh of *Inveraray*; and it is also requisite that a Court-House should be built contiguous to such New Gaol, containing the necessary Rooms and Conveniences for the Circuit-Courts, the Sheriff and Burgh-Courts, the public Meetings of the said Shire, and of the Magistrates and Town-Council of *Inveraray*, and for the other Purposes to which County-Court Rooms are usually appropriated, with a proper Place therein for preserving the Records of the said Shire: And whereas the Funds of the said Burgh being inadequate to defray the Expence of building such Gaol and Court-House, the Heritors of the said Shire, at several General Meetings, have agreed to contribute to the Expence of erecting the said Buildings, which will be highly beneficial to the said Shire, as well as to the said Burgh; but the same cannot be accomplished 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

[*Loc. & Per.*]

21 B

Lords

Commis-
sioners
appointed.

Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the Right Honorable *John Campbell*, commonly called Lord *John Campbell*, Sir *John Campbell* of *Ardnamurchan*, Baronet, Sir *James Milles Riddell* of *Ardnamurchan* and *Sunart*, Baronet, Sir *Alexander Macdonald Lockhart*, Baronet, Lieutenant-General *Duncan Campbell* of *Lochnell*, General *Alexander Campbell* of *Menzie*, *Walter Campbell* of *Shawfield*, *Alexander McLean* of *Ardgour*, *Humphry Trafford Campbell* of *Aisknish*, *John McNeill Younger*, of *Gigha*, *John Campbell* of *Stonefield*, *Alexander McLean* of *Coll*, *John Campbell* of *Craignure*, *Duncan Campbell* of *Ross*, *Robert Campbell* of *Sonachan*, *Dugald Campbell* of *Kilmarton*, *Archibald Campbell* of *Drumsynie*, *Donald Campbell* of *Misknish*, *Archibald Graham Campbell* of *Shirvain*, *Alexander Campbell* of *Edderline*, *Duncan Campbell* of *Barcaldine*, *Ranald George Macdonald* of *Clanronald*, *Neill Malcolm* of *Poltalloch*, *Charles Campbell* of *Combie*, the Representative in Parliament of the Shire of *Argyll* for the Time being, the Representative in Parliament of the Burgh of *Inveraray* for the Time being, the Sheriff Depute, the Sheriff Substitute, and the Convener of the said Shire for the Time being, and the Provost and eldest Baillie of *Inveraray* for the Time being, shall be, and they are hereby nominated and appointed Commissioners for making and erecting a new Building proper for confining the Prisoners of the said Shire and Burgh, for holding the different Courts and County and Burgh Meetings, and for preserving the Records of the said Shire in such Situation, within the Burgh of *Inveraray*, and with such Materials, as they shall think fit, containing proper and sufficient Yards, Courts, Out-Offices and Conveniences, with Passages and Avenues to and from the same, according to a Plan and Estimates of the Expence thereof, authenticated by a Quorum of the said Commissioners, to be deposited with the Sheriff-Clerk of the said Shire, and for making all necessary Contracts and Agreements for and concerning the same, and for executing all the Powers by this Act committed to them.

Meetings
of Commis-
sioners.

II. And be it further enacted, That the said Commissioners shall meet within the present Court-House at *Inveraray*, on the Fourth *Monday* after the passing of this Act, between the Hours of Twelve and One, to carry this Act into execution: Of which First Meeting the Sheriff-Clerk of the said Shire is hereby directed and required to give Notice by Advertisement Once in any Two Newspapers usually circulated in the said Shire, at least Ten Days before the Day of such Meeting: And the said Commissioners shall and may, at such Meeting, and their several subsequent Meetings to be holden for the Purpose of carrying this Act into Execution, from time to time adjourn to such Time and such Place as to them shall seem proper: And if it shall so happen that a Quorum of the said Commissioners shall not attend any such Meeting, the Commissioner or Commissioners then present or the Clerk of the said Commissioners, shall, from time to time, as often as the same shall happen, adjourn such Meeting to some other Day within Ten Days thereafter: Provided always that it shall be in the Power of the Sheriff-Depute, or Substitute, or Convener of the said Shire, to call a special Meeting, giving ten Days previous Notice of such Meeting, Once in any two Newspapers usually circulated in the said Shire.

Vacancies
to be filled
up.

