



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. xci.

An Act for regulating and converting the Statute Labour in the Stewartry or Sheriffdom of *Orkney*, and for more effectually making, repairing, and maintaining the High Roads and Bridges within the same. [30th July 1834.]

WHEREAS the Powers granted by the several Statutes for making, maintaining, regulating, and repairing Highways, Bridges, and Ferries in *Scotland*, and the Services and Work and Monies authorized to be levied for that Purpose, have been found by Experience insufficient to make, maintain, regulate, and repair the Roads and Bridges necessary within the Stewartry or Sheriffdom of *Orkney*; and it is expedient and necessary that other and further Powers should be given effectually to carry the Intention of the said Laws into execution: And whereas certain Debts have been incurred in carrying the foresaid Statutes into effect within the said Stewartry or Sheriffdom which are still due and owing, and cannot be repaid, unless Provision be made for that Purpose; and as these Ends cannot be attained 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 Authority of the same, That every Person who is at present or hereafter shall be, in his own Right or in Right of his Wife, in the actual Possession and Enjoyment as Proprietor or Liferenter of the *Dominium utile* of Lands lying within the Stewartry or Sheriffdom of *Orkney* valued in the Tax Roll or Valuation Books of the said

Qualification
of Trustees.

[Local.]

30 Y

Stewartry

Stewartry or Sheriffdom to the Extent of One hundred Pounds *Scots per Annum*, and all and every the eldest Sons of such Heritors as shall be in the actual Possession and Enjoyment of the *Dominium utile* of Lands valued as aforesaid to the Extent of Two hundred Pounds *Scots*, and the Factors and Commissioners of such Heritors as shall be possessed and in the actual Enjoyment of the *Dominium utile* of Lands in the said County valued as aforesaid to the Extent of Four hundred Pounds *Scots*, in the Absence of their Constituents, the acting Trustee, Judicial Factor, Curator, or other legal Guardian (but only One of them at a Time) having the actual Management of any Lands or Estate in the said Stewartry valued as aforesaid to the Extent of One hundred Pounds *Scots*, and Tenants being the actual Occupiers of Farms paying One hundred Pounds Sterling of yearly Rent, or a Rent in Money and Grain equivalent to that Amount, the Grain to be converted at an Average of the *fiar* Prices for the Three preceding Years, and also the Sheriff's Depute and Substitute of the said Stewartry or Sheriffdom for the Time being, the Chamberlain for the Crown in *Orkney* for the Time being, the Provost and Senior Bailie of the Burgh of *Kirkwall* for the Time being, and the Senior Magistrate of the Burgh of Barony of *Stromness* for the Time being, and the Senior Magistrate for the Time being of such other Burghs of Barony as may be hereafter erected in *Orkney*, shall be and they are hereby nominated and appointed Trustees for regulating, levying, and applying the Commutations and Conversions herein-after allowed to be imposed and levied, and for making, repairing, widening, keeping in repair, and regulating the Highways, Roads, and Bridges within the said Stewartry or Sheriffdom of *Orkney*, and for executing all the Powers by this Act given and granted: Provided always, that it shall be lawful to any Trustee under this Act to authorize any Person by a special Mandate to attend and act and vote for such Trustee at any Meeting of the said Trustees.

Penalty for acting without being qualified.

II. And be it enacted, That if any Person not qualified as aforesaid shall nevertheless presume to act as a Trustee, he shall for each Time he shall so act forfeit the Sum of Twenty Pounds, besides the Expenses of Prosecution, to be recovered by Complaint in a summary Way at the Instance of any Heritor in the said Stewartry or Sheriffdom, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff of the said Stewartry or Sheriffdom, or his Substitute; and the Proof of Qualification shall be on the Defender, and the Penalty shall be paid to the Trustees aforesaid, to be by them applied for the Purposes of this Act; and if the Defender shall be assoilzied he shall be entitled to full Costs of Suit from the Party bringing such Complaint.

First Meeting of Trustees.

III. And be it further enacted, That the said Trustees under this Act shall hold their First Meeting within the Town Hall of *Kirkwall* on the Fourth *Wednesday* after the passing of this Act at Twelve o'Clock Noon, for the Purpose of putting this Act into execution, which Meeting shall choose its own Preses, and shall also appoint a Treasurer and Clerk to act until the First stated General Meeting, to be held as herein-after appointed.

IV. And

IV. And be it further enacted, That the said Trustees shall hold Two stated General Meetings in each Year at the Place and Hour before mentioned, the first to be held on the Thirtieth Day of *April*, or first lawful Day thereafter, being the Day appointed for the Commissioners of Supply to assemble for assessing the Land Tax, and the second on the second *Tuesday* of *November*; with Power to the said Trustees, or the Majority of those present at such stated General Meetings, to adjourn their Meetings from Time to Time, if necessary; with Power to each Meeting to choose their Preses, and to the first stated General Meeting in each Year to choose their Treasurer and Clerk for the Year then ensuing; and in case of an Equality of Votes in the Election of Preses, the Trustee representing the greatest Rental in the Stewartry present at such Meeting shall have the casting Vote; and the Preses, besides his own deliberative Vote in common with the other Trustees, shall, in all Cases of Equality of Votes, have also a casting Vote in any Matter or Question that may come before the said Meeting; and with Power also to the said Meetings to make all such Orders, Regulations, and Appointments as they shall judge proper and necessary for carrying this Act into execution, not inconsistent with the Laws of the Land, or the special Provisions of this Act.

Half-yearly
General
Meetings.

V. And be it further enacted, That besides the stated General Meetings before appointed to be held the said Trustees shall have full Power to hold such Special Meetings from Time to Time as they may find necessary for the due Execution of this Act; and such Special Meetings may be called either by the Clerk, on a Requisition stating the Purpose of such Meeting, and signed by any Three of the said Trustees, or by any Three of the Trustees themselves: Provided always, that before any Meeting, either stated or special, shall take place, Fourteen Days previous Notice shall be given by the Clerk of the said Trustees, or by the said Trustees calling the Meeting, by public Advertisement, or Handbills, written or printed, posted in the Streets of *Kirkwall* and *Stromness*, in which Notice shall be specified the precise Time and Place of Meeting, and if such Notice be for a Special Meeting the same shall also state the Purpose thereof.

