

Railway Company from their own servants. I think the pursuers are not entitled to a diligence for the recovery of such documents.

LORD YOUNG, LORD TRAYNER, and LORD MONCREIFF concurred.

The defenders having undertaken at the bar to give the documents asked for in the only other article of the specification without a diligence, no formal interlocutor was pronounced.

Counsel for the Pursuers—Crabb Watt—W. Brown. Agent—William Geddes, Solicitor.

Counsel for the Defenders—Balfour, Q. C.—Ferguson. Agents—Gordon, Falconer, & Fairweather, W.S.

Thursday, July 9.

FIRST DIVISION.

DUKE OF ARGYLL AND OTHERS,
PETITIONERS.

Process—Petition—Intimation—Salmon Fisheries (Scotland) Act 1842 (25 and 26 Vict. c. 97), secs. 18 and 24—Reconstitution of Lapsed District Board.

In a petition presented for a remit to the Sheriff to reconstitute a district board, which had been constituted in terms of the Salmon Fisheries (Scotland) Act 1862, but which had lapsed upon the expiry of the three years' term of office of the original members without a new board having been elected, the Court ordered intimation in the common form, and also to the Secretary for Scotland, and advertisement in certain newspapers.

The Duke of Argyll and others, being the upper and lower proprietors of salmon fishings within the district of the rivers Baa and Glencolledar, Mull, qualified in terms of the 18th section of the salmon fisheries (Scotland) Act 1862 (25 and 26 Vict. c. 97), presented a petition for a remit to the Sheriff of Argyllshire to reconstitute the District Board in the said district.

The petition proceeded upon the narrative that, while the Salmon Fisheries (Scotland) Amendment Act 1864 (27 and 28 Vict. c. 118), sec. 3, and the Salmon Fisheries (Scotland) Act 1868 (31 and 32 Vict. c. 123), sec. 3, made provision for the case where no District Board has been constituted under the Salmon Fisheries (Scotland) Act 1862 before the passing of these Acts, there was no statutory provision for the case, which had here arisen, of a Board which had been constituted lapsing through failure to call a meeting of proprietors within the triennial period prescribed by sec. 24 of the Act of 1862.

The prayer of the petition contained no clause craving an order for intimation and advertisement.

The petitioners referred to the cases of *Campbells*, March 17, 1883, 10 R. 319; and *Brodie*, January 23, 1884, 21 S.L.R. 309.

The Court pronounced an interlocutor ordering the petition "to be intimated on the walls and in the minute-book in common form, and also to Her Majesty's Secretary for Scotland, and to be advertised once in each of the *Scotsman*, *Glasgow Herald*, and *Oban Times* newspapers," and appointing his Lordship and all parties interested, if so advised, to lodge answers within eight days.

Counsel for the Petitioners—Burnet. Agent—James F. Mackay, W.S.

Saturday, July 11.

FIRST DIVISION.

SCOTTISH EMPLOYERS LIABILITY
AND ACCIDENT ASSURANCE COM-
PANY, LIMITED, PETITIONERS.

Company—Resolution to Alter Memorandum of Association—Confirmation by Court—Companies (Memorandum of Association) Act 1890 (53 and 54 Vict. cap. 62)—Change of Name—Intimation.

A company carrying on the business of employers liability and accident insurance presented a petition for confirmation of a resolution to alter its memorandum of association so as to enable it to undertake sickness and guarantee insurance business. The advertisement of the petition ordered by the Court contained no indication of the nature of the petition, nor had intimation been made to the policyholders. *Held* (1) that the name of the company must be altered so as to give expression to the new branches of business proposed to be undertaken; and (2) that intimation of the alteration proposed in the petition must be made by advertisement.

Process—Petition—Intimation.

Observations (per Lord President) as to the desirability of greater attention being paid in preparing petitions to the question to whom intimation must be made.

The Scottish Employers Liability and Accident Assurance Company, Limited, presented a petition under the Companies (Memorandum of Association) Act 1890 (53 and 54 Vict. cap. 62) for confirmation of a resolution to make certain alterations in its memorandum and articles of association.

The objects for which the company was formed may be shortly stated to have been, under article 3 of the original memorandum of association, employers liability and accident insurance.

By special resolution passed and con-