Counsel for Respondents—Mr Gordon and Mr Fraser. Agents — Messrs Maclachlan, Ivory, & Rodger, W.S.

This petition prayed for the sequestration of certain property mortified in trust by four persons, named respectively Clark, Guild, Gibson, and Hallyburton, to the Town Council of Dundee, and the appointment of a judicial factor. The ground of the application was that the Town Council had been in the practice of lending the funds of the mortifications to themselves, and mixing them up with the town's general funds. The application was opposed on the ground that public trustees, such as a town council, were entitled to do what was complained of, and that this principle was acted on generally throughout Scotland. The case was heard in June last, when the judges were unanimously of opinion that a town council was not entitled any more than any other trustees to lend the trust funds to itself. In consequence of this opinion the funds have been during the vacation invested on a proper footing; and to-day the Court held that it was therefore not necessary to proceed farther in the application except to find the petitioners entitled to the expenses they had incurred—which was done.

MP.—LAIRD'S TRUSTEES *v.* LAIRD'S LEGATEES.

Counsel for Laird's Legatees—Mr Patton. Agents —Messrs J. A Campbell & Lamond, C.S.

Counsel for Laird's Trustees—Mr Millar. Agents —Messrs Adam & Sang, S.S.C.

This is a very complicated multiplepoinding, which has been in dependence since 1848, in regard to the funds of the late firm of John Laird & Sons, merchants in Port-Glasgow. A remit had been made to an accountant, who made a long report on which parties had been heard. In the discussion on that report a view of the case had been presented for the first time as to the liability of the trustees of Mathew Laird, one of the partners, to account for the profits of the firm. It was objected that it was too late to state this matter at so advanced a stage of the cause; but the Court held that the party stating it was not foreclosed from doing so, although the delay which had taken place might affect the question of expenses. It was considered, however, necessary to have a statement from the accountant as to the arithmetical result which the new view, if given effect to, would have on the accounting betwixt the parties, and a remit was accordingly made to him to prepare such a statement.

SECOND DIVISION.

BRONEVER *v.* BRONEVER.

Counsel for the Pursuer — Mr Fraser and Mr Christie. Agent—Mr Barton, S.S.C.

No appearance for the defender.

This is an action of divorce by a wife against her husband on the ground of desertion. The pursuer is a native of and resides in Scotland, and the defender is a native of and resides in Holland.

The pursuer alleges that she and the defender, then a seaman on board a Dutch vessel temporarily at Sandhaven, were on the 31st of August 1854 irregularly married by appearing before a justice of the peace at Fraserburgh, and acknowledging themselves to be married persons; that on the following day she sailed with the defender on board his vessel for Dantzic; and after a year's absence from Scotland, during which they lived together and cohabited as husband and wife, they both returned to Pitullie, in the county of Aberdeen. The pursuer further alleges that after a residence there of five months she and the defender contracted a regular marriage; that the defender took a house, which was occupied by him and her for two years, "during which the defender made several voyages as a seaman in ships sailing from Fraserburgh, always returning to his house there, which he regarded as his home." The pursuer finally alleges that in 1858 she was deserted by her husband, and that he has since then contracted a second marriage in the Netherlands. The summons was served edictally and also personally on the defender at his foreign domicile. The Lord Ordinary (Ormidale) holding the domicile of the defender to be abroad, held that the Court had no jurisdiction to entertain the action, on the general rule that a divorce *a vinculo matrimonii* can only be pronounced by the competent court within the jurisdiction where the parties have their domicile.

The case came up to-day on a reclaiming note for the pursuer. Before proceeding further the Court allowed the pursuer to put in a condescendence as to what she averred and offered to prove in regard to the domicile of the defender.

SUSPN.—PEARSON *v.* M'GREGOR.

Counsel for the Complainer—Mr Pattison. Agents —Messrs R. & R. H. Arthur, S.S.C.

Counsel for the Respondent—Mr W. M. Thomson. Agent—Mr John Ross, S.S.C.

This was a suspension of a charge on a promissory note for £42, granted by the complainer to the respondent, in remuneration of his services as trustee on the complainer's sequestrated estate. The complainer submitted that the promissory note was *ipso jure* null, except to the extent of £7, 6s. 1d, being the maximum rate of 5 per cent. of commission, to which the respondent was entitled as trustee. The respondent's defence was that the fee was in itself a reasonable one, and that no objections were made by the complainer himself until diligence was done on the promissory note.

The Court held that the complainer had not averred relevant reasons of suspension, and refused the note of suspension.

OUTER HOUSE.

(Before Lord Ormidale.)

THE LORD ADVOCATE ON BEHALF OF THE WAR DEPARTMENT *v.* LANG, PROCURATOR-FISCAL OF GLASGOW.

Counsel for War Department—Mr Henry J. Moncreiff. Agent—Mr W. Waddell, W.S.

Counsel for Procurator-Fiscal—Mr A. B. Shand. Agents—Messrs Campbell & Smith, S.S.C.

The Crown raised this action for the purpose of having suspended a charge threatened to be made against it for £37. 10s. 6d., being the cost of relaying the foot pavement in Gallowgate, Glasgow, opposite the infantry barracks. Various pleas were stated by the parties, but latterly a minute was lodged stating that as they were both desirous to have a decision in this process with respect to the liability of the Crown or the War Department, under the Glasgow Police Act 1862, to repair the pavement, they departed from all pleas which might interfere with such decision being pronounced.

LORD ORMIDALE intimated to-day that after giving consideration to the case he felt himself under the necessity of holding, in conformity with English precedents, that the Crown was not liable to pay the sum charged. The charge will therefore be suspended, but no expenses will be found due to the Crown.

(Before Lord Kinloch.)

MP.—LYON *v.* MARTIN.

This case was in the roll to-day for the purpose of closing the record. The parties were ready to renounce probation. The 11th clause of the recent Act of Sederunt provides that in such cases a minute to that effect shall be subscribed by the counsel for the parties and lodged in process. It was proposed