John Turner Scott, burgh officer of Dumfries, and residing there, and John Malcolm, superintendent of police, Dumfries, and residing there, were defenders, the issue was as follows:—

"Whether, on or about the 21st day of November 1866, the defenders wrongfully and illegally searched the Hound and Hare Inn, in Dumfries, occupied and tenanted by the pursuer, or part thereof—to the loss, injury, and damage of the pursuer?"

Damages laid at £500.

FRASER and RHIND for pursuer.

YOUNG and GIFFORD for defenders.

The jury returned a verdict for the defenders.

Agent for Pursuer—James Barton, S.S.C.

Agent for Defenders—Wm. Kennedy, W.S.

Friday–Saturday, July 24, 25.

(Before Lord Ormidale.)

SMART *v.* GLASGOW AND SOUTH-WESTERN RAILWAY.

Jury Trial—Reparation—Personal Injury.

In this case, Archibald Smart, gardener, Fullarton House, Troon, was pursuer; and the Glasgow and South-Western Railway Company were defenders. The issue sent to the jury was in the following terms:—

"Whether, on or about the 22d of May 1867, at or near Dalry Junction, on the defenders' line of railway, one of the passenger trains on the said line came into collision with an excursion train, in which the pursuer was travelling, and then standing at or near the said junction, in consequence of which the pursuer was injured in his head and chest, and other parts of his body, through the fault of the defenders—to his loss, injury, and damage?"

Damages were laid at £2000.

MONCREIFF, D.-F., and BRAND for pursuer.

YOUNG, SHAND, and JOHNSTON, for defenders.

The jury returned a verdict for pursuer, assessing the damages at £500.

Agent for Pursuer—A. K. Mackie, S.S.C.

Agents for Defenders—Gibson-Craig, Dalziel, & Brodies, W.S.

Friday–Tuesday, July 24–28.

(Before the Lord President.)

KERR *v.* J. CLARK AND CO.

Jury Trial—Patent—New Invention.

The pursuer in this case was Peter Kerr, of the firm of Clark & Co., thread manufacturers, Seedhills, Paisley, and the defenders were J. Clark & Co., thread manufacturers, Gordon's Loan, Paisley, and John Clark, thread manufacturer there, the sole partner of the said firm of J. Clark & Co. The pursuer set forth that on the 2d October 1857 he obtained letters-patent under the Great Seal, and sealed the 5th January 1858, for the invention of "Improvements in Preparing and Finishing Threads or Yarns." By the said letters-patent there was granted to the pursuer, for fourteen years from the date of the same, the exclusive privilege of making, using, and vending the said invention within the United Kingdom. At the date of the patent the invention was new, and the pursuer was the first and true inventor thereof. The patent was still in force, and the pursuer continued to hold the rights which were thereby created and secured. The pursuer further set forth that, in contravention of the said letters-patent, the defenders, at their works in Paisley, during the period between 20th April 1867 and the date of raising the present action, had been wrongfully using the pursuer's invention, or a material part thereof, for the purpose of preparing, polishing, and finishing threads and yarns, and the pursuer had suffered loss and damage through the defenders' contravention of the patent. The defenders denied that the patent was valid. They alleged that the inventions described in the said letters-patent, so far as they differed from machines or mechanism in common use long before the date, and at the date, of the said letters-patent showed no ingenuity or invention, and were of no practical use. The alleged inventions described in the said letters-patent, specifications, and drawings, consisted of mere colourable and useless modifications or alterations upon mechanism perfectly well known and in public use at and prior to the date of the said letters-patent.

The following were the issues sent to the jury:—

"It being admitted that the pursuer obtained the letters-patent No. 9 of process, dated 2d October 1857, and sealed 5th January 1858, and duly filed, the specification of which No. 14 of process is a certified copy, and relative drawings of which No. 15 of process is a certified copy; and it being further admitted that, on 16th July 1864, the pursuer duly executed, and thereafter, on 18th August 1864, duly filed a disclaimer and memorandum of alteration upon the said specification, of which No. 16 of process is a certified copy:—

"Whether, from the 20th April 1867 to the 14th November 1867, or during part of said period, and during the currency of the said letters-patent, the defenders did, at their works at Paisley, wrongfully and in contravention of the said letters-patent use the invention described in the said letters-patent, specification, and relative drawings, as altered by the said disclaimer and memorandum of alteration, or a material part of the said invention, to the loss, injury, and damage of the pursuer?"

Or,

"1. Whether the pursuer is not the first and true inventor of the invention described in the said letters-patent and relative specification and drawings and disclaimer?

"2. Whether the invention described in the said letters-patent and relative specification and drawings and disclaimer was publicly used in the United Kingdom prior to the date of the said letters-patent?"

Damages laid at £500.

CLARK and BALFOUR for pursuer.

YOUNG and GIFFORD for defenders.

The jury, after an absence of an hour and a-half, returned the following verdict:—

"At Edinburgh, the 24th, 25th, 27th, and 28th days of July 1868. Before the Right Honourable the Lord President—Compeared the said pursuer and the said defenders by their respective counsel and agents; and a jury having been balloted and sworn to try the issue No. 19 of process, and the counter issues No. 17 of process, between the said parties, say upon their oath that, in respect of the matters proven before them, they find for the