

binding on the father to compel him to give the son a share of the proceeds of the farm, or to cultivate a share of the land, and the son merely receives what the father's sense of justice dictates: *held*, that the son had no vote.

7. In a milling business, where the agreement between the father and the son was, that if the son would take charge of the mill, and manage the business, he should have a share of the profits, and the son, in fact, solely managed the business, keeping possession of the mill, and applying a portion of the proceeds to his own use: *held*, that the son had such an interest in the business, and, while the business lasted, such an interest in the land, as entitled him to vote.

8. Where a certain occupancy was proved on the part of the son distinct from that of the father, but no agreement to entitle the son to a share of the profits, and the son merely worked with the rest of the family for their common benefit: *held*, that although the son was not merely assessed for the real, but the personal property on the place (his title to the latter being on the same footing as the former), he was not entitled to vote.

9. Where the objection taken was, that the voter was not at the time of the final revision of the Assessment Roll, the *bonâ fide* occupant or tenant of the property in respect of which he voted, and the evidence shewed a *joint* occupancy on the part of the voter and his father on land rated at \$240: *held*, that the notice given did not point to the objection that if the parties were joint occupants, they were insufficiently rated.

[The learned Chief Justice intimated that if the objection had been properly taken, or if the counsel for petitioner (whose interest it was to sustain the vote) had stated that he was not prejudiced by the form of the objection, he would have held the vote bad.]

10. Where the father had made a will in his son's favor, and told the son if he would work the place and support the family, he would give it to him, and the entire management remained in the son's hands from that time, the property being assessed in both names, the profits to be applied to pay the debt due on the place: *held*, that as the understanding was that the son worked the place for the support of the family, and beyond that for the benefit of the estate, which he expected to possess under his father's will, and that he did not hold immediately to his

own use and benefit, and was not entitled to vote.

11. Where the voter had only received a deed of the property on which he voted on the 16th August, 1870, but previous to that date had been assessed for, and paid taxes on the place, but not owning it: *held*, that not possessing the qualification at the time he was assessed, or at the final revision of the roll, he was not entitled to vote.

[A question being raised in this case as to the sufficiency of the notice, that the voter was not actually and *bonâ fide* the owner, tenant or occupant of real property within the meaning of sec. 5 of the Election Law of 1868, the learned Chief Justice remarked, "The respondent's counsel does not say that he is prejudiced by the way in which the objection is taken; if he had done so, I would postpone the consideration of the case. It is objected that the case, No. 9, *supra*, should be subject to the same rule, and if the question had been presented to me in that view, I think I should have felt at liberty to go into the case, giving time to the petitioner to make further inquiries, if he thought proper."]

12. Where the voter had been originally, before 1865 or 1866, put upon the Assessment Roll merely to give him a vote, but by a subsequent arrangement with his father, made in 1865 or 1866, he was to support the father and apply the rest of the proceeds to his own support: *held*, that if he had been originally put on merely for the purpose of giving him a vote, and that was the vote questioned, it would have been bad, but being continued several years after he really became the occupant, he was entitled to vote, though originally the assessment began in his name merely to qualify him.

13. Where the voter was the equitable owner, the deed being taken in the father's name, but the son furnishing the money, the father in occupation with the assent of his son, and the proceeds not divided: *held*, that being the equitable owner, notwithstanding the deed to the father, he had the right to vote. *Held*, also, that being rated as tenant instead of owner did not affect his vote.

14. Where the voter and his son leased certain property, and the lease was drawn in the son's name alone, and when the crops were reaped the son claimed they belonged to him solely, the voter owning other property but being assessed for this only and voting on