

‘ could be inferred: And with this declaration it is further order-
 ‘ ed and adjudged, that the said order of the Jury Court of the
 ‘ 15th of January 1829, and also the said interlocutor of the Lords
 ‘ of Session, of the Second Division, of the 14th May 1829, also
 ‘ complained of in the said appeal, in so far as it declares the ver-
 ‘ dict final and conclusive in terms of the statute, and finds the
 ‘ respondent entitled to the expenses incurred by him in discussing
 ‘ the bill of exceptions, be reversed; and it is further ordered,
 ‘ that with this declaration and reversal before-mentioned, the
 ‘ cause be remitted back to the Court of Session, that the same
 ‘ may be sent by the said Court to the Jury Court, with an order
 ‘ that a new trial may be allowed, if the respondent shall so de-
 ‘ sire.’

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Appellants' Authorities.—Haggart, April 1. 1824, (2. Shaw's Appeals, 133.); 1. Hawkins' Pleas of Crown, 72. 6. Robertson, Aug. 11. 1780, (7465.) Borthwick on Libel; Starkie on Slander; Starkie's Law of Evidence; 6. Howell's State Trials, p. 1094. Holroyd v. Breare, 2. Barn. & Ald. 473. Reynolds v. Kennedy, 1. Wilson, p. 332.

Respondent's Authorities.—4. Stair, 1. 6.; 4. Bankton, 2. 39.; 1. Hume, p. 402., and vol. 2. p. 48. last edit. Leitch, July 27. 1711, (13,946.) Lang, (8555.) M'Neill, 1776; (5. Brown's Supplement, 574.) Robertson, (7465.) Hamilton, March 10. 1827, 5. S. & D. 569.; 1. Blackstone, p. 353.; 3. Burn's Justice, (by Chetwynd), 138.; 4. Mur. 233. Tabart v. Tipper, (1. Campbell, 350.); Wallace's System, 9. 11. 77. Leslie, June 11. 1822, (3. Mur. 121.) Sinclair, 1767, (5. Brown's Sup. 574.) Stewart, July 19. 1694. Black, July. 16. 1706. Pitcairn, Feb. 18. 1715; (See Brown's Synopsis, p. 2142.) Gibb, Jan. 11. 1740; and Anderson, July 19. 1753; (Elchies, No. 9. and 19. voce Public Officer.) Anderson, Jan. 3. 1750, (13,949.) Dawson, Feb. 18. 1809, (F. C.) Adye on Courts Martial, p. 64.; Digest of Law of Libel, p. 132. Garnet, May 28. 1827; 6. Barn. & Cres. 611.

DUTHIE—RICHARDSON and CONNELL—ARNOTT and ELDERTON,—
 Solicitors.

ROBERT WHITEHEAD, Appellant.—*Murray.*

No. 18.

JOHN ROWAT, Respondent.—*Brown.*

Process.—On a recommendation by the House of Lords, a question of disputed accounting for work done settled by amicable adjustment of parties, and the adjustment made the subject of the order and adjudication of the House.

WHITEHEAD employed Rowat, carpenter and builder, to build certain premises for him in the town of Hamilton. On the work being done, Whitehead disputed the amount charged. After a

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2D DIVISION.
 Lord Cringletic.

April 8. 1830. great deal of procedure, the Court of Session decerned against him,* whereupon he appealed.

On the appellant's Counsel having proceeded some way in the opening, Lord Wynford suggested, that the case from its nature was one highly fitted for adjustment by the parties, and recommended that they should confer together with the view to an arrangement. A consultation accordingly took place, and this adjusted order was issued.

‘ It is ordered and adjudged, that the interlocutors complained of be, and the same are hereby reversed; and it is declared, that the respondent is entitled to demand from the appellant the sum of L. 1402. 9s. 3d., being the sum concluded for by the respondent in the action instituted by him in the Court of Session in the month of October 1817, with the legal interest thereon from the date from which interest was allowed by the said Court, under the second action brought by the said respondent, under deduction of all payments made to him on account, in consequence of interim decrees or otherwise: And it is further ordered, that with this declaration the cause be remitted back to the Court of Session, to do therein as shall be just.’

MONCREIFF, WEBSTER, and THOMSON—RICHARDSON and
CONNELL,—Solicitors.

No. 19.

GEORGE BROWN, Appellant.—*Lushington—Brown.*

ALEXANDER EWING, and OTHERS, Respondents.

Bankrupt—Sequestration.—A petition for approval of composition by a bankrupt having been refused by the Court of Session, and the opposition by the creditors who appeared in that Court having been withdrawn,—the House of Lords reversed, but remitted to allow a scrutiny if required by any opposing creditor.

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2D DIVISION.
Lord Newton.

THE estates of the Dalmarnock Dye-work Company, and of the Greenhead Foundry Company, and of George Brown and Thomas Buchanan, the individual partners, having been sequestrated, an offer of composition both on the Company and individual estates was made, and a petition was presented to the Court for approval. No opposition was offered in so far as regarded the composition on the Company estate; but the petition for approval of the composition on Brown's individual estate having