party arraigned in the inferior court to bring up the judgment convicting him. At all events, it is plain from the 17th section and its relative Schedule F that the new form of appeal was intended to bring up at the instance of either party any steps of procedure from the original warrant of commitment to the final judgment. But in my opinion it is equally plain that the removal of the proceedings, at whatever stage it might take place, was intended solely to prevent miscarriage in that particular case and no other.

"Now, in this particular case the appellants cannot plead miscarriage, because they have got a judgment of absolvitor. When that was pronounced they had no further interest in the proceedings, and took no further part in them. If the Justices had afterwards done anything so flagrant as to attempt to recal their judgment of absolvitor, I daresay an appeal would have been competent, because that would have been an unwarrantable attempt to prejudice the appellants in that particular case. But the granting of a certificate, however irregular in itself, which did not profess to affect the final decision, seems to me to stand in a different position. Let its validity be determined when, if ever, it is attempted to be put in force. I conceive that a statutory right of appeal ought not to be stretched beyond the obvious purpose for which it is designed."

Counsel for the Appellants — Ure, Q.C. — M'Lennan. Agents — Macpherson & Mackay, S.S.C.

Counsel for the Respondent — Sol.-Gen. Dickson, Q.C. — Kennedy. Agent — R. Pringle, W.S.

Saturday, December 18.

OUTER HOUSE.

[Lord Stormonth Darling.

LIQUIDATORS OF EMPLOYERS' ASSURANCE COMPANY OF GREAT BRITAIN.

Process — Expenses — Company — Liquidation—Expenses of Double Agency.

The liquidator of a company is not entitled to allow the expenses of the attendance of both Edinburgh and local agents at a discussion in the Court of Session unless there are special reasons for double attendance.

This was a note by the liquidators of the Employers' Assurance Company of Great Britain, objecting to a report by the Auditor of the Court of Session under the following circumstances:—In the course of the liquidation the Glasgow agents of the liquidators had on their instructions attended a discussion in the Court of Session. It was also attended by the Edinburgh agents. In their accounts the liquidators charged the expenses of the attendance both of the Edinburgh and of the Glasgow agents. The Auditor disallowed the charge for the Glasgow agents, and the present note was presented for authority to make that charge.

LORD STORMONTH DARLING—I have disallowed what is practically an appeal from the Auditor as regards a fee to the Glasgow agents of the liquidators for attending a debate in this Court, because I think the Auditor's rule, which (he tells me) has prevailed in his office for many years, is a salutary one. Liquidators are really in the position of trustees, and though it may be a satisfaction to them to have their local agents in attendance on judicial proceedings in Edinburgh, and though they may give instructions accordingly, it does not follow that the trust-estate should bear the cost of double agency. In the present case I agree with the Auditor that there were no special reasons for allowing such a charge.

Counsel for the Liquidators — Lorimer. Agents—Melville & Lindesay, W.S.

Tuesday, January 4, 1898.

OUTER HOUSE.

[Lord Stormonth Darling.

COLLINS *v.* COLLINS' TRUSTEES.

Parent and Child—Legitim—Collatio inter liberos.

The plea of collation *inter liberos* in answer to a claim for legitim can only be maintained by a party entitled to share in the legitim, and not by trustees representing the interest of the residuary legatee—*Nisbet's Trustees* v. *Nisbet*, March 10, 1868, 6 Macph. 567, *not followed.*

The facts of the case appear sufficiently from the opinion of the Lord Ordinary.

On 4th January 1898 the Lord Ordinary (STORMONTH DARLING) decerned in terms of the conclusions of the summons.

Opinion.—"The pursuer, as one of the eight surviving children of the late Sir William Collins, here sues his father's trustees for legitim. He does not claim more than one-eighth of the legitim fund, which (Sir William having died without leaving a widow) consists of one-half of his free moveable estate as it stood at his death. It is not maintained by the trustees that the pursuer's claim has been discharged or renounced, but they say that he is bound to collate certain payments made to him by his father during his life amounting to £8000, with interest from the date of payment, the effect of which would be to wipe out the claim altogether. And the question is, whether this contention of the trustees is well founded.

"Sir William Collins was very successful in business as a publisher and stationer in Glasgow, and in 1880, when his firm of