WADDELL *v.* MACPHAIL.

The 9th section of the Reform Act requires a tenant to be in possession for twelve months previous to the 31st July. The respondent in this appeal entered to Millig Mill and grounds on the 1st August 1864, and as his claim to be entered on the register was not made till the 18th September 1865, he had practically been a full year in possession previous to making his claim, although on the 31st July last he wanted one day to complete the year. The Sheriff decided that the statute being an enfranchising statute was to be construed liberally, but the Court reversed and sustained the objection.

Saturday, Dec. 2.

M'CULLOCH *v.* FREELAND.

This is an objection to the qualification of a voter who is on the register, in respect that his claim is founded on a right of annuity of ten guineas contained in a disposition executed by three parties, and on which sasine was duly taken. The Sheriff sustained his claim, but to-day the Court, in consideration that the voter's right was really a debt heritably secured, and, as such, one on which there could be neither ownership nor possession, reversed and sustained the objection.

M'CULLOCH *v.* SMITH.

This case was similar to the foregoing, with the exception that in place of the expression "annuity" the phrase "liferent yearly ground annual" had been employed. Their Lordships held that the two expressions were synonymous, and therefore reversed the Sheriff's decision, which had found that the voter was entitled to be retained on the register.

M'CULLOCH *v.* MARSHALL.

John Marshall was sequestrated in 1840, and has never been discharged. After the date of the sequestration, a disposition dated in 1864 was granted by the voter's wife to him in liferent as alimentary, and for his liferent use allenarly. The deed shows that there was a son of the marriage. No procedure appears to have taken place under the sequestration, the bankrupt being left in possession of the subjects. The trustee under the sequestration was discharged, and no new trustee was appointed. The Sheriff having decided against the voter's claim to be retained upon the register, the Court reversed, holding that the fair presumption in this case was that the *jus mariti* had been excluded, that the wife's power of granting the disposition was unaffected by her husband's sequestration, and that the husband had full right to vote in virtue of the qualification conferred upon him by his wife. They therefore reversed the Sheriff's judgment, and repelled the objection.

DONALDSON *v.* YUILLE.

David Yuille was sequestrated in 1864 under the Bankruptcy Statute, 19 and 20 Vict., cap. 79. On 7th April 1865 he was discharged on composition; and the Sheriff holding that the bankrupt's reinvestiture having taken place at too recent a period to afford him the qualification necessary under the 7th section of the Reform Act, expunged his name from the register. To-day the Court adhered, and affirmed the Sheriff's judgment.

M'CULLOCH *v.* BUCHANAN.

This was also a case under the bankrupt statute. Thomas Buchanan stands on the roll in right of property belonging to his wife. The *jus mariti* is not excluded. The property was acquired previously to his sequestration, which was on the 12th October 1860; and in 1863 he was discharged without composition. The trustee was also discharged, but no new trustee was appointed. The Sheriff having decided that the voter's claim to be retained on the register was incompetent, the Court affirmed, holding that the bankrupt's discharge having been without composition, there was no reinvestiture; that the sequestration therefore still subsists; and that this result was not affected by the discharge of the trustee.

M'CULLOCH *v.* SERVICE.

This case was similar to the last, and was decided in the same way.

DICK *v.* WADDELL.

Alexander Dick claimed to have his name entered on the register of voters, in respect that he was tenant of the dwelling-house at Bellmont, Helensburgh, for the year from Whitsunday 1864 to Whitsunday 1865. The rent of the house unfurnished would have been £85, but he took it as a furnished house, and paid a rent of £132. On the 15th May 1865 he took it again as a furnished house for three months, and on the expiration of that time he took it for two months more, and during the currency of these two months he took it for one month more, and he understood that his possession must expire in November 1865, at which time the proprietor was to take possession. The Sheriff rejected his claim; but the Court reversed his judgment, and admitted the qualification of the claimant.

LORD ORMIDALE observed that although the dwelling-house in respect of which the voter put in his claim was held in tenancy by different contracts, there was nothing in section 9 of the Reform Act to show that such fragmentary occupancy was beyond the scope of the statute. If there had been any allegation of fraud in this case such an occupancy might not do. But there was no room for suggesting that here; and looking to the meaning of the expression "yearly value" in connection with long leases under the Act, we must hold that "yearly rent," in cases such as the present, must be interpreted not as a stated sum payable by the year, but as the gross amount paid by the tenant during the year.

LORD KINLOCH concurred with his Lordship's remarks. This was not a question of successive occupancy in the sense in which that word was generally used. Successive occupancy meant the occupancy of different premises. But here the party had possessed the same premises for a good deal more than the requisite statutory period; and he could not think that the claimant's right could be affected by the successive acquirements under which this occupancy took place.

M'CULLOCH *v.* SHARPE.

The question of law involved in this case, and on which the objection to the voter's name being retained in the register was founded, was whether a voter was divested of his qualification to vote by the fact that one of his creditors was drawing the rents of the subjects in respect of which he claimed under a decree of maills and duties. The Sheriff's judgment, deciding that he was not so divested, was sustained by their Lordships, Lord Kinloch remarking that since mere evidence of debt was not sufficient to disqualify the debtor, it was not to be held that the fact of diligence having been done by the creditor upon this debt, was to have this effect; the more so that if the debtor was divested, as the creditor could not thereby obtain the qualification himself, the result would be to destroy all right to vote in respect of the subject in question.

JARDINE *v.* M'CULLOCH.

This case turned upon the question whether a proprietor was divested by a disposition *ex facie* absolute, but "alleged" (it is remarked in the special case prepared by the Sheriff) "to be qualified by a back-letter, in which it was stated that the disposition was a security only." The back-letter was unstamped. The Court holding that they were entitled to look only to the facts of the case as disclosed to them in the Sheriff's case, and that as there it was not so much as stated that a back-letter existed, though if it did it was null from want of a stamp, decided, affirming the judgment of the Sheriff, that the proprietor was so divested, and sustained the objection to his name being retained on the register.

EXPENSES.

The question of expenses in reference to the Dumbartonshire appeals was then gone into. Mr Monro