Trustees
may hold
other Meet-
ings.

VI. And be it further enacted, That any Five of the said Trustees assembled at the stated General Meetings before mentioned shall be a Quorum for carrying the Purposes of this Act into execution, but at all other Meetings Three Trustees shall form a Quorum; but if any less Number than a Quorum shall be present at any stated General Meeting, such Trustee or Trustees shall have Power to adjourn such Meeting: Providing always, that Notice shall be given of the Time and Place to which such Meeting shall have been adjourned, by Notices, written or printed, posted in the Towns of *Kirkwall* and *Stromness*, and addressed to the several Trustees who shall be at the Time within the County, by Post, at least Fourteen Days before the Day on which such adjourned Meeting is to be held; and which adjourned Meeting, if no Quorum attend, may be again adjourned, under the same Provisions as to Notice, aye and until the Business to come before it shall be transacted: Provided always, that any stated General Meeting shall have Power to adjourn, to the

Quorum of
Trustees.

Effect

Effect of continuing its Proceedings from Day to Day, without Notice being given of such Adjournment.

Officers to be appointed.

VII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to nominate and appoint a Clerk and Treasurer, and also a Collector or Collectors of the Commutations and Conversions to be levied under this Act, and such other Officers and Servants as they shall judge necessary to be employed under them for carrying the same into execution; and from Time to Time to remove such Clerk, Collector, Officers, and Servants, and to appoint others in their stead, and to settle such reasonable Salaries to be paid to them as shall appear to the said Trustees to be just and proper; and the Clerk, Collectors, or other Person to be appointed to receive the Monies to be levied under this Act shall give good and sufficient Security, to the Satisfaction of the said Trustees, for all and every their respective Intrusions with the Monies and Funds to be levied by virtue of this Act, and for the just and faithful Execution of their respective Offices; and all and every Clerk, and Collector or Collectors, or other Person or Persons whomsoever, concerned in the Receipt of the said Monies, Rates, Duties, and Revenues, who shall secrete or misapply the same, or any Part thereof, shall forfeit Double the Sum so secreted or misapplied, with full Costs of Suit; which Forfeiture shall be recovered by the said Trustees, by Action before the Court of Session or Sheriff Court of *Orkney*, against such Clerk, Collector or Collectors, or other Person or Persons, and his or their Surety or Sureties as aforesaid, or his or their respective Heirs and Representatives: Provided always, that it shall be a sufficient Justification against the Charge of Misapplication that the Clerk or other Officer had in the Matter of the alleged Misapplication obeyed the Orders of a legal Meeting of Trustees.

Treasurer and Clerk not to be the same Person.

VIII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who may be continued or appointed Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, the Clerk to the said Trustees; 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 any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as the Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as a Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One

hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with Expences, by summary Action in the Court of Session.

IX. And be it further enacted, That the said Trustees at their General Meetings shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Preses of such Meeting, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings touching or concerning any thing done in pursuance of this Act; and such Book or Books shall at all the said Meetings be open and liable to the Inspection of all and every the said Trustees and of the Creditors on the Conversion Money hereby authorized to be levied and made payable; and any of the said Trustees and Creditors shall and may have and require from the Clerk Extracts or Copies thereof, paying for every such Extract or Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words.

Proceedings
to be en-
tered.

X. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for the Purposes and by virtue of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all the Meetings of the said Trustees be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Conversion Money hereby authorized to be levied, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Twenty Pounds, to be levied and recovered in manner herein-after mentioned.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the Inspec-
tion of the
Trustees and
Creditors.

XI. And be it further enacted, That all Officers and Persons to be chosen and appointed by the Trustees of this Act shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they

Officers to
account.

Proceedings
against them
in case of
Neglect.

shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then in every or any of the said Cases it shall be lawful for any One or more Justices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Trustees, and such Justices are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Officer or Officers, Person or Persons to be brought before them, and upon his or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Justices are hereby empowered and required to administer,) or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons shall not appear before the said Justices, unless for some sufficient Excuse alleged, at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County, Town, or Place where such Offender shall be or reside, there to remain until he or they shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded or agreed with the said Trustees and shall have paid such Composition in such Manner as the said Trustees shall appoint, and which Composition the said Trustees are hereby empowered to make, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by
virtue

virtue of this Act for a longer Space of Time than Three Calendar Months.

XII. And be it further enacted, That the said Trustees may sue and be sued in Name of their Treasurer or Clerk for the Time being, or in Name of any One of the Trustees; and no Action or Suit to be brought or commenced by or against the said Trustees shall fall or be discontinued by the Death or Default of the said Treasurer or Clerk, or Trustee, in whose Name or Names the same shall have been brought: Provided always, that all Costs and Expences to be incurred in prosecuting or defending any Action or Suit touching the Execution of this Act shall be defrayed out of the Assessments and Monies levied under the Provisions of this Act; and provided also, that such Treasurer or Clerk in whose Name or Names such Prosecutions may be carried on shall not on that account be deemed an inadmissible Witness in any such Action or Suit, except only in such Action or Suit as shall be on his or their own personal Accounts.

Trustees may sue and be sued in the Name of their Treasurer or Clerk.