III. And be it further enacted, That in the Event of the Death of any of the before-named Commissioners, or in case any One or more of them shall

shall refuse, or become incapable to act under the Powers and Authorities herein contained, the Commissioners of Supply for the said Shire shall be, and they are hereby authorised and empowered, at their Annual General Meeting in *April*, on the Request in Writing of any Three of the Commissioners hereby appointed, to nominate and appoint a Commissioner or Commissioners in the Room of such of them as shall so die, or refuse, or become incapable to act as aforesaid: And that the Person or Persons so to be nominated and appointed, shall from thenceforth have the same Power and Authority to act in the Execution of this Act as if he, or they had been especially named therein: Provided always that such Person or Persons so to be appointed shall at the Time be a Commissioner or Commissioners of Supply for the said Shire; and that the Number of Commissioners for the Purposes of this Act shall at no Time exceed the Number hereby appointed.

IV. And be it further enacted, That no Act of the said Commissioners shall be good, valid, or effectual, unless the same shall be done at some Meeting, to be holden in pursuance of this Act, (except as herein after provided): And that all the Powers and Authorities hereby granted to the said Commissioners, shall and may be exercised, from time to time, by the major Part of them attending at any Meeting to be holden as aforesaid; the Number of Commissioners present at such Meeting not being less than Five, which is hereby declared to be a Quorum.

No Act of Commissioners to be valid unless done at their Meetings.

Quorum of Commissioners.

V. Provided always, and be it enacted, That the said Commissioners may, if they think fit, from time to time appoint a Committee of their Number, not consisting of less than Three, to superintend the Progress of the said Buildings, or to carry into Effect any of the Purposes of this Act; but that the Proceedings of such Committee shall be subject to the Control of the said Commissioners, at their Meetings to be held in Manner hereinbefore directed.

Commissioners may appoint a Committee.

VI. And be it further enacted, That the said Commissioners shall, at every Meeting to be holden under the Authority of this Act, elect a Chairman who shall authenticate the Proceedings of such Meeting, to be entered in a Book or Books to be kept for that Purpose: And that the said Commissioners shall, at their First or any subsequent Meeting, appoint a Clerk and Treasurer, either separately or jointly, who shall hold and exercise his or their Offices during the Pleasure of the said Commissioners, and at all Times obey the Commands of the said Commissioners in the Execution of this Act: And that the said Treasurer shall give Security for the due Execution of his Office.

Commissioners to elect a Chairman,

and appoint a Clerk and Treasurer.

Treasurer to give Security.

VII. 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 not otherwise; and that no Action or Suit to be brought or instituted by or against him, by virtue of this Act, shall abate by the Death or Removal of such Clerk, any Law or Practice to the contrary thereof notwithstanding; but that the Clerk to the said Commissioners for the Time being shall be deemed to be the Pursuer or Defender in every such Action; and that the said Commissioners shall not be personally answerable for what they, or any of them shall do, in the Execution of the Powers vested in them by this Act.

Commissioners may sue and be sued in the Name of their Clerk.

VIII. And

Commis-
sioners to
assess the
Shire in a
Sum not
exceeding
7000l.

Proviso.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorised and required, at their First or any subsequent Meeting, to assess, or cause to be assessed, upon all Lands and Heritages contained in the Valuation Books of the said Shire, (excepting always the Teinds valued therein,) a Sum not exceeding Seven Thousand Pounds Sterling, to be applied to the Purposes of this Act; which Assessment shall be levied and recovered by the Collector of the Land-Tax of the said Shire, (receiving a suitable Reward for his Trouble) in the same Manner, by the same Means, and at the same Time, as the Land-Tax is usually levied and recovered by him; and that the said Collector shall account for, and pay over the Money arising from the said Assessment to the said Commissioners or their Treasurer for the Time being, at the same Time, in the same Manner, and under the same Conditions and Penalties, as he is or shall be obliged to account for, and pay the Land-Tax to the Receiver-General thereof, or Person appointed to receive the same, on behalf of His Majesty, his Heirs and Successors: Provided always, That it shall not be lawful for the said Commissioners to cause to be levied, or for the Collector of the Land-Tax to levy, in any One Year, a greater Proportion or Instalment of the said Assessment on the valued Rent of the said Shire, than shall amount to the Sum of Two Thousand Pounds Sterling: And that the Heritors of the said Shire shall, in no Shape, or on no Pretence, be subject or liable for any further Sum or Sums of Money, for the Purposes of this Act, than the Sum of Seven Thousand Pounds hereby authorised to be assessed and levied, and the Expence of repairing the said Gaol, Court House, and other Buildings, exceeding the Sum of Five Pounds Sterling, in any One Year, in Manner hereinafter provided.

