

The Lords refused the bill, reserving the claim of the suspenders for an additional price.

Lord Ordinary, *Ankerville*. For the Candlemakers, *Lord-Advocate Dundas*. Alt. *Baird*.  
D. D. *Fac. Coll. No. 190. p. 437.*

No. 8.

1801. February 14. LAURENCE TURNBULL *against* JOHN BROWN.

LAURENCE TURNBULL brought an action before the Justices of the Peace acting under the small debt acts (35th Geo. III. C. 123; and 39th and 40th Geo. III. C. 46.) against John Brown, writer and messenger. The libel concluded for "Five pounds of damages for fraudulently taking up money, and allowing another messenger to do the same in a cause of law-burrows, and keeping up a bond of caution, by which means the complainer's wife Janet Turnbull was committed to prison, when in a bad state of health."

The Justices decerned against Brown for £3.

Although the statutes above referred to, declare that the sentences of the Justices are reviewable only by reduction, Brown complained of their judgment by a bill of advocacy, on the footing that they had exceeded their powers. The statutes, he contended, conferred on them a jurisdiction only in small questions of debt arising out of the ordinary transactions of life, but the present action, although its immediate patrimonial consequences were insignificant, arose, not from a contract, but from an alleged delict of the defender in his professional capacity. As deeply affecting his reputation, it was therefore a question of too serious a nature, for the Legislature, to intend, that, even in the first instance, it should be decided according to the summary forms of the Small-debt court.

Two of the Judges, moved by the complainer's reasoning, were for passing the bill, but the Court refused it by a considerable majority.

Lord Ordinary, *Balmuto*.

R. D.

*Fac. Coll. No. 220. p. 498.*

1804. March 6. PLUMBER and Another, *against* HASTIE and Another.

A REGULATION of police was made in the year 1799 by the Baron-Bailie of Dalkeith, for the purpose of preventing the butchers of that place from exposing to sale tallow in an impure state, which it seems they had been accustomed to do, by mixing with it certain extraneous matter, increasing its weight, and diminishing its purity. For this purpose, two searchers were appointed by the

No. 9.

It is competent for Justices of the Peace, under the small debt acts, to award damages limited to 5*l.* against a messenger for professional misconduct.

No. 10.

Regulations of a Baron-Bailie for ascertaining the purity of commodities previous to their