XIII. And whereas a reasonable Compensation in Money in place of Labour would be more effectual than the actual Service required by the Laws now in force for making and repairing the Highways and Bridges in the said Stewartry and Sherifffdom; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act the whole Statute Labour of the said Stewartry or Sherifffdom shall be converted into an annual Payment in Money, and in lieu of such Statute Labour and Service the Occupiers of Land, whether Owners, Liferenters, Tenants, or Cottagers, and all Labourers, Fishermen, and other Male Persons residing in the Country Parishes, and all and every the Male Inhabitants of Burghs, Towns, and Villages, Householders, Artizans, Labourers, Journeymen, and all other Persons whatsoever, liable in the Performance of Statute Labour on the public Roads and Highways within the Stewartry of *Orkney*, excepting Apprentices to Tradesmen in Towns during their Apprenticeship, providing the same does not exceed Three Years, shall be liable for and pay to the said Trustees, or such Collector or Collectors as they shall direct and appoint, an annual Commutation for such Statute Labour at the Rates following; *videlicet*, all such Persons who possess no Lands, Houses, or Heritages, or who possess Lands, Houses, or Heritages, whether in the Country or in Towns or Villages, the yearly Rents or yearly Values whereof do not exceed the Sum of Four Pounds Sterling, the Sum of Six Shillings; all such Persons who possess Lands, Houses, or Heritages the yearly Rents or yearly Values whereof exceed Four Pounds Sterling and do not exceed Eight Pounds, the Sum of Eight Shillings; and all other Occupiers of Lands, Houses, or Heritages the yearly Rent or yearly Value whereof exceed Eight Pounds, the Sum of Ten Shillings, as the Commutation for their own personal Labour; and for the Labour of each Man with a Horse and Cart kept by them, the Sum of Fifteen Shillings; and all such Persons, being Inhabitants of Towns and Villages, the yearly Rents or yearly Values of whose Houses shall exceed Eight Pounds, the Sum of Ten Shillings; every such Person keeping a Horse, Two Shillings; a Horse

Commutation of Statute Labour.

Horse and Cart, Three Shillings; a Gig or Four-wheeled Carriage, Twenty Shillings; all in addition to the Commutation payable as aforesaid for personal Statute Labour by the Person or Persons keeping such Horses or Carriages; which several Sums shall be the maximum Rates payable by Persons liable in performing Statute Labour as herein-after regulated; and farther providing, that it shall be lawful to the Trustees, at any of their General Meetings after mentioned, to dispense with the Payment of the said Conversion in any particular Parish for any particular Year, on Application to that Effect subscribed by a Majority of the Trustees, being Heritors of such Parish, and the local Committee associated with them as herein-after mentioned, and to authorize the Exaction of the Statute Labour by actual Service in such Parish.

Lists of Persons liable in Commutation to be made up and Rate fixed annually.

XIV. And for ascertaining and levying the aforesaid Commutation, be it enacted, That the Schoolmaster in every Parish, Town, and Village in the Stewartry of *Orkney*, or some proper Person or Persons whom the said Trustees are hereby authorized to appoint, shall immediately after the passing of this Act make out full and complete Lists of the Persons liable in performance of Statute Labour and the Conversion therefor, as aforesaid, stating their Possessions, and the Number of Servants, Horses, and others kept by them in each such Parish, Town, or Village, and return the same to the said Trustees upon Oath, and which Lists shall be rectified and returned every Year thereafter, on or before the Second *Thursday* of *April*, also upon Oath, which Oath any Justice of the Peace is hereby authorized and required to administer; and the said Trustees at their First Meeting under this Act, and thereafter at their Annual General Meeting on the Day on which the Commissioners of Supply shall meet for assessing the Land Tax, or at some Adjournment thereof, shall settle and fix the Rate of Conversion of Statute Labour for each Parish, Town, and Village respectively within the Mainland of *Orkney*; and in regard to the other Islands in the said Stewartry it shall be lawful for the Trustees in each Parish or Island in which they are Heritors, or the Local Committee for each Parish, Town, or Village therein, to be appointed in manner after mentioned, where there are no resident Trustees, to meet at any Time previous to such Annual Meeting, and make a Resolution declaring their Opinion what ought to be the Rate of Commutation or Conversion in each such Island, Parish, Town, or Village other than those in the Mainland of *Orkney*, in and for the Year next ensuing, and which Conversions so to be fixed shall not exceed (though they may be less than) the Sums before specified; and on a Report duly made of such Resolution of the Trustees or Local Committee in and for any such Parish, Town, or Village, the Trustees at their Annual General Meeting shall settle and fix the Rates of Commutation in each such Parish, Town, or Village for such Year, in conformity therewith; and, failing such Report, shall fix the Rates of Commutation according to the Rate existing in the Parish, Town, or Village at the Time, or if there have never been any Rates previously fixed, according to those fixed for the Year, or existing in the nearest Parish in which Rates have been fixed, and which Rates so fixed shall remain the Rule of Commutation under this Act, until altered by a subsequent

sequent Annual General Meeting on the said Day on which the Commissioners of Supply meet for assessing the Land Tax; and the Clerk of the said Trustees, or any other Person whom they may appoint, shall immediately thereafter prepare States or Accounts of the Sums payable by the several Persons contained in the Lists returned as aforesaid, which shall be paid by them to the Collector or other Person appointed by the said Trustees to receive the same.

XV. And be it further enacted, That when the said Lists of Persons and the Sums payable by them for Commutation in each Parish shall have been made up by the Clerk of the said Trustees as aforesaid, he shall cause Copies thereof to be affixed at the Church Door of such Parish, for the Information of all Parties concerned; and all Persons considering themselves aggrieved may, within Ten Days after such Notification at the respective Parish Churches as aforesaid, but not thereafter, apply by Petition to the Sheriff Depute or Substitute, or to the Justices of the Peace of the said Stewartry, setting forth the special Grounds of Complaint, and the Extent of the Redress claimed; and the said Sheriff Depute or Substitute, or Justices of the Peace, or any Three of their Number, is and are hereby empowered and authorized finally to dispose of and judge of such Applications, and his and their Decision shall not be liable to any Appeal, Question, or Review in any Form or by any Court whatsoever. Appeal.

XVI. And be it further enacted, That the Commutations and Conversions to be raised under the Authority of this Act shall be applied by the Trustees in manner following; *videlicet*, in the first place, in paying the whole Expences connected with the making and preparing the Lists, Statements, and Accounts of Commutation in manner before provided, and collecting the said Commutations and Conversions; in the second place, in the making, repairing, and maintaining of Roads, Highways, Streets, Bridges, Jetties, and Landing Places at Ferries within the Stewartry of *Orkney*; and lastly in Payment of reasonable Salaries to the Treasurer, Clerk, Collectors, Overseers, or other Officers or Servants whom the Trustees may appoint and employ for the more convenient and effectual Execution of this Act. Application of Compositions.

