

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been refused by the Court of Session, and the opposition by the creditors who appeared in that Court having been withdrawn,—the House of Lords reversed, but remitted to allow a scrutiny if required by any opposing creditor.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

been opposed, on the ground, inter alia, of an alleged want of the legal concurrence of nine-tenths of the creditors present, as required by statute, the Court, after some procedure, (7th March 1828), refused the petition in so far as concerned the individual estates of the said George Brown, but, in respect of no opposition being made, granted the prayer thereof quoad ultra in so far as regarded the Company estates, reserving all claim on the individual estate of the said George Brown.* George Brown appealed; but the Counsel for the respondents stated at the bar of the House of Lords, that he was not instructed to support the judgment complained of, or resist the appeal.

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‘ The House of Lords ordered and adjudged, that the interlocutor or judgment complained of be reversed; and it is further ordered, that the cause be remitted back to the Court of Session, with instructions to grant a scrutiny in case the same should be required by any of the objecting creditors, and then to proceed further to determine the cause: And it is declared, that if no such scrutiny is demanded by such objecting creditors, the prayer of the original application by the appellant for his discharge ought to be granted.’

ALEXANDER DOBIE—CALDWELL and THOMSON,—Solicitors.

ALEXANDER CAMPBELL, Appellant.
Brougham—James Campbell.

No. 20.

WILLIAM M'FARLANE, Respondent.—*Lushington—
John Campbell.*

Public Officer—Title to Pursue.—Circumstances under which the Court of Session, having suspended a depute-clerk of the peace, and prohibited him from exercising the duties or drawing the emoluments of the office for twelve months, found him liable in expenses, and ordained the deliverance to be inserted in the Books of Sederunt,—the House of Lords remitted to the Court to recall the interlocutor, except as to payment of the expenses; and ordered the party to pay the costs of appeal, declaring that the House awarded such costs in lieu of such suspension.

ALEXANDER CAMPBELL, joint depute-clerk to the Justices of the Peace for the county of Dumbarton, was also clerk to the trustees for that district of the same county within which part of the Cumbernauld turnpike road passes. Being informed that

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* 6. Shaw and Dunlop, 739.