said to belong to Buist, and apart from any relation that may thereby be establised between them, and viewing this complaint as one by private individuals against a private individual, nobody has ventured to say that this is a good charge either at common law or under the Police Act, or that a person could be criminally prosecuted for what the suspenders are alleged within their own premises to have said and done in the complaint. But the sole contention which had any appearance of being seriously relied upon was that there is a provision for the protection of these persons in the discharge of their duties as inspectors, and reference was made to the 113th and 114th sections of the Edinburgh Police Act. Now the 113th section defines the duty of an inspector of markets, and also, I suppose, of an assistant inspector. (His Lordship read the section.) That is a most wholesome regulation. Then, further, in section 114 we have a provision intended to aid the inspector in the performance of his duties, because it lays on the persons mentioned in the 113th section — stall-keepers, cowfeeders, &c. — a duty and an obligation that at all hours they shall allow the superintendent of Police and other officials free access to their premises, in order to a due discharge of these officers' duty, under a penalty for each offence of 40s. I have the greatest difficulty in seeing what Mr Buist has to do with these sections of the statute. He is not the keeper of a market, or a stall, or a cowfeeder, or of any of the classes enumerated in the 113th section. The section is totally inapplicable to the case of a cattle salesman who deals with live cattle. But, to give the complaint the most liberal construction, and to suppose the premises of Mr Buist are within range of the statute, it is important to observe that the complaint does not bear that the inspectors were there in the *discharge of their duty*. His Lordship went on to notice the respondent's argument to the effect that that was an unimportant omission, observing in answer that the inspector and his assistant had no right to be in the premises in question in the discharge of their official duty, and concluded as follows: — To defend these proceedings under the Police Act, as involving the official discharge of duty, is impossible; at common law they are too ludicrous to be analysed.

FORBES *v.* DUNCAN.

Counsel for the Complainer—Mr Scott.
Counsel for the Respondent—Mr A. Moncrieff.

This was a suspension of a judgment of the Justices of the County of Forfar, finding the complainer guilty of a violation of the Day Poaching Act. A number of objections were stated by Mr Scott to the proceedings before the Justices, and a sentence which had been first written out on the complaint, but before issue was afterwards amended, was relied upon as a ground for quashing the proceedings. In the course of the argument the admission was made that no objection could be taken to the amended sentence, which, by statutory appointment is the only record which the Court can regard. The bill of suspension was accordingly refused. The Lord Justice-Clerk observed, in reference to the objections to the sentence as first expressed, that the alleged nullities or defects could not be pleaded by the complainer until issue of the sentence.

COURT OF SESSION.

Tuesday, Nov. 21.

FIRST DIVISION.

HENRY *v.* ANDERSON.

Counsel for Suspender—Mr J. G. Smith and Mr R. V. Campbell. Agent—Mr A. Fleming, S.S.C.
Counsel for Respondent—Mr Fraser. Agent—Mr J. Galletly, S.S.C.

William Henry, plumber, West Campbell Street, Glasgow, presented a suspension of a charge, to pay £48, 3s. 11d. of expenses awarded against him in a litigation with John Anderson, gasfitter, Waterloo Street, Glasgow. He presented his note without offering caution, but was allowed to amend it to the effect of offering caution, and on 15th July his note was passed "on caution." On 3d August caution had not been found, and the respondent's agent intimated, in terms of section 9 of the Act of Sederunt of 24th December 1838, that he would apply for a certificate of failure to find caution on the following day. An application was thereupon made for prorogation, and, after hearing parties, the Lord Ordinary prorogated the time till 8th August, at twelve o'clock. Caution was not then found, and on 14th August Lord Ormidale refused the suspension, with expenses.

The suspender reclaimed and urged that he had not received the intimation provided for in the Act of Sederunt previous to the application for refusal of the suspension on the 14th August. He also stated that his bond of caution had reached Edinburgh on the 9th, but the respondent's agent refused to consent to its being received. The respondent replied that intimation had been given on 3d August, and that no farther intimation was necessary. He consented, however, that the suspender should be reponed on payment of full expenses.

The Court held that no ground for reponing the suspender had been made out, and that but for the consent tendered they would have refused the reclaiming note. The case was continued that the condition on which the consent was tendered might be fulfilled.

R. AND J. JARVIE *v.* ROBERTSON.

Counsel for Petitioners—Mr Gordon and Mr Scott. Agent—Mr John Walls, S.S.C.

Counsel for Trustee—Mr Gifford and Mr Balfour. Agents—Messrs Webster & Sprott, S.S.C.

This was an application by Messrs R. & J. Jarvie, ropespinners in Glasgow, for the recall of the sequestration of the estates of John Ronald & Co., merchants in Glasgow, which was awarded on 15th August 1865. Messrs Jarvie had, on 3d August preceding, as creditors of Ronald & Co., presented an application for sequestration, on which the Lord Ordinary had pronounced an interlocutor, appointing Ronald & Co. to appear and show cause why sequestration should not be awarded. Ronald & Co. thereupon, with consent of a concurring creditor, presented a separate application for sequestration, which being applied for in that way was awarded on 15th August *de plano*. Messrs Jarvie now urged that the sequestration should be recalled (1.) because it was applied for and granted when there was a pending process of sequestration; and (2.) because the application was an attempt to alter the true date of the sequestration from 3d to 15th August—the 42d section of the Bankruptcy Act providing that a sequestration shall be held to commence on the date of the first deliverance upon any petition for sequestration.

The petition for recall was opposed by Mr R. H. Robertson, accountant, Glasgow, who had been appointed trustee; and Lord Mure refused it, but found no expenses due to either party. Both reclaimed, and after a full debate to-day the Court made avizandum.

Saturday, Nov. 25.

In this case, their Lordships to-day recalled the sequestration awarded on the 15th August in *hoc statu*, and remitted the petition of the bankrupts (Ronald & Co.) to the Lord Ordinary on the Bills, with a view to its being conjoined with the previous petition for the creditors, and appointed the Lord Ordinary in the conjoined petitions to grant sequestration of new.