

Slark. The true issue is whether the error under which he signed was induced by the other party to the contract, and on that issue the judgment of the Court must be for the pursuer.

LORD DUNDAS concurred.

LORD M'LAREN and LORD PEARSON were not present.

The Court pronounced this interlocutor:—

“Recal the said interlocutor: Decern against the defender for payment to the pursuer of the sum of £250: Find the pursuer entitled to expenses, and remit,” &c.

Counsel for Pursuer (Reclaimer)—Crabb Watt, K.C. — R. Scott Brown. Agent—John Robertson, Solicitor.

Counsel for Defender (Respondent)—M'Kechnie—A. J. Louttit Laing. Agent—David Philip, S.S.C.

Friday, October 25.

FIRST DIVISION.

GOWANS v. ADAMS.

*Administration of Justice — Agent and Client—Duty of Agent Ceasing to Act for Party to a Cause to Furnish Opposite Party with Former Client's Address.*

Where an agent has ceased to act for a party to a cause, it is his duty to furnish the opposite party's agent with his former client's address.

In an action at the instance of Gowans, a trustee on a bankrupt estate, for a balance alleged to be due on certain Stock Exchange transactions, the Lord Ordinary granted decree as craved.

The defenders, Mr and Mrs Adam, reclaimed.

On the case being called in the short roll on 23rd October, counsel for the respondent alone appeared. He stated that his agents had received intimation from the agents who had hitherto acted for the reclaimers that they no longer represented them, but that they had, however, intimated to their former clients that the case had been put out for hearing. He further stated that his agents had asked to be furnished with the reclaimers' address, but it had not been supplied, and that consequently his agents had been unable to give any intimation to the opposite party.

The Court (the LORD PRESIDENT, LORD KINNEAR, and LORD DUNDAS) continued the case till 25th October, and directed the Clerk of Court to write to the former agents of the reclaimers requiring them to appear at the bar at 10 o'clock on the 25th instant in order to explain their failure to furnish the respondent's agents with the address of their former clients.

On 25th October the reclaimers' former agents appeared by counsel, when the LORD PRESIDENT stated that the Court was quite

satisfied with an explanation contained in a letter which had been written to the Clerk of Court.

His Lordship added:— I only wish to add that I should like it clearly understood by agents practising in the Court, that in every case in which they cease to act for a party it is their duty to furnish the agent for the opposite party with the address of their former client, if it is known to them, so as to enable that party to move the Court to proceed if further attendance is not made. For the Court will not deal with the case as if all parties had been properly convened when no appearance is made for one of the parties, and the Court is told that the only intimation he has received of the hearing is intimation from his former agents; the intimation must be given to him by his opponent.

[Intimation having been duly given to the reclaimers, and no appearance being made, the Court on 30th October refused the reclaiming note with expenses.]

Counsel for Respondent—D. M. Wilson. Agents—Fraser & Davidson, W.S.

Counsel for the former Agents of the Reclaimers — Orr, K.C. — R. Macaulay Smith. Agents — Clark & Macdonald, S.S.C.

Saturday, October 26.

OUTER HOUSE.

[Lord Mackenzie.

LAFFERTY v. CALEDONIAN RAILWAY COMPANY.

*Process—Act of Sederunt—Date—Date when Act of Sederunt Comes into Operation—Court of Session Act 1868 (31 and 32 Vict. cap. 100), sec. 106.*

Held that an Act of Sederunt dated 20th March 1907 came into operation on that date, although it was subject to alteration by Parliament for a period of thirty-six days thereafter in terms of the Court of Session Act 1868 (31 and 32 Vict. cap. 100), sec. 106.

Opinion that an Act of Sederunt dealing with procedure is retrospective, in the sense that it would apply to an action raised before its date.

*Expenses—Appeal for Jury Trial from Sheriff Court—Expenses in Sheriff Court—Act of Sederunt, 20th March 1907, sec. 8.*

The Act of Sederunt 20th March 1907, section 8, enacts—“Where the pursuer in any action of damages in the Court of Session, not being an action for defamation or for libel, or an action which is competent only in the Court of Session, recovers by the verdict of a jury £5 or any sum above £5 but less than £50, he shall not be entitled to charge more than one-half of the taxed amount of his expenses, unless the judge before whom the verdict is obtained