ANNO SEXTO

# GEORGII IV. REGIS.

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## C A P. XV.

**An Act to explain and amend Two Acts passed in the Forty-third and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, for making and maintaining an Inland Navigation, commonly called *The Caledonian Canal*, by establishing further Checks upon the Expenditure of Public Money for that Purpose, in certain Cases.**

[31st *March* 1825.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting to His Majesty the Sum of* 43G.3.c.102.
*Twenty thousand Pounds, towards the Expence of making an Inland Navigation from the Eastern to the Western Sea, by* Inverness *and* Fort William, *and for taking the necessary Steps towards executing the same;* and another Act was passed in the Forty-fourth Year of the Reign of His said late Majesty, intituled *An Act for making further* 44 G.3. c.42.
*Provision for making and maintaining an Inland Navigation, commonly called* The Caledonian Canal, *from the Eastern to the Western Sea, by* Inverness *and* Fort William *in* Scotland: And whereas the said Canal became navigable from Sea to Sea in the Month of *October* One thousand eight hundred and twenty-two, and has been in use from that Time, greatly to the public Advantage, and to the Benefit of the Proprietors and Occupiers of Land in and near the

Great Valley of *Scotland*, between *Inverness* and *Fort William*: And whereas large Sums have been paid to various Persons, by the Commissioners acting in the Execution of the said recited Acts, in Compensation for Lands and Tenements necessarily taken for the Purposes of the said Canal, and for Damages occasioned to Lands and Tenements by the making of the said Canal, whereby all or nearly all such Claims against the said Commissioners have been satisfied; but whereas further Claims for Compensation in respect of consequential Damage have been made and may be made, whereby it becomes necessary that a Time should be limited, within which it may be expedient that all such Claims should be brought forward, and that Means should be provided for the Ascertainment thereof, different from those which have been provided by the said recited Acts: Be it therefore 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 the Authority of the same, That no Claim whatever, for or in respect of any Injury or Damage whatever, shall be available in any Manner against the said Commissioners, until Notice thereof shall be given in the Manner directed by this Act, that is to say, such Notice shall be in Writing, and shall be given to them, or to their Secretary at *Westminster*, on or before the First Day of *February* One thousand eight hundred and twenty-six, and shall contain a particular Specification of every alledged Injury or Damage in respect of which Compensation shall be claimed, together with the Sum of Money claimed in respect of such Injury or Damage, which Notice shall be signed by the Person or Persons claiming such Compensation, whether on their own behalf, or on behalf of Infants, or other incapacitated Persons, or by the authorized Agent of such Persons, and shall have special Reference to this Act; and in case the same Person shall see cause to claim Compensation for Injuries or Damages of various Kinds, such Notice shall contain a distinct Specification of every such alledged Injury or Damage, and also the Sums respectively claimed in Compensation thereof: Provided always, that if any Injury or Damage shall, at any Time after the First Day of *November* One thousand eight hundred and twenty-five, arise by reason of any sudden or unforeseen Accident, it shall be lawful for any Person or Persons suffering Injury thereby to claim Compensation for the same, provided Notice shall be given, containing a Specification in the Manner directed by this Act, within Three Calendar Months after the Accident by which such Injury shall have been sustained.

All Claims to be made on or before Feb. 1, 1826.

Provision in case of subsequent Damage.

A List of such Claims to be laid before Parliament.

II. And be it further enacted, That so soon as conveniently may be after the said First Day of *February* One thousand eight hundred and twenty-six, the said Commissioners shall and they are hereby required to lay before both Houses of Parliament a List and Copy of all such Notices as they shall have received, together with the Amount of the Sums respectively claimed in Compensation of the Injury or Damages therein specified.

If Parties cannot agree, and recourse shall be had

III. And be it further enacted, That in case the said Commissioners, and any Person or Persons making any Claim or Claims for Damages, shall not be able to agree upon the Sum or Sums to be paid in respect thereof,

thereof, or upon such other Means as shall be accepted as a just Compensation for any alledged Injury or Damage claimed in the Manner directed by this Act, and it shall thereupon become necessary to have recourse to a Jury, in the Manner directed by the Second of the said recited Acts, be it enacted, That in every such Case the Notice delivered pursuant to this Act shall be deemed and taken to be the Specification of every Injury and Damage in respect of which it shall be competent to make a Claim before such Jury, and also of the Amount of the Sum or Sums claimed in respect thereof.

to a Jury, the Account laid before Parliament shall be the Rule of Claim.

