

by sustain damage to the extent of L. 79: 19s. Sterling; therefore, and in terms of the act 1st Geo. I. libelled on, find the defenders, the householders residing within the county of Perth, liable, conjunctly and severally, in the said sum to the pursuer; decern againt them, or any two of them, for payment accordingly: But find the defenders not liable for the other damages claimed by the pursuer, upon account of furniture destroyed, and otherways; and sist execution against the persons hereby found liable, till the 24th day of July next, in order that the Justices of the Peace of the county of Perth may, betwixt and that time, tax and assess rateably and proportionally, according to their abilities, the whole householders residing within the said county, for and towards payment of the above sum hereby awarded in name of damages."

No 20.

And, by a subsequent interlocutor, the Court decerned for the expenses of process, which the pursuer applied for as a part of his damages, and it was not opposed.

Reporter, Coalston. Act. Nairn, Crosbie. Alt. Sol. Gen. Dundas. Clerk, Gibson.
Fol. Dic. v. 4. p. 198. Fac. Col. No 156. p. 32.

1776. March 9. FERGUSON and Others *against* FALL.

No 21.

ON the petition of Robert Fall, the Magistrates of Dunbar, by act of council, allowed the petitioner to shut up a narrow street or lane about 20 feet in width, called the Backrow, on his becoming bound to open a new and more commodious street in another direction. Certain of the inhabitants complained, by bill of suspension, of this procedure, as *ultra vires* of the Magistrates. THE LORDS found the Magistrates had sufficient powers, and found the suspenders liable in expenses. See APPENDIX.

Fol. Dic. v. 4. p. 202.

1776. August 8. EARL of EGLINTON and GOVAN *against* CRAIG.

No 22.

By the turnpike-act for repairing the roads leading to Glasgow, the trustees were authorised to build up, or repair by money, the damage done to the fences of proprietors, where they should be broken down by altering the course of the road. The fences of Mr Allison being demolished, the trustees empowered the overseer of the road to re-build them; who, for that purpose, proceeded to quarry stones from the ground of an adjacent farm of Lord Eglington's. Of this procedure the tacksman and landlord both complained, by bill of suspension of a sentence of the Sheriff, who found, that the overseer and trustees had sufficient power, by implication from the terms of the statute. Urged for the complainers, That all laws which authorise encroachments on