XVII. And be it further enacted, That the Trustees or Local Committees acting for the several Parishes in *Orkney* shall be bound, within Three Months after the passing of this Act, to make a Return in Writing to the Clerk of the General Trustees, setting forth the Line or Description of all the Parish Roads within their respective Parishes; and it shall not be in the Power of the said Parish Trustees to expend any Money arising from the Conversion of Statute Labour on any Road a Return whereof shall not have been made as aforesaid and entered in the Books kept by the General Trustees, and until the Application and Expenditure thereon of the said Money or Funds be sanctioned by the General Trustees at one or other of their stated Meetings before mentioned; and the same Rule shall be observed with regard to any Road that may afterwards be added by the Trustees in any Parish to the List of Parish Roads. List of Parish Roads to be returned.

Districts
may be
formed.

XVIII. And to the end that the Commutations and Conversions to be levied in virtue of this Act may be applied in the Manner most effectual and beneficial in the peculiar Circumstances and Situation of the Islands of *Orkney*, be it enacted, That it shall be lawful to the said Trustees to divide the Mainland of *Orkney*, for the Purposes of this Act, into Districts as they shall think proper, and to alter, vary, or discontinue such Division, from Time to Time, as shall be found necessary and expedient, according to the State of the Roads in such District; and it is hereby enacted, that for the Purposes of this Act each of the other Islands in the Stewartry of *Orkney* shall constitute a District, and the Conversions or Commutations to be levied in virtue of this Act within each such District shall be expended and applied in repairing the Roads, Bridges, Jetties, and Landing Places, and in carrying into effect the other Purposes of this Act within the same, and no otherwise, excepting only that it shall be lawful to a Majority of the Trustees at any annual stated General Meeting to be held in *April*, and they are hereby authorized, with the Concurrence of the Provost and Senior Magistrate of the Burgh of *Kirkwall*, to order a Portion not exceeding One Half of the Conversions for Commutation Money to be paid by the Inhabitants of the said Burgh and Parish of *Kirkwall* to be applied in repairing and amending the public Roads and Bridges within the West Mainland District, for a Period to be limited by such Meeting; and providing always, that none of the Parishes in the East Mainland of *Orkney* shall be transferred or joined to any District in the West Mainland, and that none of the Parishes in the West Mainland shall be joined or transferred to any District in the East Mainland, without Consent of Two Thirds of the Trustees who are Heritors in the Parish so to be transferred or joined.

Mode of
recovering
Composi-
tions.

XIX. And be it further enacted, That the whole of the Commutations and Conversions to be levied in virtue of this Act shall be payable annually on the First Day of *June*, and in the Event of any Person or Persons liable neglecting or refusing to make Payment of their Commutation within Seven Days after Requisition made to them personally, or at their Dwelling Place, or by Advertisement at the Parish Churches on a *Sunday*, they shall be liable in Double the Amount of their Commutations, with Expences; and the whole of these Conversions and Commutations may and shall be levied by summary Warrant under the Hand of the Sheriff of *Orkney* and *Shetland*, or his Substitute for *Orkney*, or any One or more of His Majesty's Justices of the Peace for the said Stewartry of *Orkney*, which Warrant the said Sheriff and Justices respectively are hereby authorized and required to grant, upon a Certificate on Oath of the Collector or Collectors annexed to a List of the Defaulters that they have failed to make Payment of their Composition after due Notice in Terms of this Act, and which Warrant shall contain Authority for arresting and poiding the Effects of such Defaulters; and the Constable or other Officer to whom the Warrant shall be directed shall summarily seize, poid, and distrain the readiest Goods and Effects belonging to the Person or Persons so neglecting or refusing to pay their Commutations or Conversions, and shall at the End of Eight Days thereafter sell the same himself by Auction upon the Spot or at the next Town or Village, and therewith satisfy and pay the

Compositions so neglected or refused to be paid, together with the legal Interest thereof from and after the Time when the same became payable, and also the whole Charges incurred in seizing, pouding, keeping, appraising, and selling such Goods and Effects, as the same shall be ascertained and certified upon Oath by the Seller, rendering the Overplus, if any, to the Owner; and no Suspension, Appeal, or other Proceeding at Law shall stop the Payment of the said Commutations for the Year for which they have been appropriated, saving to the Parties their Redress either from the Persons by whom they have been aggrieved, or out of their Compositions for the next Year, in case they shall be found entitled to such Redress, upon Appeal to be heard and determined by the Sheriff or any Two of His Majesty's Justices of the Peace for the said Stewartry, in the ordinary Courts held by them at *Kirkwall*; and which Appeal must be intimated to the Clerk of the Trustees Six Days at least before the Day on which the same is to be heard and discussed.

XX. And be it further enacted, That all Work to be done and executed under the Powers by this Act granted, in making, repairing, and improving Roads, Bridges, Jetties, and Landing Places, shall be done and executed by Contract to be entered into between the Trustees in each Parish or District in which they are Heritors, or the Local Committee for each Parish, and such Person or Persons, properly qualified, as may undertake and find proper Security to do such Work on the best and most reasonable Terms, after due Advertisement for at least Fourteen Days for Offers to execute such Work by Contract: Provided always, that all instant Damage sustained by Bridges, Jetties, or Landing Places, and Holes or other Damage occurring in Roads, and requiring to be immediately amended, shall and may be repaired by Day Labourers employed by the said Trustees or Local Committees, provided that the Expence shall not exceed Five Pounds, and provided also that it shall be lawful for any General Meeting of Trustees to dispense with this Regulation where the Trustees in any Parish or District in which they are Heritors, or the Local Committee for such Parish or District, shall satisfy such General Meeting that Contractors cannot be procured to execute any Piece of Work upon fair and reasonable Terms, or that it is not expedient or beneficial to execute the same by Contract.

Work to be done by Contract.