Commis-
sioners may
purchase
Ground.

IX. And be it further enacted, That the Ground or Site for the said Building shall be purchased or feued by the said Commissioners, who are hereby authorised and empowered to treat and agree with any Person or Persons for the Purchase, at an annual Rent or Feu Duty of Ground in the said Burgh, for the Purpose of erecting thereupon the said Buildings, Apartments, and Conveniences, and for the Yards, Areas, Roads, Avenues, and Accesses thereto: And it shall be lawful for such Person or Persons, Heirs of Entail, Trustees, Tutors, and Curators, to sell and convey such Ground for the Purposes aforesaid; and he and they are hereby indemnified for, or in respect of, any such Sale which shall be made by virtue or in pursuance of this Act: Provided always, That the Feu Duty, Rent, or annual Sum for such Ground shall be paid by the Magistrates and Town-Council of *Inveraray*, out of the Funds of the Community of the said Burgh, to and for the Benefit of the same Person or Persons, Heirs of Tailzie, and subject to all such Conditions and Limitations as are contained in the original Settlements or Deed of Tailzie of the Land or Ground so to be conveyed as aforesaid: And that the Non-payment of the said Feu Duty, Rent, or annual Sum, when, and as the same shall become due, shall only subject the said Magistrates and Town-Council to an Action for Payment thereof, but shall not infer or incur a Forfeiture of the Right of the said Commissioners to the said Land or Ground, any Law or Practice to the contrary notwithstanding.

X. And

X. And be it enacted, That the said Commissioners shall be entitled to acquire all Rights of Property and Servitude, of, in, and connected with the said Gaol, Court-House, and other Buildings, Offices and Site, or Area thereof, and the Avenues leading to the same; and that the Rights and Conveyances thereof shall be taken in Favour of the Sheriff-Clerk of the said Shire, and his Successors in Office for the Time being, in trust for the said Commissioners; which Rights and Conveyances shall be sufficient for vesting the Subjects thereby conveyed in the said Sheriff-Clerk, in trust as aforesaid.

Commis-
sioners to
acquire all
Rights of
Property,
&c. in New
Gaol, &c.

XI. And be it enacted, That the Magistrates and Town-Council of the said Burgh of *Inveraray* shall contribute and pay towards the Expence of building the said Gaol and Court-House the Sum of Fifty Pounds Sterling, which the said Commissioners, or their Treasurer, are, or is, hereby authorised to levy and make effectual, at the same Time, and in the same Proportions, as the aforesaid Assessment upon the Lands and Heritages of the said Shire; and shall also maintain and keep in Repair the said Gaol, Court-House, and other Buildings, so long as the Expence thereof shall not exceed the Sum of Five Pounds Sterling in any One Year; and that it shall be lawful to and for the said Magistrates and Town-Council to levy the said Sum of Fifty Pounds, and also the Expence of such Repairs, not exceeding in any One Year the said Sum of Five Pounds, if they shall find it necessary, by special Assessment or Assessments upon the Inhabitants of the said Burgh, in the same Manner as they are authorised by Law to levy other Assessments within the said Burgh.

Magistrates
of Inveraray
to contribute
50l.

and to keep
Gaol, &c.
in Repair.

XII. Provided always, and be it enacted, That if any further Sum than Five Pounds Sterling shall be required, in any One Year, for repairing the said Gaol, Court-House, and other Buildings, such further Sum shall be defrayed by Assessment on the valued Rent of the Shire of *Argyll*, to be made by the Commissioners of Supply for the said Shire, from time to time as Occasion may require, and to be levied by the Collector of the Land-Tax in Manner aforesaid.

Repairs ex-
ceeding 5l. in
any one Year
to be defrayed
by Assessment
on the Shire.

XIII. And be it enacted, That the said Commissioners, or their Treasurer, to be appointed as aforesaid, shall lodge all and every Sums and Sum of Money which they, or either of them, shall receive from the Collector of the Land-Tax of the said Shire, or the said Magistrates and Town-Council of *Inveraray*, with the Royal Bank of *Scotland*, or the Branch thereof at *Glasgow*, therein to remain at Interest till the same shall be required for the Purposes of this Act.

