

the correctness of the dates which these writings bear:—

“Applegarth School-house, 26th March 1864.—My dearest Isabella,—You do not know how much your distant coldness last evening has pained me. You did not look like yourself at all, so shy and independent. I must own that you have some apparent cause for displeasure, but I could not act very well otherwise than I have done. It was my real and honest intention when I made you the promise that you should come to Sandyholm next Whitsunday, but on second thoughts I thought it best to put off a little longer. Our house must be in a great measure refurnished; that will take a good deal, and we must not commence housekeeping without a something to fall back upon. But what signifies a little delay. Do not distrust me, for as sure as there is a God above us, I will faithfully fulfil my promises to you. I have called you my wife, and such you are, my dearest Isabella, and if you insist upon it, I will give you marriage lines to make everything sure, but I beg of you not to allow distrust of my intentions for a moment to enter your mind. Mrs Wilson must now of course remain in the house for another year, but at the end of that time you shall get your rights. I shall call over again privately next Tuesday evening, when I earnestly hope you will receive my visit, and that everything will be again *smooth* between us.—I am, dearest Isabella, your ever loving,

(Signed) “ROBERT M'KIE.”

“Annanhill, 4th October 1864.—We, the undersigned, having entered into a contract of marriage by our mutual agreement and consent, as permitted by the law of Scotland, hereby acknowledge and declare ourselves husband and wife. Witness our hands this fourth day of October, eighteen hundred and sixty-four years,

(Signed) “ROBERT M'KIE. ISABELLA W. WHITE.”

Parties having been heard upon the complaint and defences, the Sheriff-Substitute at Dumfries, before answer, allowed each of them a proof of their respective allegations, and also a conjunct probation. It was stated that the complainer and his wife had been examined in the course of the proof which was afterwards taken in the cause, and that they had given evidence to the effect that the writings above quoted had passed between them of the dates they bear.

The Sheriff-Substitute, however, on 12th February 1866, after hearing parties on the concluded proof and whole case, found the charge proven, and passed sentence of deprivation upon the complainer.

The complainer thereupon brought the present note of suspension and interdict, which having come to depend before Lord Benholme, Ordinary officiating on the bills, was refused by him. Against his Lordship's judgment the complainer now reclaimed.

M'KIE, for the complainer (with him ALEX. MONCRIEFF), submitted various considerations upon which the note should be passed to try the question. These were that the offence charged was not an offence under the Act; that the libel was defective in specification; and that evidence had been improperly admitted upon the law and discipline of the Church of Scotland in regard to antenuptial fornication.

SOLICITOR-GENERAL and COOK, for the respondents, were not called upon.

The COURT was unanimously of opinion that the Sheriff's judgment was final, unless he had exceeded his jurisdiction. None of the reasons stated for the complainer, except the first, involved an

excess of jurisdiction. The Court was not prepared to hold that antenuptial fornication was not immoral conduct in the sense of the Act. It was not alleged that the Sheriff had proceeded upon the evidence as to the views of the Church in this matter. It was not enough to justify interference with his sentence that he had committed error in judgment. That was not exceeding his jurisdiction. The Court therefore adhered to the Lord Ordinary's interlocutor, and found the complainer liable in additional expenses.

Agent for the Complainer—Robert Finlay, S.S.C.

Agent for the Respondents—James Steuart, W.S.

Thursday, May 24.

NOTE—MARY BONAR FOR POOR'S ROLL.

*Poor's Roll*—The reporters on the *probabilis causa* being equally divided in opinion, the Court admitted the applicant to the roll.

In this application for the benefit of the poor's roll, the reporters on the *probabilis causa litigandi* of applicants were equally divided in opinion, and they reported to the Court to that effect.

DONALD CRAWFORD for the applicant submitted that in these circumstances she was entitled to admission. The action she was about to institute involved a jury question, and the difference of opinion among the reporters proved that there was a *probabilis causa*.

The Court admitted the applicant to the roll.

Friday, May 25.

EDMOND v. ROBERTSON.

*Bankruptcy—Proof.* (1) A trustee on a sequestrated estate may produce the bankrupt's books in evidence after a record is closed in a question betwixt him and a creditor. (2) Circumstances in which a party allowed to lead evidence in replication.

*Question*—Whether, when a Sheriff sustains an objection taken in the course of a proof, he pronounces a deliverance in the sense of sec. 270 of the Bankruptcy Act.

This was an appeal presented by James Edmond, advocate in Aberdeen, trustee on the sequestrated estates of Grant & Donald, druggists in Aberdeen, against two interlocutors of the Sheriff-Substitute of Aberdeenshire.

Alexander Robertson residing at Kepplestone, near Aberdeen, claimed to be ranked as a creditor on the bankrupt's estate in respect of a bill for £368, drawn by him upon and accepted by them. The trustee rejected the claim, and Robertson appealed to the Sheriff.

The Sheriff-Substitute appointed the parties to lodge minutes in terms of the Act. The fifth statement made by the trustee was in these terms:—

“5. Grant & Donald never received any money or value in consideration of either of the said bills or the said note. Whatever may have been the transaction, the firm had no concern or interest in it. It was one of Grant's alone, and known to the claimant to be his, and dealt with by him as such.”

This statement was denied by Robertson.

On 17th November 1865 the Sheriff-Substitute pronounced the following interlocutor:—

“Having heard parties' procurators, allows the respondent a proof of the fifth article of his revised minute, and the appellants a cross proof; grants warrants for letters of diligence at both parties'