XXI. And be it further enacted, That if at any Time after the passing of this Act it shall appear to a General Meeting of the said Trustees that the Trustees or Local Committee for any Parish in which this Act has once been carried into operation have for a whole Year neglected to perform the Duties hereby enjoined, then and in such Case the said Trustees, at their General Meetings or Adjournments thereof, may appoint such Person or Persons as they shall think capable to have the general Oversight or Direction of making the necessary Repair upon the Roads within such Parish or District; with Power to such Overseers to grant to the Contractors or Workmen whom they may employ an Order on the Collector for Payment of their Work, and in which Order the said Overseers shall describe the Road or Roads for which it is issued, and the Person or Persons employed in making or repairing such Roads entitled to receive the Money

Trustees may appoint Overseers for Parishes.

Money for Work actually done : Provided always, that after the Lapse of One Year from and after such Appointment it shall be lawful to the Trustees to recall such Appointment thereafter, on a satisfactory Assurance of the Willingness of the Trustees or Local Committee for the Parish in future duly to perform their Duties aforesaid.

Clergymen
and Paro-
chial School-
masters ex-
empted
from Com-
mutation,
as also
indigent
Persons.

XXII. And be it further enacted, That no Clergyman, Minister, Parochial Schoolmaster or other Schoolmaster shall be subjected to perform any Service or to pay any Commutation for the same ; and it shall and may be lawful for the Trustees at their General Meetings to authorize any Two or more of their Number to grant Exemptions in the Parishes where they reside from Payment of any Composition to all such Persons therein as shall appear to them to be in indigent Circumstances, and unable to pay their Compositions.

Record of
Proceedings
to be kept.

XXIII. And be it further enacted, That the Collectors employed in collecting and gathering in the Commutations and Compositions shall yearly, on or before the First Day of *April*, deliver to the Clerk to the Trustees a particular Account of the whole Monies collected by them by virtue of this Act during the preceding Year, and of the Arrears outstanding, if any ; and the Clerk to the Trustees shall in every Year, Fourteen Days before the General Meeting on the Thirtieth of *April*, or first lawful Day thereafter, make up from the Book or Books to be kept by him a Statement of his Accounts and Intromissions, with the Commutations and Monies levied under Authority of this Act, and showing the Way and Manner in which the same may have been expended and applied, in order to be laid before the Trustees at their General Meeting on the Day appointed for the Commissioners of Supply to assemble for assessing the Land Tax ; and which Account shall be audited and settled by the Trustees, and shall thereafter be open for the Inspection of all Persons liable in Payment of the Compositions by the Act granted, without Fee or Reward, for the Space of Thirty Days after said Meeting ; and in case the Collectors or Clerk shall fail to render and prepare the said Accounts at the Times and in the Manner before mentioned, they shall be liable respectively in a Penalty not exceeding Five Pounds Sterling.

Trustees
may borrow
Money.

XXIV. And for the more speedy Reparation of the High Roads and Bridges within any particular Parish, Island, or District of the said Stewartry of *Orkney* that it may be deemed necessary to amend and repair sooner than can be accomplished by means of the Conversions and Commutations to be levied yearly as aforesaid, be it further enacted, That it shall be lawful to and for the Trustees for each Parish or District in which they are Heritors, or the Local Committee for such Parish or District, to borrow upon the Credit of the Assessments and Conversions granted and by this Act appointed to be raised and paid within any Parish or District any Sum or Sums of Money which they shall deem necessary for making and repairing the Roads, Bridges, Streets, Jetties, or Landing Places within such Parish or District, but not exceeding Five Years gross Income of the Funds of such Parish or District, and to assign the Assessments and Conversion Money, or such Part thereof as shall be judged expedient,

cient, for such a Term of Years as shall be necessary to repay the Sum or Sums to be borrowed, with the Interest thereof; which Sum or Sums so borrowed shall be laid out within the particular Parish or District upon the Conversion Money of which the Assignment is granted, and upon the Roads and Bridges of no other Parish or District whatever, unless with the Consent of a Majority of the Heritors of such Parish or District; and provided always, that the said Parish or District Trustees, or Local Committees, before contracting for any Loan, shall give Notice of their Intention so to do by Advertisements or Hand Bills posted at the Church Doors of the Parish or District for the Use of which the Loan is to be taken, and in the Towns of *Kirkwall* and *Stromness*, Fourteen Days at least before one of the Two General stated Meetings to be held by the Trustees under this Act as aforesaid, and shall lay before such Meeting a Proposal stating the Purposes for which they desire to borrow Money, and the Amount to be borrowed, and obtain the Sanction and Approbation of such General Meeting to the Measure; and the said Clerk is hereby directed to enter Copies of all such Assignments and Securities of the said Funds, or any Part of them, in a Book or Books to be kept for that Purpose, which shall be open to the Inspection of all the Heritors of *Orkney*, or Creditors on the Funds to be raised under this Act, and which Assignments or Securities shall be transferable from Hand to Hand by a simple Indorsation on the Back thereof, or by a Transfer on a Paper apart, and which Assignments shall be granted under the Hands of any Two or more of the said Trustees, and the same, with the Transfer thereof, shall be in the Form or to the Effect specified in the Schedule hereunto annexed.

XXV. And be it further enacted, That notwithstanding the Assignment of the said Assessments and Conversions it shall and may be lawful for the said Trustees from Time to Time to lessen and reduce the Rates and Conversions hereby granted for personal Services payable by the several Descriptions of Persons before mentioned, and again to advance or increase the same so as not to exceed the Rates herein-before specified; provided that no such Deduction shall take place without the Consent in Writing of Three Fourths of the Creditors in Value to whom the said Commutations and Conversions may have been assigned in Security of any Money advanced by such Creditors on the Credit thereof.

Power to reduce Rates of Commutation, &c.

