



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. xcvi.

An Act to enable the Sheriffdom of *Ross and Cromarty* to provide proper Court House Accommodations ; and for other Purposes relative thereto.

[9th July 1842.]

WHEREAS the Sheriffdom of *Ross and Cromarty*, which comprehends a Part of the County of *Nairn*, has been in Time past, and is now, divided into certain Districts established for the Purpose of Judicial Proceedings and Police, and commonly designated respectively as the Eastern, the Western, the *Cromarty*, and the *Lewis* District, which Districts are herein-after particularly defined, and within each of which Districts a Prison and Court House, with the relative Accommodations for the said Purposes, are necessary : And whereas there does not at present exist in any of the said Districts proper Prison nor Court House Accommodations : And whereas an Act was passed in the Second and Third Year of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in Scotland*, in obedience to the Provisions of which Act Measures are now in progress for providing the Prison Accommodations necessary in each of the said Districts for the Use of the said Sheriffdom : And whereas it is expedient, and would be of Benefit to the Shire, that the Court Houses and Prisons were built at the same Time : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and

2 & 3 Vict.
c. 42.

[*Local.*]

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Consent

Limits of
Districts.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the Purposes of this Act the aforesaid Districts be specially defined as follows; *viz.*, that the Eastern or *Tain* District shall comprehend the Parishes of *Rosskeen, Kilmuir Easter, Loggie Easter, Nigg, Fearn, Tarbet, Tain, Edderton,* and *Kincardine*, together with the Part of *Cromarty* locally situate therein; that the *Cromarty* District shall comprehend the old County of *Cromarty*; that the *Lewis*, or *Stornoway* District shall comprehend the Parishes of *Stornoway, Lochs, Barvas,* and *Uig*, being the Island of *Lewis*; and that the Western or *Dingwall* District shall comprehend the remaining Part of the Shire of *Ross*, together with the Parts of *Cromarty* and *Nairn* Shires locally situate therein; and that all Meetings of the Heritors and others qualified as herein-after provided be held at *Tain, Cromarty, Stornoway,* and *Dingwall*, for their several Districts respectively.

Sheriff to call Meetings of qualified Heritors of the several Districts to determine the Extent of Court House and relative Accommodation necessary therein, &c.

II. And be it enacted, That within Two Calendar Months from and after the passing of this Act the Sheriff of the Sheriffdom of *Ross* and *Cromarty* shall by public Advertisement, upon One Month's Notice, summon the Heritors of the several Districts into which the said Sheriffdom has in Time past been and is herein divided, qualified by possessing in their own Right or in Right of their Wives the *Dominium utile* of Lands, Teinds, or other Heritages rated in the Cess Books at not less than One hundred Pounds *Scots* of valued Rent, subject to Assessment under this Act, to meet within their Districts respectively on Days to be named by the Sheriff, for the Purpose of determining what Extent of Court House and relative Accommodations may be necessary for the respective Districts, and of procuring Plans and Estimates of the Expence, to be considered then or at an adjourned District Meeting, or for the Purpose of approving and confirming the Resolutions or Proceedings which the said Heritors and others qualified as aforesaid, or a Majority of their Number present at General Meetings of the Districts respectively, specially called within their Districts on public Notice by the Sheriff, may have adopted before the passing of this Act in regard to the Extent of Court House and relative Accommodations, and to the Plans and Expense thereof, with a view to the expediting of the building thereof in connexion with the said Prisons, and that the Erection of the latter may not be delayed: Provided always, that the Provost or Chief Magistrate, or in his Absence the next in Seniority, shall *ex officio* be qualified as a Member of every Meeting of the District wherein the Burgh or Town represented by such Magistrate is situate; and that One duly accredited Factor, Agent, or Proxy for each absent Heritor, and for each Heritrix, qualified as aforesaid; One Guardian for each Minor or other Person incapacitated by Law from acting, but qualified as aforesaid; One Trustee of every Estate of the said Valuation vested in Trust, in Absence of the Proprietor thereof; and in the Absence of such Guardian for each Minor or incapacitated Person, and of such Trustee for each Trust Estate, One duly accredited Factor, Agent, or Proxy on behalf of each; and also the eldest Son, if of lawful Age, of every Person, including Females, possessed of the Qualification aforesaid, shall be entitled to attend, act, and vote, as Members of every Meeting of the District wherein

wherein the Lands or Heritages affording their respective Qualifications are situate.