Money to be
lodged in the
Royal Bank
of Scotland.

XIV. And be it further enacted, That, when the said Gaol shall be finished, the same, with the Yards, Courts, Out-Offices and Conveniences aforesaid shall be used for confining Debtors, Felons, Vagrants, and other Delinquents within the said Shire and Burgh; and the Magistrates and Town-Council of the said Burgh, and the Gaoler or Keeper, Gaolers or Keepers of the said Gaol, shall be respectively answerable, to all Intents and Purposes whatsoever, for the safe Custody of all such Persons, as shall from time to time be committed to his or their Custody in the said new Gaol, in the like Manner as the Magistrates and Town-Council of the said Burgh, and the Gaoler or Keeper of the present Gaol of the said Burgh now are and is liable by Law; and that the Magistrates of the said Burgh shall have

Magistrates
of Inveraray
to be answer-
able for the
Custody of
Prisoners, as
formerly;

[Loc. & Per.]

21 C

the

and to have
the same
Power over
the New as
the Old Gaol

the same Power over the said New Gaol, and the Gaolers or Keepers thereof, and the Debtors, Felons, Vagrants, and other Delinquents who shall be confined therein, as they have, or might have, over the present Gaol, and the Gaoler or Keeper thereof, and the Prisoners therein, by any Law now in force.

Prisoners to
be removed
from Old to
New Gaol.

XV. And be it further enacted, That when the said New Gaol shall be fit for the Reception of Prisoners, the said Commissioners, or any two or more of them, shall cause Notice thereof, in Writing, to be given to the Magistrates and Town-Council of the said Burgh, and to the Keeper or Keepers of the present Gaol therein for the Time being, who shall remove to such New Gaol all such Debtors, Felons, and other Prisoners as shall be then confined in the present Gaol; and such Removal or Removals, or the airings or exercising of the Prisoners who shall be confined therein, during such Times, and in such Places within the Limits of the said Gaol, Yards, Courts, Out-Offices, and Conveniences, as the said Magistrates shall appoint, shall not be deemed or taken to be an Escape or Escapes.

Magistrates
of Inveraray
not to be re-
lieved of any
Obligation
by Law to
maintain a
Burgh Gaol.

XVI. And be it further enacted, That nothing herein contained shall extend, or be construed to extend to relieve the Magistrates, Town-Council, and Community of the said Burgh of *Inveraray*, or any other Persons, of any Obligation existing, by Law, on them to build, maintain, and keep in Repair a Gaol or Prison for the said Burgh; but that the said Magistrates, Town-Council and Community, shall not be bound to contribute or pay towards the Expence of erecting the said New Gaol and Court-House, or of maintaining and repairing the same, further than as is herein-before enacted.

Account-
Books and
Papers to be
deposited
with the She-
riff-Clerk.

XVII. And be it further enacted, That, when the said New Gaol, Court-House, and other Buildings shall be finished under the Authority hereby given, an Account of the whole Expence thereof shall be made up and attested by the said Commissioners, or a Quorum of them; which Account, together with the Books, Papers, Receipts, and all other Writings, Vouchers, Plans, Drawings, and Designs relative to the said Gaol, Court-House, and other Buildings shall be deposited with the Sheriff-Clerk, to be preserved and to remain with the Records of the said Shire, for the Information of all and every Persons and Person concerned.

Expence of
this Act,
how to be
defrayed.

XVIII. And be it further enacted, That the Expence of procuring and passing this Act shall be defrayed out of the first and readiest of the Monies leviable, under the Authorities herein contained.

Limitation of
Actions.

XIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance or by virtue of this Act, after Six Calendar Months from the Time the Fact was committed, or the Cause of Action had occurred, for which such Action or Suit shall be brought; and the Defender or Defenders in any such Action or Suit may produce this Act, and plead that the same was done by Authority and in virtue thereof; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time hereby limited for bringing the same, then, and in such Case, the Defender or Defenders shall be assoilzied from such Action

Action or Suit, and the Pursuer or Pursuers therein shall be found liable to pay the whole Expence of Process incurred by the Defender or Defenders.

XX. And be it further enacted, That this Act shall be deemed and Public Act taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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