XXVI. And whereas there are in various Parts of *Orkney* many superfluous Bye Roads, be it further enacted, That it shall and may be lawful for the said Trustees to suppress or alter the Course of any Bye Road that may appear useless or of little Importance to the Public, or to the Persons chiefly using the same, and to order or cause the same to be shut up: Provided always, that Notice of the Resolution to shut up or alter the Course of any such Road be given by Advertisement at the Churches of the Parishes within which the said Roads are situated, for Two consecutive *Sundays*, One Month at least before the said Road shall actually be shut up; and that any Person or Persons who shall think himself, herself, or themselves aggrieved by such Resolution or Order may apply to the Sheriff of *Orkney* and

Trustees may shut up useless Roads.

Shetland, or his Substitute for *Orkney*, who, if he see cause, is hereby empowered to suspend the Execution thereof until the next General Meeting of the Trustees, who shall hear and determine therein, subject to Appeal to the Quarter Sessions, as herein-after mentioned: Provided also, that in altering the Course of any Bye Road the Consent of every Heritor through whose Grounds the new Line may pass shall be previously obtained.

Trustees to
straighten
Roads, &c.

XXVII. And be it further enacted, That it shall be lawful for the Trustees in each Parish in which they are Heritors, or the Local Committee for each Parish, and they are hereby authorized and empowered, to alter, straighten, or divert the Course of any Part of the High Roads within such Parish which may be found crooked or inconvenient, in such Manner as they shall think proper, for the Purpose of rendering them more commodious and useful for the Public: Provided always, that the previous Consent in Writing of the Owner or Owners of the Lands or other Property through which each such Alteration or Diversion is intended to pass, or of the respective Agents or Factors of such Owner or Owners, shall be first had and obtained by the said Trustees, except where such Alteration shall pass through undivided Common or Waste Lands, in which Case no such Consent shall be necessary.

Power to
widen Roads,
&c.

11 G.3. c.53.

XXVIII. And be it further enacted, That the said Trustees in their General Meetings may and they are hereby empowered to widen such public and Parish Roads as are not of sufficient Breadth, and where necessary to extend the same, so that they shall be in all Places Twenty Feet in Breadth of clear passable Road, without paying any thing for the Ground required to make any such Roads of such legal Breadth, reserving his Claim of Damages to the Proprietor for any Fences which may be altered or removed by widening such Roads as aforesaid, and also to widen all such Roads to a Breadth not exceeding Ten Yards, provided that in such Cases they follow in every Particular the Directions prescribed by an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for widening of Roads in Scotland*, except in so far as varied or altered by this Act; and the Trustees by this Act appointed shall have, enjoy, and exercise the same Powers in all respects as are conferred upon the Justices of the Peace and Commissioners of Supply for Shires and Stewartries in *Scotland* by the said recited Act of the Eleventh of His Majesty *George* the Third, and they are hereby authorized and empowered to carry the whole Provisions of that Act into effect where necessary in *Orkney*, in so far as the same are not inconsistent with this Act; and the said Trustees shall have Power to make and construct such Jetties and convenient Landing Places as they shall think proper for the Accommodation of the Public, wherever the said Roads lead to any Ferry, for the Purpose of facilitating and improving the Communication thereby.

Notice of
new Inclo-
sures to be
given to the
Trustees.

XXIX. And be it further enacted, That where Lands adjacent to any of the said Roads, or any Part or Parts thereof, are not inclosed, the Proprietor or Occupier of such Lands shall not make any Inclosure within Fifteen Feet of the Centre of the Roads without giving at least

least Two Months previous Notice to the said Trustees, which Notice may be given by a Letter to the Clerk of the Trustees, or the Convener of the Local Committee, who may have the Charge of that Part of the Road adjacent to which such Inclosure is proposed to be made; and the Trustees are hereby required to insert a Copy of each such Letter in their Minutes; and in case such Proprietor or Occupier shall fail to give such Notice as aforesaid, he or she shall not be entitled to any Compensation for the Expence of any such Inclosure, in case the said Trustees shall at any future Period think it necessary to demolish the same for the Purpose of widening the said Roads and making Footpaths thereon.

XXX. And be it further enacted, That the said Trustees, or any Road Overseer or other Person employed by the said Trustees, shall and they are hereby empowered to dig, gather, take, and carry away Gravel, Stones, Clay, or other Materials for making and repairing Roads or carrying into effect the other Purposes of this Act out of any Common or Waste Land adjoining thereto, and to open convenient Access for carrying off such Materials without Payment of any Damages; but if the said Materials are taken out of Ground of any Description other than Common or Waste Ground, which the said Trustees are hereby authorized to do in case of need, a reasonable Compensation shall in such Case be made to the Owners or Occupiers, to be settled and ascertained, in case of Disagreement between them and the Trustees, in the Way and Manner prescribed by the said Act of the Eleventh of King *George* the Third.

Power to dig
for Materials
for repairing
Roads.

XXXI. And be it further enacted, That no Person shall leave any Cart or other Carriage for a longer Time than may be absolutely necessary, or (with the Exception of the Materials for repairing the said Roads, and that under the Authority and with the express Approbation of One or more Trustees,) shall lay or cause to be laid any Timber, Stone, Lime, Dung, Compost, Soil, or Matter whatsoever, on or within Ten Yards of the said Roads, unless within a sufficient Fence, except Materials for building Houses and inclosing Grounds, no Part however of which shall be laid on the Road, or into the Ditches or Drains along the Sides thereof; and any Person or Persons offending therein, and being convicted thereof before the Sheriff or Sheriff Substitute of *Orkney*, or any Two or more Justice or Justices of the Peace, upon his or her own Confession, or upon Oath of One or more Witness or Witnesses, shall forfeit a Sum not exceeding Forty Shillings for each Offence, to be recovered and levied in the same Manner as the converted Price of Labour is hereby directed to be recovered and levied, one Half to be paid to the Informer, and the other Half to be applied in making and repairing the Roads within the Parish; and if any such Materials or other Matter or Thing shall be allowed to lie and remain on any of the said Roads for the Space of One Day it shall moreover be lawful for the said Trustees, or any Two of them, or their Collector or Overseer, to carry off and sell the same by Public Auction, and to apply the Proceeds thereof, after deducting Expences, to the Repair of the Roads within the Parish; and no Person, under a similar Forfeiture or Penalty of Forty Shillings, to be recovered and applied as aforesaid, shall

For prevent-
ing Obstruc-
tions and
removing
Nuisances
on the Roads.

make,

make, erect, or construct any Sawpit, Pond, Quarry, or Gravel Pit, or other Pit whatsoever, within Ten Yards of the said Roads, nor any Limekiln, Brick-kiln, Cinder-kiln, Furnace, or other Nuisance, within Fifteen Yards of the said Roads, besides being obliged immediately to remove the same, unless the same shall be fenced off in such Manner as to prevent any Danger or Detriment to Persons travelling on the said Roads.

