of Appeal; and in compliance therewith I have granted this case.

"The questions of law for the decision of the Court of Appeal are—(1) Whether a claim to be enrolled in respect of tenantcy and occupancy, or ownership and occupancy of part of a house, is sufficient in point of form? (2) whether, in the circumstances above set forth, the qualification claimed on was sufficient to warrant enrolment, keeping in view the provision of the 3d section of the Representation of the People (Scotland) Act, as explained by the 59th section of the said Act?"

No special description of the house being given—

SHAND asked for a remit to the Sheriff, in order to ascertain the nature of the house.

LORD BENHOLME said he saw no ground for a remit. The man claimed as tenant and occupant of one-half of a house, and as such, under the interpretation clause of the Act, his title was good, provided he was separately rated to the poor. It was admitted that he was not so rated; therefore, under the terms of the Act, the claim as tenant of part of a house could not be sustained. He did not think this was a case for remit. The case in other respects, however, did not seem so clear as he thought his friends considered it, and he would suggest to their Lordships that, while they refused to remit, they should take time to consider the case, because it ran into other cases in which the rating clause was involved, and in which the question as to what formed part of a house would be discussed.

LORDS ARDMILLAN and MANOR concurred, and time was taken to consider the case.

The case was advised at a subsequent diet of the Court—

LORD ARDMILLAN said that the claimant in this case claimed to be enrolled as tenant and occupant of one-half of a house in Cromarty. The objection to his claim was that he only claimed as tenant and occupant of a part of the house, and that he was not separately rated. The Court had already expressed its opinion in more than one case that the occupant of part of a house had no right whatever to the franchise unless he could bring himself within the 59th section of the Act. By that section it was necessary that the occupant of a part of a house should be separately rated; and in this case the occupant was not so separately rated, and therefore the claimant could not get the benefit of that section.

LORD MANOR was clearly of the same opinion. In this case the claimant only occupied part of the house, and, not being separately rated, he could not come under the 59th section of the Act, and was not therefore entitled to the franchise.

LORD BENHOLME concurred with their Lordships. The interpretation clause supposed that a dwelling-house might be a part of a house. One would be a little at a loss as to what was the true definition of a house in the sense of the Act, and he could conceive cases in which, on the abstract question, without considering the way in which houses were inhabited, it would be difficult to say what part of a building constituted a whole house. But it was quite clear that this Act of Parliament contemplated that the word dwelling-house for the purposes of this Act might be taken in a very large sense, and might extend to every part of a building, however small, that was occupied by one individual, provided the occupier was separately rated for the poor either in respect of the premises which he occupied, or as an inhabitant of the parish. The only question here was whether there was really not a whole house, and therefore they did not require the aid of the interpretation clause to make it a dwelling-house. On that point they had had a very able argument; but he had not been able to see this in a different light from their Lordships. He thought these premises were plainly a part of a house; and he could not help agreeing with their Lordships that they must affirm the judgment of the Sheriff.

The judgment of the Sheriff was accordingly affirmed.

Agents for Appellant—Hughes and Mylne, W.S.
Agents for Respondent—Mackenzie & Black, W.S.

JAMES GORDON SMITH.

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

Husband—Owner in right of Wife—Correction of description. Held that the Sheriff was entitled to correct an enrolment by adding the words "in right of his wife" to the qualification of a husband claiming as owner in respect of his wife's property. Qualification, so amended, held to confer the franchise.

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, George Gordon Smith, surgeon in Cromarty, a voter on the roll, objected to Alexander Mackay, innkeeper in Cromarty, being continued on the roll as a voter for the said burgh. The said Alexander Mackay stood enrolled as a voter in Cromarty, as owner of inn, garden, and dwelling-house, Church Street, Cromarty.

"It was objected by the said George Gordon Smith that the said Alexander Mackay was not owner of the premises on which he stood enrolled.

"The said Alexander Mackay produced in support of his right to be continued as a voter on the roll, the writs, of which copies so far as material are appended hereto, and which are to be held as embodied in this case, and to constitute part thereof, viz.:—Disposition of the premises in question by Innes Colin Munro of Poyntzfield, in favour of the claimant's wife, Christina Maclean or Mackay, dated 4th February 1867.

"The following facts were also proved:—That the premises on which the voter was enrolled were of the yearly value of £13.

"I repelled the objection, and continued the name of the said Alexander Mackay upon the roll, adding to the word owner, in the description of his qualification, the words 'in right of his wife.' Whereupon the said George Gordon Smith required from me a special case for the Court of Appeal; and in compliance therewith I have granted this case.

"The questions of law for the decision of the Court of Appeal are—(1) Whether it was competent to the Sheriff to correct the description of the voter's qualification as appearing on the register by the addition thereto of the words 'in right of his wife?' (2) whether, assuming that it was not competent to the Sheriff so to correct the description, the disposition in favour of the claimant's wife was a title sufficient to warrant the enrolment of the voter as *owner* of the subjects conveyed by

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:—