

it: *held*, that although he was on the roll and had the necessary qualification, but was not assessed for it, he was not entitled to vote.

15. Where the voter was the tenant of certain property belonging to his father-in-law, and before the expiration of his tenancy, the father-in-law, with the consent of the voter (the latter being a witness to the lease), leased the property to another, the voter's lease not expiring until November, and the new lease being made on the 28th March, 1870: *held*, that after the surrender by the lease to which he was a subscribing witness, he ceased to be a tenant on the 28th of March, 1870, and that to entitle him to vote, he must have the qualification at the time of the final revision of the Assessment Roll, though not necessarily at the time he voted, so long as he was still a resident of the electoral division.

16. Where a verbal agreement was made between the voter and his father in January, 1870, and on this agreement the voter from that time had exercised control, and took the proceeds to his own use, although the deed was not executed until September following: *held*, entitled to vote.

17. Where the voter was born in the United States, both his parents being British-born subjects, his father and grandfather being U. E. Loyalists and the voter residing nearly all his life in Canada: *held*, entitled to vote.

In the *Brockville Case* the following points were decided on scrutiny by Chief Justice Hagarty:—

An error in assessing as owner, tenant or occupant, is immaterial, if the voter be qualified in any of these characters.

If a man be duly assessed for a named property on the roll, though there was a clerical error in describing such property in the voter's list, or erroneously setting down another property on the voter's list, if no question or difficulty arose at the poll as to taking the oath, the vote will not be struck off on a scrutiny.

When a voter, properly assessed, who was accidentally omitted from voter's list for polling sub-division No. 1, where his property lay, and entered in the voter's list for sub-division No. 2, voted without question in No. 1, though not on the list—vote held good.

*Quere*, Even if accidentally omitted from voter's list, should vote be received? of course if questioned at the poll, it could not have been received, not being on the voter's list.

When it is proved that an agreement exists (verbal or otherwise), that the son should have one-third or one-half the crops as his own, and such agreement is *bona fide* acted on, son being duly assessed—vote held good—the ordinary test being, had the voter an actual existing interest in the crops growing and grown.

Where it is proved that for some time past the owner has given up the whole management of the farm to his son, retaining his right to be supported from the produce of the place, the son dealing with the crops as his own, and disposing thereof to his own use—the son's vote held good.

A clearly established course of dealing or conduct for years as to management and disposition of crops, and acts done by son in management of farm, held sufficient to establish an interest in the crops in the son, though the evidence of any original agreement or bargain not clear.

If the evidence would warrant a jury finding the crops (say in the year preceding the last assessment) to have been the property of the voter—the vote is good.

No question of actual title is to be entertained. Occupancy to the use and benefit of the occupant being sufficient.

Where the owner died intestate, and the estate descended to several children, only the interest of the actual occupants is generally to be considered. Unless the occupant be shewn to be receiving the rents and profits, and on account of a party interested, though not in actual possession, a mere liability to account is not to be considered.

The widow of an intestate owner continuing to live on the property with her children, who own the estate, and work and manage it, should not, till her dower be assigned, be assessed, nor should any interest of hers be deducted from the whole assessed value, she not having the management of the estate.

We are requested to state that Mr. C. A. Brough, barrister, of this city, is preparing a manual on the existing Election Law, with notes of the decisions in England and Canada, and an introduction treating of the subject of agency as affecting Parliamentary Elections.

We trust the work may be attended with that success which the ability of the author warrants us in predicting that it will deserve.