No Timber or Stone to be drawn on the Road, except on a Wheel Carriage.

No Person to turn a Plough on the Roads, or pasture Cattle on Road Sides.

XXXII. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the Roads, any Tree, Log, Piece of Timber, or any Stone, or other Thing whatsoever, otherwise than upon a Wheel Carriage; or shall suffer any Tree, Log, Piece of Timber, Stone, or other Thing which shall be conveyed on a Wheel Carriage to drag upon any Part of the said Roads; or shall turn a Plough upon any Part of the said Roads, or fasten or pasture Horses or Cattle of any Kind on the Sides thereof; or shall carry or cause to be carried any Log of Timber exceeding Twenty-four Feet in Length on any Carriage having less than Four Wheels, or on a double Carriage, or shall wilfully cause any Obstruction in or upon any Road, or injure or damage any Bridge, Wall, or other Erection made or maintained under the Authority of this Act; every such Person who shall be convicted in manner last before provided of any of the said Offences shall, for every such Offence, forfeit a Sum not exceeding Forty Shillings, to be recovered and applied in manner before directed; and no Person shall make any new Cut or Opening across any Part of the said Road, for the Purpose of directing any Watercourse or otherwise, without the Authority of Two or more Trustees previously obtained in Writing; and every Person who shall be convicted in manner before mentioned of any such Offence shall forfeit a Sum not exceeding Forty Shillings for each Offence, to be recovered and applied in manner before directed, besides being obliged to restore the Road so injured to its former State.

For ascertaining Damages.

XXXIII. And be it further enacted, That the Extent of the Compensation to be made to any Person or Persons, in consequence of the Exercise of the Powers granted by this Act, except where otherwise specially directed by this Act, shall be ascertained and determined by a Sentence of Three Justices of the Peace; and that in case any such Person or Persons shall think themselves aggrieved by such Sentence they may apply for Redress in manner herein-after mentioned.

Persons aggrieved may appeal to the Quarter Sessions.

XXXIV. And be it further enacted, That any Person who shall think himself or herself aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may within Six Months after the Matter to be complained of shall be done, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and to the Clerk of the Justices of the Peace, which Justices shall have Authority to hear and determine the Matters in Dispute, and their Judgments thereon shall

shall be final, without being subject to Review or Question, by Advocation, Suspension, or otherwise.

XXXV. And be it further enacted, That if any Occupier of Land through which any Drains and Ditches are or shall be made by Order of the said Trustees or if any other Person shall wilfully obstruct or fill up any such Drain or Ditch, the Person or Persons so offending shall forfeit and pay Treble the Expence of repairing and scouring the same, to be recovered in manner herein-after mentioned; and where any Passage for Persons, Cattle, or Carriages shall be made across the Drains along the Sides of any Road, for the Convenience of the Occupiers of the adjacent Ground or others, the Persons making or causing such Passages to be made shall and they are hereby required, at their own Expence, to cover the Drains with sufficient Stones, in such a Manner as that the Course of the Water in the Drains may not be interrupted, and the Roads thereby injured; and in case they shall fail or neglect so to do they shall be liable in a Penalty not exceeding Forty Shillings, *toties quoties*, besides defraying the Expence of repairing the Damage done to the Road.

Passages across Drains to be covered by Persons making them.

XXXVI. And be it further enacted, That the Assessment of Ten Shillings *Scots* on each One hundred Pounds *Scots* of valued Rent, heretofore levied from the Heritors of *Orkney*, in Terms of an Act made in the Second Parliament of King *Charles* the Second, intituled *An Act for repairing Highways and Bridges*, shall be paid over by the Collector thereof to the Trustees under this Act, to be by them applied in making and repairing Roads and Bridges in *Orkney*, subject always to Payment of any Debts which may have been incurred on the Credit of the said Assessment at the passing of this Act.

Assessments under the Act of 2 C. 2. transferred to Trustees.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Clerk appointed by them, to prosecute for and recover the several Fines, Penalties, and Damages by this Act imposed, the Manner of levying and Recovery of which is not otherwise directed, by summary Action or Complaint, within Six Months after the Offence is committed, before the Sheriff of *Orkney* and *Shetland*, or his Substitute for *Orkney* for the Time being, who shall proceed to the Trial of such Offences in a summary Way, and upon Conviction of the Offenders, either by their own Confession, or by Oath of any Two or more credible Witnesses, shall pronounce and give Orders, Judgments, and Decrees therein, as to him shall seem most agreeable to the true Intent and Meaning of this Act, and to award full Costs of Suit to either Party; and in default of Payment of the several Fines, Penalties, Damages, and Costs awarded and decerned for, the same may and shall be recovered by Poinding, Distress, and Sale of the Goods and Effects of the Parties convicted and decerned against, or their Persons shall and may be committed to the Gaol of *Kirkwall*, there to be detained for such Time as the said Sheriff or his Substitute shall direct, not exceeding Three Calendar Months; and the said Sheriff and his Substitute are hereby authorized and required to issue their Warrant of Poinding, Distress, and Sale, or Imprisonment accordingly; and the whole Fines, Penalties, and Damages aforesaid, after deducting the necessary Charges of

Recovery and Application of Penalties.

recovering them, in so far as the same may not be recovered from the Defaulters, shall be applied towards the making and repairing of Roads, and to no other Purpose whatever; and it is hereby provided that the Decisions, Warrants, or Orders pronounced by the Sheriff or Sheriff Substitute shall not be subject to Review or Question in any Court whatsoever, by Suspension, Advocation, or Reduction, or other Stay or Process of Law whatever, excepting only that any Party considering himself aggrieved by any Judgment of the Sheriff Substitute may appeal to the Sheriff Depute, whose Determination of such Appeal shall be final, and not subject to Review as aforesaid; and it is hereby provided that it shall be no Ground of Declinature or Objection that the Sheriff Depute or Sheriff Substitute are named as Trustees under this Act.

