

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

of Wigtown, held by me at Stranraer on the 1st day of October 1868, under and in virtue of said Act, and the other Statutes therein recited, Hugh Maclean, writer, Stranraer, agent for Thomas M'Master, farmer, Rephad, Inch, a voter on the roll, objected to John Stuart Bray, Kirkcolm village, being entered on the roll as a voter for the said county. The said John Stuart Bray stood enrolled by the assessor as a voter as tenant and occupant of dwelling-house and piece of ground, Kirkcolm village, and Knockcloyd Fey.

"It was objected for the said John Stuart Bray by Mr Charles Scott, his counsel, that the notice of objection was informal, insufficient, and not in terms of the Statute, in respect it was not signed by Thomas M'Master, the objector himself, but only by a procurator of court, holding a general mandate to object to 'all and sundry persons whom he might consider objectionable being entered or retained on the register of voters for the county,' and no special mandate to object to the said John Stuart Bray.

"Which objection to the said notice of objection I repelled, and the said Charles Scott, on behalf of said John Stuart Bray, appealed against my judgment, and craved a special case for the Court of Appeal.

"I then proceeded to take the evidence of R. S. Forbes, the assessor for the county of Wigtown, and that of the said John Stuart Bray, and found it proved that the said John Stuart Bray was a tenant paying the following rents:—

1. For a dwelling-house in Kirkcolm village,	£8 0 0
2. For a piece of land, named Knockcloyd Fey,	5 0 0
3. Of rent, by way of interest on improvements of said piece of land,	1 7 0
	£14 7 0

"It was proved that the said sum of £1, 7s. had been paid for the first time in 1868 for the year ending Whitsunday 1868, but did not appear in the return of the landlord's factor to the assessor as for the year from Whitsunday 1867 to Whitsunday 1868. The said John Stuart Bray appears in the valuation roll for 1867-8 as tenant and occupant of subjects of the value of £13, and in that of 1868-9 as tenant and occupant of subjects of the value of £14, 7s., and I sustained the objection. Whereupon a special case was required from me by Mr Bray's counsel, and in compliance therewith I have granted this case.

"The questions of law for the decision of the Court of Appeal are—(1) Is the said notice of objection sufficient? (2) Is the valuation roll sufficient to exclude the claimant's right to be registered?"

The Court reversed and admitted.

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

CAUCHIE v. MAITLAND.

Act. Guthrie. Alt. Campbell.

Tenant and Occupant—Valuation Roll—Proof of Tenancy. Held competent to look for evidence of tenancy beyond the current valuation roll, and outwith the valuation roll altogether.

The following special case was stated by the Sheriff:—"At a Registration Court for the county of Wigtown, held by me at Stranraer on the 1st day of October 1868, under and in virtue of the Act of

Parliament 31 and 32 Vict., c. 48, intituled 'The Representation of the People (Scotland) Act 1868,' and the other Statutes therein recited, John Maitland, gentleman, Balgreggan, Stoneycirk, a voter on the roll, objected to Robert Cauchie, Auchneel, parish of Leswalt, being entered or retained on the roll as a voter for the said county. The said Robert Cauchie is this year, for the first time, entered in the assessor's list of persons entitled to be registered as a voter, as sub-tenant and occupant of land, Auchneel, parish of Leswalt, and county of Wigtown. It was objected by the said John Maitland that the said Robert Cauchie's name did not appear on the valuation roll for the said county for last year, and only appeared on said valuation roll for the current year—that is, from 15th May 1868—for the first time.

"The following facts were proved:—The said Robert Cauchie is and has been sub-tenant in the actual personal occupancy of the land above specified, for the period, and of the annual value, required by section 6 of the Representation of the People Act, 1868. The said land does not appear separately in the valuation roll of the county in the name of the said Robert Cauchie for last year, 1867-68, but appears in said valuation roll for the current year, 1868-69, in his name. The farm of Auchneel, in the parish of Leswalt, of which the subject above specified forms part, appears in the valuation roll of said county for the year ending Whitsunday 1868 solely in name of the principal tenant of said farm.

"I sustained the objection, and expunged the name of the said Robert Cauchie from the roll. Whereupon the said Robert Cauchie 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 said Robert Cauchie is not entitled to be registered as a voter for the said county, in respect of it not appearing from the valuation roll for the year ending Whitsunday last 1868 that he was tenant in the actual personal occupancy of the subject, at a rent of £14 or upwards?"

LORD ARDMILLAN said that his opinion was that the objection ought not to have been sustained, and that Cauchie should have been placed on the roll. It had been proved that there was no objection to the qualification of this voter apart from the Valuation Act; and secondly, that the valuation roll contained this tenant's name, so as to enable them to check his claim by reference to it in the year 1868-69. But it was said that the valuation roll did not contain a similar entry for the previous year. He maintained that although the name did not appear on the valuation roll for the previous year, if it could be proved that the claimant had been tenant for six months previous to Whitsunday 1868, the claim was valid. The valuation roll for 1867 was made up several months before the end of the year—consequently it was actually made up before the possession of the farm might be entered into for the year, and it could not be evidence exclusive of the claimant from the roll if contrary evidence was led. The distinction was between a thing that was non-conform to the valuation roll and a thing that was contrary to the valuation roll. If it did not conform to the valuation roll simply because it did not appear in it, that was one thing; but if it was contrary to the valuation roll, that was another. Now, if a man was alive when the valuation roll was made up in 1867, and died in January, when they