severally, or severally and individually, ought to be decerned and ordained, &c. Now, that is in no proper sense an action directed against the Synod; it is only directed against certain individuals, and not against these individuals as representatives of the Synod. Under these conclusions the pursuer might go against any of these individuals as the occupant of the premises, or he might sue each for his own share, but what that share is is not said, and moreover there is no foundation laid for it. There is an incongruity between the grounds of action and the conclusions of the summons, and therefore I think the action must be dismissed. In regard to the other case, at the instance of the same pursuer, the action stands in a different position. It is directed against certain individuals as defenders, who are called as defenders in their character of trustees, trustees under which they are made feudal proprietors of the subjects in respect of which the assessment is imposed. Now, it is quite true that feudal proprietors, as such, are not liable in the assessment, because it is imposed on tenants and occupiers. But the question is whether in the circumstances the trustees called are, in view of the law, the occupants of the premises. About other two matters of fact there can be no doubt. There is no doubt, in the first place, that these gentlemen are the owners of the premises, for a fluctuating and uncertain body of persons called the Synod. There is no doubt, secondly, that the premises are, in point of fact, occupied, and that being so, it follows that there must be some person or persons who, in terms of the statute of 1861, are occupiers of the premises in question. Now, what is the state of the occupation? The Synod of the U.P. Church meets periodically, and it is in some measure a representative body. The same individuals, therefore, do not occupy the premises at any two successive meetings of the body. But that is only part of the occupation; there is also occupation by committees under the authority of the Synod; and there is further occupation by persons to whom the Synod or its managers let the premises for hire, not under a lease or for any lengthened period, but for a day or a few hours. Now, it appears to me that in that state of the fact the law must hold the owners to be the occupiers. There is no person intermediate between the owner and those persons who occupy occasionally; there is nobody who can be said to occupy by means of these short occupiers, unless the owners or the short occupiers themselves. But it is out of the question to hold that a person occupying for a short period—for example, for the purpose of a lecture or a concert—is an occupant within the meaning of the statute of 1861; and we are therefore driven to hold the owner to be the occupant. That seems to be the ground of the Lord Ordinary's interlocutor, and I agree with him in the conclusions in law which he has deduced from the facts that the trustees under their feudal title are occupants of the subjects, and are therefore liable for the assessment. I am therefore of opinion that we should adhere to the interlocutor of the Lord Ordinary.

The other Judges concurred.

The Court accordingly, in the second action, sustained the second plea for the defenders, and dismissed the action, and in the first adhered to the interlocutor of Lord Jerviswoode finding the trustees liable.

OUTER HOUSE.

(Before Lord Jerviswoode).

LORD ADVOCATE, FOR COMMISSIONERS OF WOODS AND FORESTS *v.* MACLEAN.

Counsel for the Pursuer—The Lord Advocate, the Solicitor-General, and Mr Ivory. Agent — Mr D. Horne, W.S.

Counsel for the Defender—Mr Patton, Mr Millar, and Mr Crawford. Agent—Mr William Peacock, S.S.C.

This is an action of declarator brought by the Crown for the purpose of having it found that the soil of the shores of the sea round Scotland, below high-water mark on ordinary spring tides, so far as it has not been granted to any subject of the realm by charter or otherwise, belongs to her Majesty *jure coronæ*, and forms part of the hereditary revenues of the Crown in Scotland; also that the shore of the sea below high-water mark *ex adverso* of the lands of Ardgour, the property of the defender, belongs exclusively to the Crown; and finally, that the defender should be ordained to pay £20 as the price of the site of a pier erected on foreshore *ex adverso* of the defender's lands of Ardgour at Corran Ferry.

The defender pleads that the solum of the shore, subject to the right of the Crown as trustee for public uses, is carried by the defender's titles as part and pertinent of his estate; and further, that he and his predecessors have possessed the solum of the shore for more than the prescriptive period.

We understand that this is to be regarded as a "specimen" case for the purpose of settling the whole question of the Crown's right to the foreshore.

The argument had not been concluded when the Court adjourned.

ELOPEMENT WITH A WARD IN CHANCERY.

Re WILSON'S TRUSTS.—*Ex parte* SHAW.

The arguments in this case, which have occupied the attention of Vice-Chancellor Kindersley for several days, were brought to a conclusion on Tuesday. The matter came on on petition and cross petition, which have been filed for the purpose of obtaining the opinion of the Court as to who are the parties entitled to a fund of about £2500 which has been paid in, under the Trustee Relief Act, by the trustees of Mr John Wilson. It appeared that the testator being a domiciled Englishman, by his will, made in the English form, gave one moiety of the residue of his property to his great niece, Elizabeth Mary Hickson, and her children. Elizabeth Mary Hickson, being then under age, married George Buxton, and eloped with him, but being pursued was overtaken and brought back before the marriage was consummated, and George Buxton was tried and convicted for the abduction of the infant, and imprisoned for three years for that offence. Seven years elapsed, when George Buxton, being employed upon some business in Scotland, after he had been there for forty days, had an action of divorce, *a vinculo matrimonii*, brought against him in the Scotch Court of Session by Elizabeth Hickson or Buxton, and a decree was made in her favour by the then presiding judge (Lord Wood). She then married in Edinburgh in a church, according to the rites of the Established Church, John Shaw, who had been a member of Grey's Inn, but had become attached to the Scotch bar, and who had settled in Edinburgh, and remained in Scotland till his death in 1852, the marriage being solemnised in the month of June 1840. Under the will of Mr John Wilson, her uncle, the lady took a life interest in £2500, and by the terms of the will that sum was to go after her death to her children, but if there were no children, then to other parties. She died in 1863, and her three children claimed the fund, but the parties entitled in reversion, and who presented the cross petition, also claimed it on the ground that the Scotch divorce did not hold good in England, the subsequent marriage with Shaw was consequently invalid, and the children of the marriage therefore illegitimate, and as such did not take. The principal point raised was whether the collusion of Buxton invalidated the divorce. His Honour reserved his decision.