charge laid upon the parish of Portree. The charge cannot, of course, be carried farther back than a year prior to the date of the statutory notice. This notice can have no effect whatever in regard to legal rights and obligations. But when once these are settled, it limits the pecuniary amount.

The different parishes assoilzied moved for their expenses against Portree, the parish ultimately found liable. It was objected, on the part of Portree, that the parish of Stirling must be held liable, if not for the expenses of Bracadale, which it was mistaken in calling, then at least for the expense of Dunoon and Lochbroom, which it was not justified in calling.

LORD PRESIDENT—There is no doubt that Bracadale has been entirely successful in maintaining its defence. Therefore the pursuer is liable to Bracadale. But then the pursuer must be relieved by Portree, the parish ultimately found liable, because the real question was between Portree and the other parishes. Therefore Portree must bear the expenses of the pursuer and Bracadale. But with regard to the other two parishes, Dunoon and Lochbroom, I think the pursuer was perhaps justified in bringing them into Court. But he must always take his chance of being found liable in expenses, as I think he should be here. But then, though the parishes were entitled to appear and defend themselves, I do not think that, after the Lord Ordinary's judgment, they were entitled to come into the Inner-House without first inquiring whether anything was going to be insisted in against them there. I think therefore they should only have their expenses in the Outer-House.

Agents for the Pursuers the Parish of Stirling—Traquair & Dickson, W.S.

Agents for the Reclaimers the Parish of Bracadale—T. & R. B. Ranken, W.S.

Agents for the Parish of Dunoon—W. & J. Burness, W.S.

Agents for the Parishes of Lochbroom and Portree—Adam & Sang, W.S.

Friday, December 1.

SECOND DIVISION.

M'DOWALL *v.* STEWART.

Process—Extrajudicial Expenses. *Held* that a party who had been successful in an action in the Court of Session, and found entitled to the expenses of process, was not entitled to recover in another action the extrajudicial expenses incurred in the former suit.

M'Dowall obtained decree in the Court of Session against Stewart for £45, as the price of a horse, with interest from the date of the alleged sale, and expenses. The price, interest, and taxed expenses were paid by Stewart. M'Dowall thereafter raised the present action against Stewart for £25, being damages sustained by the pursuer, and law expenses incurred by him to his law agent, in consequence of Stewart having wilfully failed to implement his bargain by paying the price of the horse at the date agreed on. The expenses sued for were extrajudicial expenses which had been disallowed by the Auditor in the taxation in the Court of Session action. The amount of these extrajudicial expenses had been subsequently, at the request of the pursuer's agent, taxed by the Auditor as between agent and client. The grounds of damage set forth were loss of time and personal expenses. The Sheriff-Substitute (RHIND) decerned for the amount of the account of expenses, and *quoad ultra* found no damages due. The Sheriff (HECTOR) recalled, and assoilzied the defender.

M'Dowall appealed.

ROBERTSON for him.

J. C. SMITH and M'KECHNIE in answer.

The Court dismissed the appeal, holding that the extrajudicial expenses could not be recovered, and that the other grounds of damage were not relevant.

Agent for Appellant—W. R. Garson, S.S.C.

Agent for Respondent—William Milne, S.S.C.

Friday, December 1.

BRADY *v.* GRIMONDS.

Reparation—Accident—Fault. Circumstances in which *held* that the employers of a little girl, ten years of age, who had fallen down the shaft of an elevator and been severely injured, were not in fault, and consequently not liable in damages for reparation.

This was an appeal from a decision of Sheriff HERIOT in a case at the instance of Mary Brady, daughter of William Brady, Rose Lane, Dundee, against Messrs J. & A. D. Grimond, Bowbridge Works, for £250 damages for injury by an accident which pursuer sustained in the defenders' mill on 3d November 1870, by falling down the hatchway of an elevator. The pursuer's statement was, that on the day in question, being the third day of her employment in the mill, and while she was leaving her work on the third floor at the meal hour, she observed a boy enter the door that leads to the elevator passage on that floor, and supposing that to be the way out she passed through that door and fell through the elevator passage the depth of three storeys. In consequence of that she was severely bruised and injured, and had her legs broken. The defenders alleged that the girl, when she met with the accident, was in violation of her duty and of the rules of the work, about to swing herself down the ropes of the elevator, but that in attempting to do so she had missed her hold of the ropes, and had fallen down the passage of the elevator the distance of one flat, being from the third to the second floor. Evidence was led on the various points at issue between the parties, and on the 1st July Sheriff CHEYNE issued an interlocutor finding that in the circumstances, and having special regard to the pursuer's age (which was ten years in February 1871), the accident was not attributable to fault on her part, but that the defenders were liable to compensate her for the injuries she had received, and therefore found her entitled to £20 of damages. The defenders appealed the case to the Sheriff-Principal (HERIOT), who recalled the Sheriff-Substitute's interlocutor, and found for the defenders, as the elevator down which the pursuer fell was securely fenced, and therefore they were not in any way responsible for the accident.

BRADY appealed.

SCOTT and STRACHAN for her.

SOLICITOR-GENERAL and SHAND in answer.