

it assists in proving the above item; and whether the said statements, or part thereof, are of and concerning the pursuer, and falsely, maliciously, and calumniously represent the pursuer as being the seducer of his domestic servant or servants, and so being a person of immoral and dissolute habits—to the loss, injury, and damage of the pursuer?

- "3. Whether, on or about the 11th day of February 1868, in the Parliament House at Edinburgh, the defender did publish, by means of printed copies, the said letter, containing the following words, viz.—'Although Duncan is an "honourable man," I might have delicacy in referring even so trivial a matter to his oath,' and whether the said words are of and concerning the pursuer, and falsely and calumniously represent the pursuer to be a man who was likely to commit perjury—to the loss, injury, and damage of the pursuer?"
- "4. Whether, at time and place aforesaid, the defender did publish as aforesaid, the said letter containing the following statements—viz., (1) 'A female who acted as servant to Mr and Mrs Duncan, and after her decease got the greater part of her body clothing and jewellery, and no doubt the poor thing had need thereof to help her and an unfortunate child, the fruits of her residence at the Grove.' (2) 'The servant at Nelson Street, before Lizie's arrival, had left in the family way. This may account to some extent for Lizie being there; at all events, it assists in proving the above item'—and whether the said statements, or part thereof, are of and concerning the pursuer, and falsely and calumniously represent the pursuer as being the seducer of his domestic servant or servants, and so being a person of immoral and dissolute habits—to the loss, injury, and damage of the pursuer?"

The damages were laid at £2000.

SHAND and J. C. SMITH for pursuer.

GIFFORD and MAIR for defender.

The jury gave a verdict for the pursuer—damages, one shilling.

Agent for Pursuer—William Spink, S.S.C.

Agent for Defender—Thomas Wallace, S.S.C.

Wednesday—Thursday, July 22, 23.

(Before Lord Ormisdale.)

TAYLOR v. COWIE.

*Jury Trial—Fraud—Essential Error.*

The pursuer was George Taylor, shoemaker, Airdrie, executor-dative *qua* nearest of kin decerned to the deceased Archibald Taylor, store-keeper and shoemaker, and residing at No. 44 Commonside Street, Airdrie; and the defender was Alexander Cowie, iron merchant, Hallcraig Street, Airdrie. The issue submitted to the jury was as follows:—

- "Whether the pursuer, on or about 20th June 1865, subscribed the receipts, No. 6 and 7 of process, under essential error, and in the belief, caused by the fraudulent representations of the defender, that said receipts had reference, not to the whole executry estate, but were granted in acknowledgment merely of a payment to account of his (the pursuer's) share of said estate?"

SCOTT and BRAND for pursuer.

CLARK and TRAYNER for defender.

After the evidence was partially led, it was intimated that the parties had agreed to accept a verdict for the defender. A verdict for the defender was accordingly returned.

Agent for Pursuer—D. F. Bridgeford, S.S.C.

Agents for Defender—Duncan, Dewar, & Black, W.S.

Friday, July 24.

GOULD AND ANOTHER v. THE CALEDONIAN RAILWAY COMPANY.

*Jury Trial—Reparation—Loss of Life.*

In this case, in which Mrs Margaret Brown or Gould, residing at Abbotsford Place, Glasgow, widow of the deceased Peter Gould, some time dry-salter in Glasgow, and Thomas Gould, son of the said deceased Peter Gould and the said Mrs Margaret Brown or Gould, his mother and administrator-in-law, were pursuers, and the Caledonian Railway Company were defenders, the issue was as follows:—

- "Whether, on or about the 23d November 1867, the said Peter Gould, whilst travelling as a passenger along the defenders' line of railway, and at or near to a part of said line near to Hamilton Station, and known as Hamilton or Newton Junction, was killed through the fault of the defenders—to the loss, injury, and damage of the pursuers, his widow and child?"

Damages laid at, to each of the pursuers, £2500.

WATSON and THOMSON for pursuers.

YOUNG and JOHNSTON for defender.

The jury awarded damages to the amount of £800 for the widow, and £500 for the son.

Agent for Pursuers—James Buchanan, S.S.C.

Agents for Defenders—Hope & Mackay, W.S.

Friday, July 24.

(Before the Lord President.)

PYLES v. MALCOLM.

*Jury Trial—Reparation—Wrongous Apprehension.*

In this case, in which John Pyles sen., sometime innkeeper in Dumfries, was pursuer, and John Malcolm, superintendent of police, and residing there, was defender, the issue was as follows:—

- "Whether, on or about the 21st day of November 1866, the defender wrongfully and illegally caused the pursuer to be apprehended and taken in custody to the Police Office of Dumfries—to the loss, injury, and damage of the pursuer?"

Damages laid at £500.

FRASER and RHIND for pursuer.

YOUNG and GIFFORD for defender.

The jury returned a verdict for the defender.

Agent for Pursuer—James Barton, S.S.C.

Agent for Defender—Wm. Kennedy, W.S.

Friday, July 24.

PYLES v. SCOTT AND MALCOLM.

*Jury Trial—Reparation—Wrongous Search.*

In this cause, in which John Pyles sen., sometime innkeeper in Dumfries, was pursuer, and