the title under the 11th section of the Reform Act, 2d and 3d Will. IV. c. 65?"

SHAND submitted, upon the case as it stood, that under the Reform Act of 1832 ownership was a necessary qualification. Ownership there was not here, and there was no claim for enrolment on a different title, and therefore this appeal could not be supported. *Clark* v. *Hector*, 5 *Macph.* 66; *Robertson* v. *Rutherfurd*, 3 *Macph.* 417.

The Court, without hearing respondent's counsel, adhered to the Sheriff's judgment, and dismissed the appeal.

Agents for Appellant—Hughes & Myles, W.S

Agents for Respondent—Mackenzie & Black, W.S.

JOHN GRANT.

Act. Clark, Shand, and Black.
Alt. Gifford and Mackintosh.

Burgh Voters Act (1856)—*Burgh—District of Burghs—Right to Object. Held* that a voter in one burgh was not entitled to object to a voter in a different burgh, although these burghs formed part of a group that united in returning a member to Parliament.

In this appeal the Sheriff stated the following special case:—

"At a Registration Court for the burgh of Cromarty, held by me at Cromarty on the 5th day of October 1868, under and in virtue of the Act of Parliament 31 and 32 Vict. cap. 48, intituled 'The Representation of the People (Scotland) Act 1868,' and the other statutes therein recited, John Grant, writer in Tain, a voter on the roll made up for the burgh of Tain, objected to William Mackenzie, mason in Cromarty, being continued on the roll made up for the burgh of Cromarty as a voter for the said burgh of Cromarty. The said William Mackenzie stood enrolled as a voter in Cromarty, as owner of dwelling-house at Shore. It was objected by the said John Grant that the said William Mackenzie was not owner of the subjects on which he was enrolled. The said William Mackenzie declined to produce any writ in support of his enrolment, or to discuss the objection on the merits, and pleaded that there being no competent objection stated to his enrolment, he was not bound to do so.

"The following facts were also proved:—(1) That the said John Grant stood on the roll for the burgh of Tain as a voter for the said burgh; (2) that he did not stand on the roll for the burgh of Cromarty as a voter for Cromarty.

"I repelled the objection, and continued the name of the said William Mackenzie on the roll, on the ground that there was no competent objection to his enrolment. Whereupon the said John Grant required from me a special case for the Court of Appeal; and in compliance therewith I have granted this case.

"The question of law for the decision of the Court of Appeal is, whether it is competent for the said John Grant, as a voter appearing on the roll for the burgh of Tain, but not appearing in the roll made up for the burgh of Cromarty, to object to the enrolment of voters entered in the list made up for the burgh of Cromarty?"

It was argued for the appellant that the right to object is given by the 4th section of the Burgh Voters' Act to any voter on the roll of the burgh. The question was whether "burgh" includes "district of burghs." That question was to be determined by reading the New Reform Act along with the "Burgh Voters Act," and, reading these two Acts together, the word "burgh" includes district of burghs. The present point was decided by the Sheriffs at Inverness in the year 1839, and the appellant's view was supported by every consideration of justice and policy.

It was answered for the respondent that the question falls to be determined by reference to the Burgh Voters Act alone. That Act provides the whole machinery of registration, and provides it exhaustively. The terms of that Act are clear. The word "burgh" is used throughout as confined to the individual burgh, and the interpretation clause does not declare that "burgh" shall include "district of burghs." That is conclusive of the present question, and it is of no moment what the Sheriffs decided in 1839 with reference not to the Burgh Voters Act, but to the Reform Act of 1832.

LORD ARDMILLAN said the claim was based on the statute of 1868; but for the question now raised the authority must be found in the statute of 1856; and in reading that statute, he was unable to come to any other conclusion than this, that there was within that statute authority which to his mind was very clear indeed for reading "burgh" in its natural and more limited meaning, as confined to a particular burgh, and not as extending to a district of burghs. The word "burgh" could not mean the whole of the contributing burghs. The right to object was co-extensive with the right to vote; and if the right to vote was limited to the burgh where the property was, the right to object must be limited in the same way. He concurred in the Sheriff's decision.

LORD MANOR was disposed to think that burghs associated together for Parliamentary purposes were to be considered as one group, and that a voter in such group was precisely in the same situation as an individual in a burgh which was single. He therefore thought that the Sheriff's judgment ought to be rescinded.

LORD BENHOLME said that, with such difference of opinion, he should have been inclined to deal with this case as with the previous one, and have taken time to consider it; but as he could not hope to have the case better argued, there would be little use in delaying their decision. He was very clearly of the opinion of his brother Lord Ardmillan, that the decision of the Sheriff should be maintained.

The Sheriff's decision was therefore sustained.

Agents for Appellant—Hughes & Mylne, W.S.

Agents for Respondent—Mackenzie & Black, W.S.

DAVID MACKENZIE.

Act. Gifford and Mackintosh.
Alt. Clarke, Shand, and Black.

Burgh Voters' Act (1856) *sec.* 4—31 *and* 32 *Vict. cap.* 48, *sec.* 20—*Assessor—Timeous delivery of objection—Power of Sheriff to correct enrolment.* (1) Circumstances in which *held* that a notice of objection had been timeously made; (2) *held* that a party standing on the roll on a qualification as proprietor could not be continued on a qualification as tenant and occupant, and that the Sheriff could not alter the enrolment, so as to substitute the one qualification for the other.

In this appeal the following special case was stated:—