because it is situated within the royalty has a right to vote if otherwise qualified in the election of town councillors." Then reference is made to the Statute of 1868, and in the first place to section 3 thereof.

That section 3 falls into three parts. The first of these parts deals with persons whose premises within the royalty entitles them to vote in a parliamentary election, and in my opinion has no application in the present case. The second part deals, *inter alios*, with those persons who have a sufficient qualification in terms of the Reform Act of 1832, where the qualifying premises are within the royalty but beyond the parliamentary boundaries of the burgh. In my opinion the subject in question falls within this provision. This was not really seriously disputed by the respondent apart from the effect to be given to the third part of said section, viz., the proviso. That proviso is in these terms—"Provided always that nothing herein contained shall be construed to confer the right of voting for town councillors on any persons in respect of premises situated beyond the municipal boundaries of any royal burgh, as such boundaries may be limited and defined by any Act of Parliament."

I do not think the argument founded on this proviso is sound. In the first place the municipal boundaries are not in my opinion limited and defined by any Act of Parliament. I do not find in any of the statutes to which we were referred any provision to the effect that any part of the royalty was to be excluded from the burgh or to be deemed outside the municipal boundaries. I think the royalty remains still as it was when the original charters were granted, included within the burgh. The respondent's contention would practically repeal a large part of the preceding provisions of the sections, which in reality do not "confer" any new right of voting but only continue the right which had previously existed. It is, I think, not without significance that Lord Advocate Young gave an opinion in 1870 to the effect that persons having the qualification we are now dealing with were entitled to vote.

On the whole matter I am of opinion that the first question should be answered in the negative and that the second question should be answered in the affirmative.

LORD SALVESEN was absent.

The Court answered the second question of law in the affirmative.

Mackenzie's Case.

LORD GUTHRIE—This Stated Case raises the same question as that already dealt with in connection with the application of Hugh Clark, Broomhill, Fortrose. Counsel for the applicant adopted the argument for the tenant submitted to us in Hugh Clark's case. Mr Hunter presented a forcible argument for the appellants, in which he usefully focussed the relevant clauses in statutes from 1832 onwards bearing on the use of the word "municipal" and the meaning and effect of the expression "municipal boundaries" in these statutes. The additional element in this case pointed out by him that the subjects in question form part of the Common Good of the burgh does not seem to me to affect the decision of the question submitted to us. I am of opinion that the question should be answered in the affirmative.

LORD DUNDAS and the LORD JUSTICE-CLERK concurred.

LORD SALVESEN was absent.

The Court answered the question of law in the affirmative.

Counsel for the Appellant (Fraser)—Constable, K.C.—M. P. Fraser—J. A. Christie. Agents—Carment, Wedderburn, & Watson, W.S.

Counsel for the Respondent (Clark)—Christie, K.C.—Macgregor Mitchell. Agents—Ross Smith & Dykes, S.S.C.

Counsel for the Appellants (Wallace's Trustees)—C. H. Brown—J. M. Hunter. Agents—M'Leod & Rose, S.S.C.

Counsel for the Respondent (Mackenzie)—Morton, K.C.—Scott. Agent—James M. Langlands, S.S.C.

Saturday, December 21.

SECOND DIVISION.

[Sheriff Court at Forfar.

FORBES *v.* MATTHEW.

Parent and Child—Aliment — Bastard — Inlying Expenses — Amount — Cost of Living in War-time.

The mother of an illegitimate child craved the Court to increase the amount of inlying expenses and aliment payable by the child's putative father because of the increased cost of living due to the war. The Court left unaltered the amount of inlying expenses, but granted decree for 4s. 6d. per week or £11, 14s. per annum, in name of aliment, permission being granted to the defender to apply to the Court at any time should a change of circumstances arise.

Ida Helen Forbes, *pursuer*, raised an action in the Sheriff Court of Forfarshire at Forfar against George Matthew, *defender*, whereby she craved the Court to find that the defender was the father of the pursuer's illegitimate female child, and to decern for payment to the pursuer of the sum of £3, 3s. in name of inlying expenses, and also of the yearly sum of £15, 12s. in name of aliment. The sums usually awarded in Forfarshire were hitherto £2, 2s. for inlying expenses, and 3s. per week or £7, 16s. per annum for aliment.

On 10th January 1918 the Sheriff-Substitute (C. T. GORDON) found as craved of consent, and thereafter granted decree for £2, 2s. for inlying expenses and aliment at the rate of £7, 16s. per annum.

The pursuer appealed to the Sheriff (LEES), who on 16th February 1918 adhered, but increased the amount of aliment to £8 per annum.

