deed is not the deed of the said Mrs Robina Jarvie or White? (3) Whether at the date of the said deed the said Mrs Robina Jarvie or White was weak and facile in mind and easily imposed upon; and whether the defender Alexander White, taking advantage of the said weakness and facility, did by fraud or circumvention impetrate and obtain the said deed from the said Robina Jarvie or White, to her lesion? (4) Whether the said deed was executed by the said Mrs Robina Jarvie or White under essential error as to its nature and effect?"

The defenders reclaimed, objecting *in toto* to the last issue; and the Court altered the issues to the effect of deleting No. 1 on the ground that any case that could be tried under the first issue could be tried under the second, although it might be necessary that the jury should return a special verdict. The Court also caused to be added to the last issue "induced by the fraudulent misrepresentations of the said Alexander White."

Counsel for Pursuer — Rhind. Agent — W. Officer, S.S.C.

Counsel for Defenders — Kinnear. Agents— Dove & Lockhart, S.S.C.

Thursday, July 19.

FIRST DIVISION.

[Lord Curriehill, Ordinary.

WILSONS *v.* BRYDONE.

Nuisance—Property—Mutual Gable.

The proprietor of a tenement built as a dwelling-house in a street in Edinburgh put up a steam-boiler and engine in his premises for the purposes of a printing business, and introduced the flue of the furnace of the boiler into one of the ordinary chimneys of a mutual gable wall. The owners of the adjoining tenement raised an action to have the flue removed and the defender interdicted from again inserting it. Evidence was led that the heat was excessive, and rendered the pursuers' house almost uninhabitable.—*Held* that the gable was used in a way inconsistent with the ordinary use of a mutual wall, and that a nuisance existed which must be removed, but defender allowed to put in a minute stating how he proposed to obviate it.

Counsel for Pursuers—Fraser—Rhind. Agent —William Paul, S.S.C.

Counsel for Defender—Guthrie Smith—R. V. Campbell. Agents—H. & H. Tod, W.S.

Thursday, July 19.

FIRST DIVISION.

PETITION—JAMIESON (OFFICIAL LIQUIDATOR OF THE GARBEL HÆMATITE COMPANY, LIMITED).

Public Company—Application of an Official Liquidator for Leave to Resign.

An official liquidator, who had been appointed by the Court to wind up a company incorporated under the Companies Acts 1862 and 1867, applied under section 91 of the Act of 1862 for leave to resign. It was stated that there was nothing to recover from the bankrupt estate, and the application was concurred in by, and appearance made for, all the original petitioning creditors, who were substantially the whole creditors of the company. The application was not opposed. *Held* that in the circumstances it might be granted.

Counsel for the Liquidator—Guthrie Smith. Agent—H. Buchan, S.S.C.

Thursday, July 19.

FIRST DIVISION.

BURRELL *v.* SIMPSON & COMPANY AND OTHERS.

(*Ante*, p. 120.)

Expenses—Shipping Law—Petition for Limitation of Liability in a Collision Case—Principles of Taxing Claimants' Accounts.

In a petition for limitation of liability by the owner of the offending ship in a collision *held*—"(1) That where several claimants have the same interest and ground of claim they ought all to concur in lodging one claim and appear by the same counsel and agents, and cannot be allowed any expenses for separate claims or appearances; (2) that claimants whose claims are unopposed are to be allowed only the expense of preparing and lodging their claims, and of one appearance by counsel to take decree,"; and (3) that where the master of a vessel and the crew present claims they should do so together.

This case, in which an appeal had been taken by some of the parties to the House of Lords, now came before the Court with reference to the accounts of the different claimants upon the fund, and the reports of the Auditor thereon after taxation.

It was stated that £2, 2s. only were allowed as expenses in unopposed claims in the Admiralty Courts in England.

At advising—

Lord President—The object of the reports of the Auditor in this case is to obtain a general direction as to the principles on which accounts by claimants in a petition of the kind are to be