III. And whereas the Island of *Lewis* belongs to only Two Proprietors, who are non-resident; be it enacted, That they, or the Heritors or Heritrixes for the Time being, or their Mandatory or Mandatories, and others qualified as aforesaid, and the Sheriff of the said Sheriffdom, or his Substitute, and the chief resident Magistrate of the Town of *Stornoway*, or such of them as shall attend, shall form the Meeting for considering and determining all Matters and Things included in this Act, in as far as these may concern the *Lewis* or *Stornoway* District.

Meetings in Lewis or Stornoway District, how to be composed.

IV. And be it enacted, That when the Extent of Court House and relative Accommodations necessary for the respective Districts, and the Plans thereof, have been determined as aforesaid, and Estimates obtained of the Expence of erecting the same, the said District Meeting, or some subsequent Meeting of the Heritors, Magistrates, and others qualified as aforesaid of the several Districts respectively, shall make an Assessment as herein-after provided on the several Districts for the Sums required by them respectively.

Assessments to be made on the several Districts for the Sums required by them respectively.

V. And be it enacted, That the Amount of the Sums estimated as necessary to be assessed upon the Districts respectively shall be apportioned and divided by the District Meeting which shall have determined the Amount, between the Burghs of *Dingwall*, *Tain*, and *Cromarty*, and the Town of *Stornoway*, and the landward Parts of the Districts within which the said Burghs and Town are situate, according to the relative Population, as ascertained by the last Census, of the said Burghs and Town and landward Parts respectively; and the Chairman and Clerk of each District respectively shall, after the gross Amount of the Sum to be assessed on the District, including the Burgh or Town therein, has been determined, give Notice to the Provost or Chief Magistrate of the said Burgh or Town of the Portion of the said Assessment effeiring to the said Burgh or Town.

Amount of the estimated Assessments to be apportioned between the Burghs and landward Parts of Districts.

VI. And be it enacted, That, substituting District Meetings of Heritors, Magistrates, and others qualified as aforesaid for Meetings of Commissioners of Supply, the Proportion of the Assessments effeiring to the landward Parts of Districts, and the Proportion of the Assessments effeiring to the said Burghs and Town, shall be laid on the same Description of Property or Heritage, and levied and collected in the same Mode, and with the like Powers, and with the same Provisions as between Landlord and Tenant, and Disputes arising as to Assessments shall be summarily settled, and the Limits and Boundaries of the said Burghs shall be regulated in the same Manner, that the Assessments are laid on, levied, and collected, and the said several other Matters or Things are now or may be regulated in the said Sheriffdom, under the Provisions of the said recited Act of the Second and Third Victoria, Cap. 42.

Proportion of Assessment effeiring to landward Parts and to Burghs.

VII. And be it enacted, That the gross Amount of the Sums estimated as necessary for the Purposes aforesaid may be levied and

Estimated Assessments may be levied and

and collected
by annual In-
stalments.

and collected by annual Instalments, not exceeding Six; and the first Instalment shall be due and payable and may be levied at the first Term of *Martinmas* or *Whitsunday* after the Assessment has been made, and each succeeding Instalment at the next Term of *Martinmas* or *Whitsunday* Twelve Months from the Date of Payment of the One immediately preceding; and all Arrears of the Instalments shall bear Interest at the Rate of Ten Pounds *per Centum per Annum* from the Term the same became due, and may be sued for and recovered by the Collectors according to the summary Form established by the Act of the First *Victoria*, Cap. 41, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in Scotland*, notwithstanding the Sum sued for exceeds Eight Pounds Six Shillings and Eight-pence.

