

for the statutory period of six months, did not afford the qualification although entered in the current valuation roll as of the necessary value.

The following special case was stated in this appeal:—"At a Registration Court for the county of Wigtown, held by me at Stranraer on the 2d 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, Thomas M'Crindle, Portwilliam, claimed to be enrolled on the Register of Voters for the said county, as 'proprietor or tenant under a building lease of ground and houses, Portwilliam, Mochrum. I found that the said subjects are contained in a lease granted by Sir William Maxwell, Bart., to the claimant and spouse in liferent for their liferent use only, and to his or her heirs or assignees in fee, dated 10th January 1854, and of which lease the stipulated endurance is ninety-nine years from and since Whitsunday 1851.

"It was admitted that the subjects described in said lease did not appear in the Valuation Roll for the year ending at Whitsunday last 1868, as of sufficient value, but that they appeared as of sufficient value in the current year's Valuation Roll for 1868-69. It was admitted also that the claimant was holder of other subjects in Portwilliam, not in said lease, but which appeared in the Valuation Roll for the year ending at Whitsunday 1868 as of the value of £14 sterling, but that he ceased to be holder of the said subjects at Whitsunday 1868. He held these under a similar long lease for ninety-nine years. James Kinna, residing at Machermore Castle, Minnigaff, a voter on the roll, objected to the said claim, on the ground that the subjects mentioned in said building lease did not appear in the Valuation Roll for the period of six months next preceding the 31st day of July, as of the requisite value. I admitted the claim. Whereupon the said James Kinna required from me a special case for the Court of Appeal, and in compliance therewith I granted him this case.

"The question of law for the decision of the Court of Appeal is—Whether the claimant, having been owner or long lease-holder of subjects of sufficient value for the requisite period, but having ceased to be owner of part at Whitsunday last, and the remainder appearing of sufficient value only in the Valuation Roll for the current year from Whitsunday last, he is not entitled to be registered?"

GUTHRIE appeared for the appellant, and stated that in this case the subjects claimed on had not increased in value so as to have been of the requisite value at 31st January 1868; but the claimant maintained that he was owner of other subjects up till Whitsunday 1868, which he then sold, and that he was entitled to take these into account in estimating the value of his qualification. Mr Guthrie maintained that the value required under the Statute could not be made up in this way, and that the name ought to be expunged from the roll.

LORD BENHOLME thought the claim could not be sustained, as the particular subject on which it rested was not of sufficient value for the six months prior to the time specified. He did not go into the question of whether the value of the two subjects would have been sufficient to give the qualification. The other Judges concurred.

The name of the claimant was expunged from the roll.

Agents for Appellant—J. M. & J. Balfour, W.S.  
Agents for Respondent—Maitland & Lyon, W.S.

#### MARTIN v. M'LURG.

Act. Guthrie. Alt. Campbell.

2 & 3 Will. IV., c. 65, sec. 7—31 & 32 Vict., c. 48, sec. 5—Owner—Claim. Circumstances in which held that a party claiming to be admitted to the roll, was not owner in the sense either of the new or the old Reform Act.

The following special case was stated in this appeal:—"At a Registration Court for the county of Wigtown, held by me at Stranraer, on the 2d 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, Charles M'Lurg, Newton-Stewart, claimed to be enrolled on the Register of Voters for the said county as liferent proprietor of dwelling-houses and pertinents, Queen Street, Newton-Stewart, parish of Penninghame.

"The subjects claimed on are vested in feudal form in trustees, but under a direction to them 'to allow my brother, Charles M'Lurg' (the claimant) 'the rents of the dwelling-house, garden, and premises herein-before described and conveyed to them,' during 'his life, after deduction of the feu-duty, and all rates, taxes, and charges payable for or in respect of the same, and at his death the same to be sold.'

"It was proved that Charles M'Lurg, the claimant, has received the rents of the premises claimed on, subject to public and other burdens and charges since November 1866, the date of the death of the claimant's brother William, who in his trust-settlement gave the above direction. The subjects appear in the Valuation Roll of 1867-8 under the names of Charles and James M'Lurg, his brother, as proprietors of the value of £22 odds; and in the Valuation Roll of the current year under the name of Charles M'Lurg alone as proprietor, at the value of £17, 16s. David Martin, notary-public, Newton-Stewart, a voter on the roll objected to the said claim, on the ground that the claimant was not owner of the subjects claimed on in the sense of sect. 7 of the Act 2 & 3 Will. IV., cap. 65, or of sect. 5 of The Representation of the People (Scotland) Act 1868, in respect that his right under the settlement of William M'Lurg, and the other deeds produced was moveable, and that he had no real right in the subjects.

"I admitted the claim. Whereupon the said David Martin 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 the claimant is owner of the subjects in the sense of the said sections of the said recited Acts, or either of them?"

The Court reversed the decision, and ordered the name to be expunged from the roll.

Agents for Appellant—J. M. & J. Balfour, W.S.  
Agents for Respondent—Maitland & Lyon, W.S.

#### M'MASTER v. BRAY.

Act. Campbell. Alt. Guthrie.

Tenant and Occupant—Valuation Roll. Circumstances in which a party admitted to the roll, although the requisite value did not appear in the valuation roll.

The following special case was stated in this appeal:—"At a Registration Court for the county