physical condition as to be unable to work for his livelihood, or at least to earn a livelihood. On the other hand, he may at that age have physical strength and health to enable him to work, and ability to earn wages sufficient to support him, and if it be shown either that he can get work to enable him to support himself, but will not have it, or that he has had work for such a time continuously as to show that his ability is of a permanent character, then although he may, from want of trade or want of will, be out of work for the time, I should regard him as a workman and able-bodied. There is nothing amounting to this in the present case. The lad about six months before the date of the application was engaged for about three months in a bottle-house earning wages of six shillings a-week, and this seems to have been the only occasion on which he earned anything for his own support. I cannot concur in the view that this single circumstance, and the fact that the applicant, who is really without parents to look after him, is 16 years of age, and in good health, is sufficient to bring him within the definition of an able-bodied man. In the special circumstances of the case, therefore, I agree in the result at which the Sheriff-Substitute has arrived, while I do not concur with him in thinking that in other circumstances a lad about or somewhat above the pursuer's age might not fairly enough be held to be able-bodied.

The Court recalled the interlocutor of the Sheriff-Substitute, and found that in the special circumstances of the case the respondent was for the present entitled to relief.

Counsel for Appellant—J. Burnet—Ure. Agents—Mackenzie, Innes, & Logan, W.S.

Counsel for Respondent—J. A. Reid—G. Burnet. Agent—Thomas M'Naught, S.S.C.

Tuesday, June 15.

FIRST DIVISION.

FORLONG, PETITIONER.

Process—Petition—Authority to Change Surname.

A petition for authority and sanction to change his surname by a person holding no public office *refused* as unnecessary.

Thomas Alexander George Forlong of South Erins, in Argyleshire, petitioned the Court to authorise him to assume and bear the name Thomas Alexander George Gordon, and to ordain the petition, with the deliverance thereon, to be recorded in the Books of Sederunt. The petitioner's mother Mrs Craufurd Gordon or Forlong, who died on 17th March 1880, had appointed him her sole residuary legatee, with the special request that he should assume the surname of "Gordon" instead of "Forlong" in remembrance of her. Mr Forlong held no public office, but he stated that he was "possessed of heritable property and other funds and effects acquired by him under the surname of 'Forlong,' and titles and other writs were conceived in his favour under that name. He had also been appointed as trustee and executor under various writs, and had been confirmed executor under the name of Forlong. He was also a commissioner of supply for the county of Argyle under the name of 'Forlong.' Moreover, that he was married, and had issue of the marriage, the births of his children being all registered under the name of Forlong." In these circumstances the petitioner was desirous to obtain the sanction and authority of the Court "to carry out the said request by assuming the name of 'Gordon' instead of 'Forlong,' so that no doubt of the identity of the petitioner or of his family might thereafter arise; and that full effect might be given to titles, trusts, and other writs conceived in his favour under the name Forlong, and to deeds and other writs executed by him or his said family, or any of them, under the surname Gordon; and to acts and votes of the petitioner as a commissioner of supply, trustee, executor, or otherwise." He stated that such authority had in many cases been given by the Court, and cited two instances in particular—those of *Sempill*, 30th June 1757, and of *Mrs Elizabeth Grant and others*, 10th June 1841—where the Court sanctioned a change of name by parties holding no public office. The Court having taken time to consider the petition, it was put out in Single Bills for advising.

At advising—

LORD PRESIDENT—The petitioner here asks the Court to authorise the alteration of his name from Forlong to Gordon. From the time when I first read the petition, I felt great doubt whether we have any proper jurisdiction in the matter. The petitioner holds no office under the Crown, nor any public office at all. The only reason why he desires to change his name is that the lady from whom he has derived considerable property expressed a wish that he should do so. Now, very many people change their names on coming to successions—*e.g.*, heirs of entail—and if we were to grant the prayer of this petition we might have all such heirs of entail bringing similar applications for authority to change their names in terms of the deed of entail. That would be quite a novelty.

The petitioner refers to two precedents, and says there are many others, but he does not tell us what they are. One of these is more than a hundred years old, and occurred at a time when the Court was much more disposed to extend its jurisdiction than it is now; and though the other is more recent, it does not appear what induced the Court to grant the application. On the best consideration which I can give to the matter, I think it would be unwise, if not absolutely beyond our power, to entertain this application. The petitioner may, however, consider how far the Lyon King-at-Arms might be able to give him any aid.

LORD DEAS—I am of the same opinion. I do not see what is to hinder the petitioner changing his name if he likes. Many people do so without our authority, and if we were to grant this application it might throw doubt on the present practice.

LORD MURE—This case is just the ordinary one where parties make a family arrangement as to a change of name on succession. It is frequent in cases of entail, and it is not necessary to come here for authority to carry such an arrangement into execution.

Lord Shand—I am of the same opinion. I should be for refusing this petition simply on the ground that it is unnecessary. As your Lordships have observed, it is usual to make changes of name without judicial sanction, and it would serve no good end to alter that practice. With reference to the case referred to, which occurred in 1841, I may observe that the petitioners who then asked sanction stated that they stood on the commission of the peace under the former name, and it may have been that fact which induced the Court to grant the application.