Determin-
ation of
Trustees to
be final.

XXXVIII. And be it further enacted, That the Determination of the Trustees at their General Meetings upon all Matters and Things by this Act committed to their Cognizance shall be final and conclusive.

Limitation
of Actions.

XXXIX. And be it further enacted, That all Actions and Complaints for or on account of any alleged Wrong, Injury, or Grievance by the said Trustees, or their Officers or Servants, in any Matter relative to this Act, or in consequence of any of the Powers by this Act given and granted, shall be commenced within Six Months after the Wrong done or Cause of Complaint shall have arisen, and not afterwards.

Committees
may be ap-
pointed.

XL. And be it further enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to appoint a Committee or Local Committees of their Number, consisting of not less than Two, with Power to execute any of the Purposes of this Act which it may be deemed expedient to commit to their Charge; and they are hereby authorized to associate with the Local Committee for any Parish or Place any Person or Persons residing within the same, whose Assistance may be useful and necessary in executing any Matter or Thing committed to such Local Committee, although such Persons may not be qualified to act as Trustees under this Act, but such Persons shall have no Vote or deliberative Voice in the Local Committee with which they may be so associated.

For Payment
of the Debts
contracted
under the
General
Statutes and
the Expences
of this Act.

XLI. And be it further enacted, That the Debts due and incurred at the passing of this Act in paying the Wages of Road Overseers and other necessary Expences relative to the making and repairing of the public Roads in *Orkney*, provided that the total Amount thereof shall not exceed Two hundred Pounds Sterling, together with the whole Expence connected with the preparing, procuring, and passing of this Act, shall be added together and paid in the following Proportions; *viz.* Two Third Parts by the Proprietors of Land in the Mainland of *Orkney*, and the remaining One Third Part by the Proprietors of Land in the North and South Isles of *Orkney*, and that by an Assessment on the Lands of the Proprietors in the said Mainland and Islands respectively, agreeably to the valued Rents at which their said Lands, exclusive of the Feu Duties thereof, stand rated in the Valuation Books of *Orkney*: Provided always, that the said One

Third Part so to be paid by the Proprietors of Lands in the said North and South Isles shall be divided among the said Two Clusters of Islands in such Proportions as the Trustees, being Heritors therein, shall agree among themselves to be just and equitable; and the Trustees, being Heritors in the said respective Districts of the North Isles and South Isles of *Orkney*, shall accordingly and they are hereby authorized and required to settle and ascertain among themselves as they shall think fit, according to the best of their Skill and Judgment, in what Proportions the said One Third Share of the said Debt and Expences shall be paid and contributed by the Heritors of the several Islands composing the said Districts of North and South Isles of *Orkney* respectively, according to the Benefit which it may be considered they have derived or may derive from the Operations and Proceedings whereby the said Debts and Expences have been occasioned; and that in the Event of the said Heritors refusing or neglecting so to settle and ascertain their individual Shares of the said Debt and Expences within Two Months after the passing of this Act the Sheriff Substitute of the said Stewartry shall be and he is hereby authorized and required to settle and determine the Proportions payable by each Heritor; and the Decision of the said Sheriff Substitute shall be final, and not subject to Review in any Court whatever; and that the said Assessment shall be levied and collected by such Person or Persons as the general Trustees under this Act shall appoint; and in default of Payment thereof the same shall be recovered in the Way and Manner in which Fines and Penalties are by this Act directed to be recovered.

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

SCHEDULES.

No. I.

FORM of Assignment.

BY virtue of an Act passed in the _____ Year of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], We, whose Names are hereunto subscribed, the Trustees under the said Act, in consideration of the Sum of _____ advanced and lent to us for the Purposes of the said Act, by _____ do hereby sell, assign, and make over to the said _____ his [*or her*] Executors and Assignees, the Commutations and Conversions in lieu of Statute Labour, payable to the Trustees under and by virtue of the said Act, within the said Stewartry of *Orkney*, [*or within the District or Parish of _____ in the said Stewartry*], and all Right, Title, and Interest

4° & 5° GULIELMI IV. *Cap. xci.*

Interest which the said Trustees have in and to the same, to be held by the said _____ or his [*or her*] foresaids, in Security of and for Payment of the said Sum of _____ until the same, with the legal Interest thereof from the Date hereof, shall be fully satisfied and paid. In witness whereof these Presents, written by _____ are subscribed by us, at the _____ Day of _____ before these Witnesses,

No. II.

FORM of Transfer on the Back of the Assignment.

I _____ within designed, do hereby transfer and make over the within Assignment made to me by the Trustees within described, to and in favour of _____ his Executors and Assignees, with the Principal Sum therein contained, and all Interest now due or to become due thereon, and all Right and Property therein, and in the Commutations and Conversions thereby assigned, competent to me in virtue of the said Assignment. In witness whereof I have subscribed these Presents written on the Back of the said Assignment by _____ at the _____ Day of _____ before these Witnesses,

No. III.

FORM of Transfer on a Paper apart.

I _____ do hereby transfer and make over from me and my Executors and Successors, to and in favour of _____ his Executors and Assignees, all and whole the Sum of _____ contained in an Assignment granted to me by the Trustees under an Act passed in the _____ Year of His Majesty King *William* the Fourth, intituled 'An Act' [*here insert Title of this Act*], bearing Date the _____ Day of _____ and all Interest due or to become due thereon, together with the said Assignment itself, and all Claim of Right and Property whatsoever, competent to me in virtue thereof. In witness whereof I have subscribed these Presents, written by _____ at the _____ Day of _____ before these Witnesses,