

in diffusing the knowledge of the public records, but this having been made the subject of arbitrament in the courts of law, including that of last resort the House of Lords, and its legality successfully vindicated, we present a few extracts from the opinions of the Judges on the case of Newton against the Directors of the Scottish Mercantile Society.

*Extracts from Proceedings in the Case of Newton, v. Directors of the Scottish Mercantile Society.**

W. H. Newton, of Edinburgh having two Bills under protest and which were being placed in suit, a fact which he knew would be recorded and published to the Members of the Society in the Mercantile Record, brought an action of Suspension in the Court of Session on the alleged ground, "That neither the Respondents (Society), nor the parties for whom said publication was printed, had any connection with two bills or notes granted by the Complainer, therein mentioned, which had copy protests recorded in the Books of Council and Session; nor were they acquainted with the reasons why payment thereof had not been made;—and the Complainer maintained, that the Respondents were not entitled to represent any thing to third parties about his bills, and that the publication was altogether illegal, inasmuch as it wanted the printer's name, and was, alleged, unauthorized and unsanctioned by any legal right or authority.

It was answered on behalf of the Society; referring to its regulations, "That the leading object of the Society, was to furnish to its Members, in a simple and intelligible form, the information afforded by the Public Records, of the credit and transactions of persons in trade;—that, in particular, the Members had derived great benefit from the information afforded by the Public Records of Protests, which had the effect of diminishing the hazards to which they as mercantile men were exposed; and that they had thus a clear interest in maintaining the objects of the Association. And the Respondents maintained, that there was nothing illegal or unwarrantable in the Members of the Society procuring for themselves, and printing for their own use exclusively, an abstract of any part of the Public Records, or a list of persons under diligence, or of debtors in dishonored bills, as appearing from the Public Records.

The case was debated upon the merits, before the whole Court, and though the decision of the majority of the Judges, was against the operations of the Society, it was reversed on appeal by the House of Lords, and a complete and most satisfactory vindication of the proceedings of the Society was thus obtained from the highest authority in the realm.

The following extracts from the Judgements delivered, will be found interesting as bearing directly on the principles of such associations.

LORD JEFFREY.—"I take it to be clear, that there is no room for any presumption of Malice (direct or implied, in the publishers of those lists. Nothing of the kind, I think is imputed; and there would evidently be no ground for the imputation. They are men engaged in large businesses; and daily obliged to trust largely to the credit of those with whom they may be called upon to deal. They have a plain interest therefore to learn, if possible, who among the number may be most safely trusted; and for this purpose to be-

* This case is reported 1 House of Lords. Case 363