Officers
to be annu-
ally chosen.

Special
District
Meetings.

VIII. And be it enacted, That a Chairman, Collector, and Clerk for the Purposes of this Act shall be annually chosen by the District Meetings respectively qualified as aforesaid; that each Special District Meeting after the first shall be summoned by the Chairman by public Advertisement on Fourteen Days Notice; and that at all Meetings Three Members shall be a Quorum and, a Majority shall decide; and if the Numbers be equal, the Chairman shall have a casting as well as a deliberative Vote.

Assessments
to be paid
into Bank.

IX. And be it enacted, That the Assessments, or the Instalments or Portions thereof, as they may be collected, shall be paid by the Collectors into Accounts to be kept for the several Districts respectively with any incorporated or chartered Bank within the same, in the Name of the Chairman, Collector, and Clerk, for behoof of the District.

Persons in-
trusted with
Receipt of
Monies not
to retain
exceed-
ing 10/.

X. And be it enacted, That no Person intrusted with the Receipt of the Monies belonging to the said Districts respectively shall retain any Sum exceeding Ten Pounds in his Hands beyond the Time necessary for paying the same into such Bank, under a Penalty of Five Pounds *per Centum per Diem*, during which the same may have been so retained.

By whom
Drafts to be
signed.

XI. And be it enacted, That all Drafts on the said Accounts shall be signed by the Chairman, Collector, and Clerk, or any Two of them, and that the said Accounts shall be annually audited.

District
Meetings
may appoint
Committees
to procure
Plans, &c.

XII. And be it enacted, That the said District Meetings may from Time to Time appoint Committees of their Number, for procuring Plans, Specifications, and Estimates; for borrowing Monies, and granting Security therefor, in Name and Behalf of such District Meetings, over the Assessments to be raised by virtue of this Act (and which Security the said Committees acting for the said District Meetings are hereby authorized to give); for entering into Contracts for the Purchase or leasing of the Sites, and for the Erection and Completion of the Works, and for appointing proper Persons to superintend their Execution, the maintaining them in repair, and insuring them against Fire, and for auditing and settling the Bank and other Accounts connected therewith, and for such other Pur-
poses

poses as the District Meetings may think fit to delegate Power to the said Committees; the said Committees to report annually, or oftener if they see fit, to District Meetings which shall, on the Requisition of the Committees, be called by the respective Chairmen of the Districts as aforesaid; and that every District Meeting shall have Power to adjourn.

XIII. And be it enacted, That in order to defray all Expences incurred in procuring Plans and Estimates, in suitably furnishing the Court Houses and Record Rooms, in paying Clerks, and providing for other contingent Expences, and any other Expences unforeseen at the Period of applying for this Act, or which cannot be estimated at the Commencement of the Operations under it, including the Expence of maintaining the said Court Houses and relative Accommodations in repair, and for insuring them against Fire, it shall and may be lawful for the Meetings of the respective Districts in which such Expences may be incurred to assess as aforesaid, from Time to Time, as may be necessary, in order to provide for the same.

Contingent
Expences
how to be
defrayed.

XIV. And be it enacted, That it shall be lawful for the Commissioners for the Issue of Exchequer Bills in aid of public Works, under the Provisions of the several Acts already passed or which may hereafter be passed for regulating their Proceedings, from Time to Time to make Advances to the said District Meetings or their Committees respectively, or any of them, on the Security of the Property vested in the said Heritors or their Committees, as Trustees for them, and of the Assessments to be raised by virtue of this Act, and which Security the said District Meetings or their Committees are hereby authorized to give, in such Form, upon such Terms, and to such Effect as the said Commissioners may direct and appoint, for securing the Repayment of the Principal of the said Advance by Instalment before the Expiry of this Act, with Interest not exceeding Five Pounds *per Centum per Annum* on the Principal Money* from Time to Time remaining unpaid.

Commission-
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Issue of Ex-
chequer Bills
in aid of pub-
lic Works
may make
Advances to
District Meet-
ings or to
their Com-
mittees.