The Court refused the petition.

Counsel for Petitioner—Darling. Agents—Morton, Neilson, & Smart, W.S.

Tuesday, June 15.

SECOND DIVISION.

[Lord Rutherfurd Clark, Ordinary.

MOLLESON (RENTON & GRAY'S TRUSTEE) *v.* SMITH'S TRUSTEES AND ANOTHER.

Bankruptcy—Fraud—Reduction—Act 1696, *c.* 5.

In August 1878, R., a partner of R. & G., law-agents, induced a client D., who had borrowed money from the trustees of S., also clients of the firm, to pay up his bond between terms. D. did so, receiving at the time no discharge, and the money was put to his credit in the books of R. & G. On 22d October 1878, R. & G. being on the verge of bankruptcy, the trustees of S. granted a discharge of the bond to D., receiving therefor a bond over the house of G. R. & G. being immediately thereafter sequestrated, both as a firm and as individuals, their trustee brought an action to reduce both the bond and the discharge. *Held* that both deeds were granted for value, and that neither was reducible at common law or under the Act 1696, cap. 5.

This was an action of reduction at the instance of James Molleson, C.A., trustee on the sequestrated estate of Renton & Gray, S.S.C., Edinburgh, and trustee on the private estates of the partners, against (1) George Dickison, provision dealer in Edinburgh; and (2) William Bain, Patrick Don Swan, and James Renton jr., S.S.C., one of the partners of the firm of Renton & Gray, trustees of Peter Smith. The summons concluded for reduction of a bond and disposition in security for £300 dated 22d October 1878, granted by Robert Collie Gray, S.S.C., a partner of Renton & Gray, in favour of the defenders Smith's trustees over his house at Palmerston Road, Edinburgh, and also for reduction of a discharge granted by Smith's trustees on the same day and recorded on the next day (23d October), by which they discharged a bond and disposition in security for £400 in their favour over a house in Leven Terrace, Edinburgh, granted by the defender George Dickison on 14th July 1877.

The deeds thus brought under reduction were granted in the following circumstances:—In May 1877 the defender Dickison borrowed from the defenders Smith's trustees £400, and in security of this loan disponed to them his dwelling-house in Leven Street, Edinburgh. The bond was recorded on 14th May, and Messrs Renton & Gray were agents of both parties. The senior partner, Renton, who was one of Smith's trustees, took charge of the whole business connected with the loan. In August 1878 Renton called on Dickison, and represented to him that Smith's trustees were in need of the money, and were very anxious to have it paid up at once. By these representations he induced Dickison to make arrangements for at once repaying the money. These representations were false, and were made by Renton without the knowledge of his co-trustees. Dickison granted and endorsed bills in pursuance of his arrangement with Renton for £381, 8s. 3d., and handed them to Renton, who discounted them and placed the proceeds to Dickison's credit in the books of Renton & Gray. These bills were at three and four months, and were all duly retired by the debtors in them. The balance of £20 was paid by Renton & Gray from funds in their hands belonging to Dickison. In the same month of August 1878 Renton wrote to Mr Bain—one of his co-trustees on Smith's estate—that Dickison was anxious to pay up his bond in September. The letter was in these terms:—

"*Smith's Trust.*

"Dear Sir,—Mr George Dickison, 4 Leven Terrace, to whom the trustees lent at Whitsy. 1877 the sum of £400, has called to-day and intimated that he is to pay the same at Martinmas first. We accepted the intimation. So soon as suitable investment for the money appears we will submit it to you for your approval.—Yours truly,

Renton & Gray."

In October 1878 the City of Glasgow Bank closed its doors. Renton & Gray both held stock in the bank. They had been long insolvent, though enjoying good credit, and the failure of the bank made their position irretrievable. On 21st October they dissolved partnership. On 22d October there was written out and signed the bond and disposition by Gray which it was sought to reduce in this action. The evidence of Gray as to this bond in a proof allowed by the Lord Ordinary was as follows:—"On the 22d October 1878 Renton applied to me to sign a document. Renton had been engaged on the Friday and Saturday previous to the 21st, partly at home and partly at the office, looking into the affairs of the firm. On the Monday he showed me a bit of paper with memoranda of several sums which he said were due by the firm to clients, and opposite these sums he had noted several bonds which he proposed that he and I should grant, with the view of securing those clients. The bond referred to in this action was one of these. This bond was recorded on the same day, 22d October. On that day Renton called on Mr Bain and represented that Dickison wished to pay up the money which had been lent to him by Smith's trustees. Mr Bain refused to receive the money between terms. Renton then said that he had a security ready, and would give a bond over Gray's house for £300. Mr Bain, who knew the house over which Smith's trustees had another bond, was satisfied with the security and signed the discharge. The other trustee on Smith's estate (Mr Swan) took no part in the affairs of the trust, and the discharge was signed by Bain and Renton as a majority and quorum of the trustees. The difference of £100