IV. Provided always, and be it enacted, That it shall not be lawful for any Person or Persons to be summoned or appointed, or to become a Juror upon any such Claim, who shall be interested directly or indirectly in the Subject Matter of any Damages claimed under this Act, or any Provision thereof; and in every Case where a Jury shall be summoned, Three peremptory Challenges, without any Cause of Objection being stated, shall be allowed to either Party; and upon any such peremptory Challenge being made, or upon any Objection or Cause stated, if the Sheriff shall be satisfied thereof, he shall not suffer any Person so challenged or objected to to be or become a Juror on any such Claim whatever, but shall summon and appoint, instead of him, another Person to serve upon such Jury.

No Person interested to be a Juror.

V. And be it further enacted, That before having recourse to a Jury, an Offer in Writing shall be made by the said Commissioners, specifying the Sum or Sums which they are willing to pay in Compensation of each and every Injury or Damage alledged and specified in the Notice given in the Manner directed by this Act; and in every Case where there shall be separate Heads of Claim, the Jury shall award a separate Sum for and in respect of every such Head of Claim; and if the Jury shall award no Sum in respect of any such Head of Claim, or if the Sum or Sums awarded by the Jury shall not in the Whole exceed the Total Sum which previously to the summoning of such Jury may have been offered on the Part of the said Commissioners in Compensation of the alledged Injury or Damage, then the Expences of summoning such Jury and taking such Verdict shall be wholly borne and defrayed by the Party claiming Compensation; but if the Jury shall award the Total Sum claimed by such Party, then the said Expences shall be wholly borne and defrayed by the said Commissioners; and in case the Jury shall award a Sum or Sums greater than the Total Sum offered by the said Commissioners previously to the summoning of such Jury, but less than the Total Sum claimed in the Notice given in the Manner directed by this Act, then the Expence of summoning the Jurors, and recompensing them for their Expences and Trouble, and also of recording the Verdict of the Jury, shall be borne and defrayed equally by the said Commissioners, and by the Party claiming Compensation for Injury or Damage; but all Expences of Law Agency, of Counsel, and of summoning, entertaining, and recompensing Witnesses for their Expences and Trouble, shall in such Case be paid by the Party under whose Directions the same shall have been incurred.

Offer of Compensation to be made by the Commissioners.

Verdict to be for each separate Head of Claim.

Provision as to Expence of Jury.

VI. Pro-

Expences may be taxed by Auditor of the Court of Session.

VI. Provided always, and be it enacted, That if the said Commissioners, or any Person or Persons by whom all the Expences attending the Verdict of a Jury as aforesaid shall have become payable under this Act, shall conceive themselves to be aggrieved by the Decision of the Sheriff relative to any such Expences, as being unnecessary in their Nature, or unreasonable in their Amount, it shall and may be lawful for the said Commissioners, or such Person or Persons, to apply by Petition to either Division of the Court of Session, praying that the Account of such Expence may be remitted to the Auditor of the Court, to be revised and taxed as Accounts of Expences are taxed in that Court; and such Division is hereby directed to remit the same to the said Auditor, who is hereby required to revise and tax the same, and to make a Report to the Court, who shall deal with such Report in the same Manner as the Report of such Auditor would be dealt with in any Cause or Proceeding before such Division.

Saving of depending Suits.

VII. Provided further, and be it enacted, That this Act shall not be deemed or taken to affect, but shall be without Prejudice to any Suit or Proceeding in any Court which shall be in dependance at the passing of this Act.

Recited Acts to remain in force, excepting in so far as altered by this Act.

VIII. And be it further enacted, That the said Two recited Acts shall be and remain in force, excepting in so far as they are altered by this Act, and shall be construed therewith for the Purpose of giving effect to the same.

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