

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 Knockcoyd 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 Knockcoyd 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

inquired into the case, certainly the valuation roll could not prove him alive against the fact that he was dead; and it was not within this Act at all that they could find any declaration that the valuation roll was conclusive proof as to when a man might enter into possession of a subject. He therefore thought that they could not fall back to the valuation roll of the year 1867 to the exclusion of other evidence. He thought in this case the objection ought to be repelled.

LORDS BENHOLME and MANOR concurred, and Mr Cauchie was ordered to be placed on the roll.

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

#### KINNA v. FROOD.

*Act. Guthrie. Alt. Campbell.*

*Tenant and Occupant—Manse and Glebe—Valuation Roll.* A party admitted to the roll, in respect it appeared from the valuation roll that he had been tenant and occupant of subjects of the requisite value and for the necessary period, although, in a proof led in the registration there had been a failure to prove that he had the qualification upon which he was enrolled.

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., cap. 48, intitled 'The Representation of the People (Scotland) Act 1868,' and the other Statutes therein recited, William Shaw, solicitor, Stranraer, as agent and mandatory of James Kinna, residing at Machermore Castle, Minnigaff, near Newton-Stewart, a voter on the roll, objected, for the said James Kinna, to the name of the Reverend Bryce Frood, manse of Old Luce, being entered or retained on the roll as a voter for the said county. The said Reverend Bryce Frood has this year, for the first time, been by the assessor enrolled as a voter, as tenant and occupant of land, Auchenmanister, and manse and glebe of Old Luce.

"It was objected for the said James Kinna that the said Reverend Bryce Frood was not tenant and occupant of said manse and glebe, and that the land of Auchenmanister, of which he was tenant, was not of sufficient value. Mr Scott, for Mr Frood, objected to the notice of objection that it was ineffectual, as not being signed by the party Kinna himself, and also in respect that Mr Shaw's mandate was not a mandate to object to Mr Frood specially, but to object to all and sundry persons whom he might consider objectionable being entered or retained in the register for the county. I found that the said notice of objection, dated 4th September 1868, bears to be signed 'William Shaw, solicitor, Stranraer, mandatory of James Kinna, residing at Machermore Castle, Minnigaff, a registered voter for the county of Wigtown.' Mr Shaw is a procurator in this Sheriff-court, and is also holder of a mandate signed by Mr Kinna, and duly tested and dated 2d September 1868, authorising him to object this year in his (Kinna's) name 'to all and sundry persons whom you may consider objectionable being entered and retained on the register of voters for the county of Wigtown, to sign and lodge said objections as my agent, and to do everything thereabout that you may consider right and proper in following forth and maintaining said objections, and to refer to the oaths of all and sundry the persons objected to, as you may

see necessary, the verity of their respective claims, or such other matters as you may think fit.' I repelled the objection to the notice of objection, and Mr Scott craved a special case for appeal.

"It was proved that the said Bryce Frood, who is assistant and successor to the minister of Old Luce parish, has been tenant and occupant of the land of Auchenmanister, at a rent of £12, for the requisite period, but it was not proved that Mr Frood has been tenant of the manse and glebe. His name, however, appeared as tenant and occupant of the manse and glebe on the valuation rolls for the years 1867-8 and 1868-9, at the requisite value, and I therefore repelled the objection to the name of Mr Frood being retained on the roll of voters. Whereupon Mr Guthrie, for the objector, required a special case to be prepared, and both parties declared their intentions to appeal against the said decisions so far as adverse to them respectively.

"The questions of law for the decision of the Court are—(1) Is the notice of objection sufficient? and (2) Was the party entitled to be registered as a voter, in respect of it appearing on the valuation rolls of the county that he is, and has been for the necessary period, tenant of subjects of the requisite annual value."

The Court, without hearing opposite counsel, unanimously affirmed the decision of the Sheriff, and dismissed the appeal, holding that the valuation roll was conclusive proof of the value of the subjects.

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

#### MAITLAND v. M'CREIDIE.

*Act. Campbell. Alt. Guthrie.*

*Valuation Roll—Owner.* Held that subjects entered in the valuation roll under the name of one person, may be distinguished as belonging to another whose name appears on the roll as proprietor, so as to afford the necessary qualification.

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 2d day of October 1868, under and in virtue of the Act of Parliament 31 and 32 Vict., cap. 48, intitled 'The Representation of the People (Scotland) Act 1868,' and the other Statutes therein recited, Thomas M'Creddie, Stewarton, Kirkcolum, claimed to be enrolled on the register of voters for the said county, as owner of dwelling-houses, gardens, and pertinents, Stewarton, Kirkcolum. The claimant produced in support of his claim charter of *novodamus* by John Carrick Moore, Esq., in favour of the claimant, dated 14th December 1867, proceeding on the narrative of which a copy is hereto subjoined. On that narrative Mr Moore disposed of new to the claimant, and his heirs and assignees whomsoever, heritably and irredeemably, the subjects claimed on. Part of the subjects is entered in the valuation roll for the current year, and also for last year, in name of the claimant, but the part so entered is not of sufficient value. The remaining portion of the subjects claimed on were entered in the valuation roll in the name of Grace M'Creddie, the claimant's sister, until the present year, when the said remaining part of the subjects was entered in the claimant's name in the valuation roll 1868-9, at the request of Grace M'Creddie. According to the entries of value in the