

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, Kirkcolm, claimed to be enrolled on the register of voters for the said county, as owner of dwelling-houses, gardens, and pertinents, Stewarton, Kirkcolm. 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