XV. And be it enacted, That no Security to be given to the said Commissioners for the Issue of Exchequer Bills in aid of public Works, nor to any other Party or Parties who may agree to lend on the Property and Assessments aforesaid, by the said District Meetings or by their Committees respectively, shall be affected by any Informality on the Part of the said District Meetings, or their Committees respectively, or of their Chairman or Clerk, or any other Person, and that the Security to be given to the said Commissioners, or Lenders or Lender, for any Advance of Money to enable the said District Meetings or their Committees to erect the said Buildings, and complete the same, shall have and be entitled to Priority over all other Securities, of what Nature or Kind soever, which shall be granted by the said District Meetings, or their Committees respectively, until the Sums secured to the said Commissioners, or other Lenders or Lender, with Interest thereon, and all Charges relating thereto, shall be fully satisfied and paid.

Security to be
given to the
Commission-
ers for the
Issue of Ex-
chequer Bills
not to be af-
fected by In-
formality.

Assessment for the Rogue Money Fund, how to be made, collected, and kept.

XVI. And be it enacted, That from and after the passing of this Act the Assessment of the Fund commonly called the "Rogue Money," for the Sheriffdom of *Ross* and *Cromarty*, comprehending that Part of the County of *Nairn* locally situate in the County of *Ross*, including the Fund for the Payment of the Expences of any Special Constabulary or Police Force appointed in the several Districts, or which hereafter may be appointed or established, for the Prevention and Detection of Crime, Suppression of Vagrancy, and Preservation of the Peace, shall be made on the valued Rent of the Lands and Heritages situated within the several Districts of the said Sheriffdom as before defined, and beyond the Territories or Limits of the several Burghs or Town aforesaid (and which Burghs or Town shall not be subject to the said Assessment), and shall be laid on by Meetings of the Heritors and others qualified as aforesaid, to be held within the same respectively within the Month of *August* annually, whereof the Chairman of the District, shall give Fourteen Days previous Notice by Advertisement; and the said Assessment shall be collected by the Collectors of the Districts respectively, and paid in to an Account with any chartered or incorporated Bank within the same, to be kept in the Name of the Heritors of the District, or their Committee after mentioned, as the Rogue Money or Police Fund of the District, upon which Account the Sheriff or his Substitute, and the Chairman in each District, shall have Power and is hereby authorized from Time to Time to draw for the Payment of the Expences incurred within the District, for the apprehending, removing, and prosecuting Criminals under Warrants of the Sheriff and the Chairman of the District, with any other Heritor of the District qualified as aforesaid, for the Expences incurred within the District by the Constabulary or Police Force under Warrants of the Justices of the Peace; and the said Accounts shall be annually audited by a Committee appointed for that Purpose by the District Meeting, and which Committee shall report the same, with an Estimate of the Sum proper to be assessed for the Service of the Year ensuing: Provided always, that a Balance be kept at the Credit of each Account adequate for the Payment on Orders or Drafts as aforesaid of the Wages of Witnesses and other necessary Disbursements, at the Time they are required to be made, and of the other Expences foresaid quarterly.

Expences in criminal Prosecutions how to be defrayed.

XVII. And be it enacted, That the Expence of apprehending and prosecuting, in all Cases not paid by Exchequer, shall be defrayed as follows; *viz.*, the Expences in those Cases whereof the *Locus delicti* is within the Limits of any of the Burghs or of the Town of *Stornoway* shall be defrayed by the said Burghs or Town respectively from the Common Good thereof, or if there be no Common Good, or if it be inadequate, by Assessment, to be made by the Magistrates annually, or from Time to Time, as the same may be required, upon all Lands and other Heritages and Tenements within the said Burghs or Town respectively, the real Rent of which may be Five Pounds Sterling and upwards, rateably and proportionally among them according to their real Rents; and in all other Cases where the *Locus delicti* is not within any of the said Burghs or Town, and the Expences of which are not paid by Exchequer, the same shall be defrayed from

the Rogue or Police Money Fund of the District in which the *Locus delicti* is situated.

