

is not to defer to the opinion of foreign experts. It is true that in that case the Court first ascertained by reference to English counsel that there was no technical rule of English law to govern the interpretation of the will; but then every reference to foreign counsel or to an English court necessarily involves a preliminary decision that there is matter which falls to be determined by foreign law and is not capable of construction in this Court. This was clearly the case in *Trotter v. Trotter* (3 W. & S. 407), on which the reclaimers' counsel relied. The question was as to the sufficiency of words of conveyance in an Indian will to carry real property in India, and Lord Cunningham says—"No one who looks at the case could doubt that the legal construction of Colonel Trotter's will was unintelligible to any but an English lawyer. It was as purely a technical question of English law as ever was submitted to a court." I agree with Lord M'Laren that if there had been in this case any relevant averment of any technical rule of construction peculiar to the law of British Guiana inquiry might have been necessary, but nothing of that kind is suggested. I cannot agree with the reclaimers' argument that the word effects has a technical meaning peculiar to the law of Scotland or that any such technical meaning has been recognised by the decision in this Court. The word is one of ordinary language and has been construed in the decisions according to its ordinary meaning. I agree with the Lord Ordinary that this will is expressed in ordinary language, and that there is no relevant averment that it contains any technical terms or that it must be construed in accordance with any technical canon of construction peculiar to the place where it was made. I think we are bound to construe the will according to its plain meaning, and so construing it I agree with the Lord Ordinary and Lord M'Laren.

LORD ADAM concurred.

The Court adhered.

Counsel for the Claimants and Reclaimers—William Campbell, K.C.—Munro. Agents—St Clair Swanson & Manson, W.S.

Counsel for the Claimant and Respondent—The Solicitor-General (Dundas, K.C.)—C. N. Johnston, K.C.—Howden. Agent—W. G. L. Winchester, W.S.

Counsel for the Real Raiser—J. A. Christie. Agents—St Clair Swanson & Manson, W.S.

Friday, February 3.

FIRST DIVISION.

HEPBURN, PETITIONER.

*Burgh—Burgh Register of Sasines—Authentication of Minutes in Minute Book of Burgh Register of Sasines—Town-Clerk.*

A town-clerk on entering upon the duties of his office found that certain

minutes in the minute book of the burgh register of sasines had not been authenticated by the signature of his predecessors. He presented a petition in which he asked authority to authenticate and subscribe all such unsigned minutes. The Court granted the prayer of the petition.

John Scrymgeour Hepburn was appointed town-clerk of Rothesay upon the 7th December 1903. On entering upon the duties of his office he discovered that the minute of a deed presented for registration in the burgh register of sasines on the 19th March 1896, and all the minutes of deeds presented for registration between and including 1st April 1896 and 7th February 1901, and between and including 3rd March 1902 and 10th March 1902, although entered in the minute books, had not been authenticated by the signature of the town-clerk for the time being, as it was his duty to have done. The deeds so unauthenticated numbered 434.

Hepburn presented a petition in which he asked the Court "to authorise the petitioner to authenticate and subscribe the minutes entered in the minute books of the burgh register of sasines of the royal burgh of Rothesay on the 19th day of March 1896, and between and including the 1st day of April 1896, and the 7th day of February 1901, and between and including the 3rd day of March 1902, and the 10th day of March 1902, and any other minute or minutes which may hereafter be discovered not to have been subscribed by the town-clerk for the time being, to the same effect as the said town-clerk for the time being might have done himself; and to authorise the petitioner to record this petition, and any warrant following thereon, in the said burgh register of sasines."

The Court granted the prayer of the petition.

Counsel for the Petitioner—Morton. Agents—Scott & Glover, W.S.

Tuesday, February 14.

SECOND DIVISION.

[Sheriff-Substitute at Hamilton.]

SNEDDON v. GLASGOW COAL COMPANY, LIMITED.

*Master and Servant—Workmen's Compensation Act 1897 (60 and 61 Vict. c. 37), sec. 1 (2)—Injury Attributable to Serious and Wilful Misconduct—Meaning of "Attributable."*

A stated case in an appeal under the Workmen's Compensation Act 1897 set forth that four miners, in direct contravention of the regulations of the mine, were riding upon the top of loaded hutches in a tunnel of the mine; that in so doing they were guilty of serious and wilful misconduct; and that one of