



Thirlage Act 1799

1799 CHAPTER 55 39 Geo 3

11 **Thirlage of the invecta et illata may be purchased.**

And whereas there is a kind of thirlage known in the law and practice of Scotland, called a thirlage of the invecta et illata, to which sundry towns, burghs, burghs of barony, villages or other places in that part of the kingdom and the inhabitants thereof are subject, which thirlage it is expedient to allow to be purchased by the persons subject to the same: Be it therefore enacted, that if any inhabitant or inhabitants of such town, burgh, village or place, shall be desirous to purchase an exemption from the said servitude of thirlage, and all and every the services and prestations incident thereto, to which the whole town, burgh, village or place is liable, from the proprietor of such mill or mills entitled to the same, it shall be lawful and competent to them to apply in manner above mentioned to the sheriff or steward depute of the county in which such town, burgh, village or place is situate, who shall take such proceedings and summon a jury in such manner as is herein-before particularly directed, which jury shall by their verdict fix and determine the full value in money of such right of thirlage in perpetuity; on which verdict and determination the said sheriff or steward depute or substitute shall pronounce decree against the person or persons so petitioning or applying to him as aforesaid for the sum so fixed and determined by such jury; on payment of which to the proprietor of the mill, such town, burgh, village or place, or such inhabitant or inhabitants thereof, formerly subject to such thirlage, shall thenceforth be for ever freed and relieved from the same.

Changes to legislation:

Thirlage Act 1799, Section 11 is up to date with all changes known to be in force on or before 01 February 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Thirlage Act 1799

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2 commences \(2000 asp 5\)](#)