XVIII. And whereas, the Town of *Stornoway* not being a Royal nor Parliamentary Burgh, Doubts may exist as to the proper Limits thereof; be it enacted, That the Electors on the Parliamentary Roll of the combined Counties of *Ross* and *Cromarty* whose Qualifications are situate in the said Town shall, in a Meeting to be called within One Month after the passing of this Act, and annually thereafter, by the Sheriff or his Substitute, by public Advertisement on the Church Doors for Two *Sundays* immediately preceding, choose by themselves, or by Mandatories duly authorized by them, Three of the said Electors resident in the said Town, who shall, as a Committee of the said Electors, meet with an equal Number of the Members of the District Meeting of the *Lewis* or *Stornoway* District, and shall, with the Committee of the District Meeting as a Joint Committee, of whom any Three shall be a Quorum, and the Sheriff or his Substitute Convener, have Power to fix and determine the Limits of the Town of *Stornoway* and the Boundaries separating the same from the landward Part of the District, for the Purposes of this Act.

Limits of the Town of *Stornoway* to be ascertained and fixed by a Committee chosen for the Purpose.

XIX. And be it enacted, That in all Meetings of the Electors for choosing the said Committee a Majority shall decide.

In choosing Committee, Majority to decide.

XX. And be it enacted, That the said Committee of Electors shall appoint One of their own Number as Chairman; and the said Committee and their Chairman respectively shall, in as far as regards the Town of *Stornoway*, have and exercise for the Purposes of this Act the Powers of Assessment competent to the Magistrates of Burghs, and the Chairman shall represent the said Committee and the Town of *Stornoway* at all Meetings of the District thereof.

Committee to appoint One of their own Number Chairman.

XXI. And be it enacted, That failing of the Electors choosing a Committee of their Number as aforesaid, or if the Committee so chosen fail to meet and execute the Purposes of their Appointment, it shall be competent to the said District Meeting and they are hereby required to appoint, when they find the same to be necessary, any Three of their Number, of whom any Two shall be a Quorum, who shall have the Powers in regard to the Town of *Stornoway* of the said Committee of Electors.

Failing of Committee being chosen, District Meeting to appoint any Three of their Number.

XXII. And be it enacted, That for the Purposes of this Act the Justices of the Peace nominated and appointed by either of the existing or any future Commissions of the Peace for the Counties of *Ross* and *Cromarty* shall have equal and cumulative Jurisdiction over the whole Sheriffdom, as if they were nominated and appointed Justices for both the said Counties and the Part of *Nairn* locally situate therein, and it shall be no Objection to their sitting, hearing, and determining Causes in the County of *Ross* proper, that the said Causes have arisen or that the Parties thereto are resident in *Cromartyshire*, or Part of *Nairn*, though locally situate in *Ross*.

Justices of *Ross* and *Cromarty* to have cumulative Jurisdiction in the Sheriffdom.

XXIII. And

Commissioners of Supply to meet and assess for Expence of this Act.

XXIII. And be it enacted, That the Commissioners of Supply shall meet within Three Months of the passing of this Act, and assess the Sums expended for procuring the same on the valued Rent of the Sheriffdom of *Ross* and *Cromarty*, and that Part of *Nairn* locally situated in the County of *Ross*; and the said Assessment shall be levied forthwith, by the Collector of the Cess for the County of *Ross*, under the same Penalties for Failure as are imposed for Failure in Payment of the Assessed Taxes; which Penalties shall also be applied in Cases of Failure of Payment for Two Months after the same shall have been demanded, of the other Assessments imposed under the Authority of this Act.

Commencement and Continuance of this Act.

XXIV. And be it further enacted, That this Act shall commence from and after the passing thereof, and shall continue from thence during the Term of Twenty-one Years, and thereafter to the End of the then next Session of Parliament.

Interpretation of Act.

XXV. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall extend to Females as well as Males:

The Word "Month" shall mean Calendar Month.

Act to be taken as a Public Act.

XXVI. 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.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1842.