

direction should be given to the jury in the particular case before them. It might be a proper direction to give, qualified by a great number of explanations which it is inconvenient to give, and might lead to undesirable results. I think myself that the learned Judge was quite right in refusing to give the direction asked.

As regards the first exception, which is an exception to a direction which he has given, I am of opinion that the objection cannot be sustained. I think it is a perfectly sound direction. A cabman, or indeed any other person, but especially a cabman who was there not only bodily but with a carriage and horse, must obey the orders of the railway company's authorised servants as to leaving the station. When he is ordered to leave it he must leave it, and if he refuses and persists in refusing he may be turned out. He is not to remain there until it has been settled by some disinterested tribunal whether he has a right to remain and whether the servants of the railway company were wrong in ordering him out. If the railway servants are wrong in ordering him out, the duty of the cabman is to obey, and he will afterwards have his remedy for any injury which had been sustained on account of his having been turned out by their order in circumstances in which he ought not. I am therefore of opinion upon the bill of exceptions that it must be disallowed.

LORD TRAYNER, LORD MONCREIFF, and the LORD JUSTICE-CLERK concurred.

The Court disallowed the bill of exceptions.

Counsel for the Pursuer—Kennedy—A. M. Anderson. Agent—W. R. Mackersy, W.S.

Counsel for the Defenders—Balfour, Q.C.—Grierson. Agent—James Watson, S.S.C.

Thursday, October 18.

FIRST DIVISION.

MARSHALL v. CALEDONIAN RAILWAY COMPANY.

(*Ante*, July 5, 1899, 36 S.L.R. 845.)

Process — Interlocutor — Rectification of Error.

An appeal was taken by the defenders in a Sheriff Court action against an interlocutor of the Sheriff-Substitute, pronounced on 11th July 1898, whereby he decerned against the defenders for payment of the sum of £300. The First Division on 5th July 1899 pronounced an interlocutor whereby they adhered to the interlocutor appealed against, and “of new decern for payment by the defenders to the pursuer of the sum of £300 sterling.”

The pursuer on 18th October 1899 craved the Court to alter this inter-

locutor by adding to the words quoted above the words “with interest thereon from said 11th July 1898.” He founded upon the case of *Harvey v. Lindsay*, July 20, 1875, 2 R. 980.

The Court altered the interlocutor as craved.

Counsel for Pursuer—M'Clure. Agents—J. W. & J. Mackenzie, W.S.

Thursday, October 19.

FIRST DIVISION.

[Lord Kyllachy, Ordinary.]

INNES v. M'DONALD.

Administration of Justice—Law-Agent—“Duly Qualified” Law-Agent—Certificate—Right to Recover Expenses—Law-Agents and Notaries Public (Scotland) Act 1891 (54 and 55 Vict. c. 30), secs. 2 and 3—Stamp Act 1891 (54 and 55 Vict. 39), sec. 43.

Section 3 of the Law-Agents Act 1891 provides that “no expenses on account of any act done by any person who acts as a law-agent . . . without being duly qualified so to act . . . shall be recoverable in any action . . . by any person or persons whomsoever.”

Section 2 provides for the prosecution of any person who, “being neither a law-agent nor a notary-public, falsely pretends to be or takes or uses any name, title, or description implying that he is duly qualified to act as such.”

Section 43 of the Stamp Act of 1891 provides for a penalty against persons acting as law-agents without having a duly stamped certificate.

Held that a person who had acted as a law-agent in a case without possessing a duly stamped certificate was not “duly qualified” so to act in the sense of section 3 of the Law-Agents Act, and that accordingly his expenses were not recoverable in an action at the instance of any person whomsoever.

Section 2 of the Law-Agents and Notaries Public (Scotland) Act 1891 (54 and 55 Vict. c. 30) provides that “Any person being neither a law-agent nor a notary-public, who either by himself or in conjunction with others, wilfully and falsely pretends to be, or takes or uses any name, title, addition, or description implying that he is duly qualified to act either as a law-agent or as a notary-public, or that he is recognised by law as so qualified, shall be guilty of an offence under this Act, and shall be liable to a penalty not exceeding the sum of ten pounds for the first offence, together with the costs of prosecution and conviction: and any such person who shall be guilty of a second or subsequent offence or offences under this section shall be liable to a penalty not exceeding twenty pounds.” . . . Section 3 provides that “No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or