The pursuer appealed, and argued—The Court was entitled to consider what sum

was necessary for the maintenance of a child—*Valentine* v. *M'Dougall*, 1892, 19 R. 519, 29 S.L.R. 384. The rates for inlying expenses and for aliment hitherto imposed had been fixed many years ago and had at that time been adequate, but at present the cost of living had increased 100 per cent. owing to the war, and accordingly the old rates were no longer adequate in amount. The sums to be awarded should therefore be increased to £3, 3s. for inlying expenses and to £15, 12s. per annum for aliment. Counsel also referred to *A* v. *B*, (1875) 19 Journal of Jurisprudence 165.

Argued for the respondent—The cost of living had admittedly greatly increased owing to the war, but it ought to be open to the respondent in the event of an increased award being granted to apply to the Court to have the award modified should the cost of living substantially decrease after the end of the war.

At advising—

LORD JUSTICE-CLERK—After consulting with the Judges of the First Division as to the circumstances we give the pursuer decree at the rate of 4s. 6d. per week or £11, 14s. per annum, leaving the other party to apply at any time to the Court in the event of a change of circumstances. The amount of inlying expenses, £2, 2s., is not to be altered.

LORD DUNDAS, LORD SALVESEN, and LORD GUTHRIE concurred.

The Court granted decree for £2, 2s. in name of inlying expenses, and for £11, 14s. per annum in name of aliment.

Counsel for the Appellant—R. M. Mitchell. Agent—Francis Chalmers, W.S.

Counsel for the Respondent—Macquisten. Agent—W. K. Lyon, W.S.

Saturday, December 21.

SECOND DIVISION.

[Sheriff Court at Glasgow.

FRASER AND OTHERS *v.* FAIRFIELD SHIPBUILDING AND ENGINEERING COMPANY, LIMITED.

Master and Servant—Workmen's Compensation—Dependency—Partial Dependency—Future Earnings—Workmen's Compensation Act 1906 (6 *Edw. VII, cap.* 58), *First Schedule, sec.* 1 (*a*) (*ii*).

Held that in the assessment of compensation for partial dependency under the Workmen's Compensation Act 1906 evidence as to the possible earnings of the deceased subsequent to the accident was competent and admissible.

The Workmen's Compensation Act 1906 (6 Edw. VII, cap. 58), First Schedule, enacts—"(1) The amount of compensation under this Act shall be—(*a*) where death results from the injury, (i) if the workman leaves any dependants wholly dependent upon his earnings a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of £150, whichever of these sums is the larger, but not exceeding in any case £300 . . .,-and if the period of the workman's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer; (ii) if the workman does not leave any such dependants, but leaves any dependants in part dependent upon his earnings, such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or in default of agreement may be determined on arbitration under this Act to be reasonable and proportionate to the injury to the said dependants."

John Fraser and others, *appellants*, being dissatisfied with a decision of the Sheriff-Substitute at Glasgow (DAVID J. MACKENZIE) in an arbitration under the Workmen's Compensation Act 1906 (6 Edw. VII, cap. 58) brought by the appellants against the Fairfield Shipbuilding and Engineering Company, Limited, appealed by Stated Case.

The Case stated—"The following *facts* were established:—1. That the appellants are the father (who represents his pupil children) and the mother of the deceased Thomas Fraser, and reside at 44 Greenfield Street Govan, Glasgow, and that the respondents are shipbuilders and engineers having their registered office at Fairfield Works, Govan aforesaid. 2. That on 11th May 1917 the said Thomas Fraser, who was then over fourteen years of age, and had been in the employment of the respondents for about three weeks as a template boy, met with an accident arising out of and in the course of his said employment by the end plate of a tank falling on him, by which he was instantly killed. 3. That the said Thomas Fraser's average weekly wage at the time of his death was 16s. 4. That the appellant, the father of the deceased, had been for some years in bad health, suffering from phthisis and pulmonary hæmorrhage, and had been a patient in Ruchhill Hospital on that account; that his pupil children Annie, aged ten, Marjory, aged seven, John, aged five, and Edward, aged one and a-half years, lived at home, and that they along with the appellants were partially dependent on the wages of the said Thomas Fraser. 5. That the weekly income of the household was made up of £1 from the Parish Council, 5s. from an approved society, 7s. being the wages of Mary Fraser, a sister of the deceased, and the wages of the said deceased (16s.), making in all 48s. per week. 6. That the cost of maintaining the deceased when alive may in the circumstances be taken at the sum of 8s. per week. 7. That the appellants were partially dependent on the deceased, and that an amount reasonable and proportionate to the injury to said dependants was the sum of £45. 8. That I sustained an objection by the respondents to evidence tendered by appellants regard-