was it conditional,—have the conditions been complied with? In Williams on Executors it is stated, "There is nothing that requires so little solemnity (said Lord Hardwicke) as the making of a will of personal property, according to the ecclesiastical laws of this Realm for there is scarcely any paper writing which they will not admit as such. It is enough if the paper writing contains a disposition of the property to be made after death, though it was meant to operate as a settlement or a deed of gift, or a bond, and though such paper writing was not intended to be a will."

It appears to me that the writing comprises both an agreement and what was intended for a will; that the evidence shews that the agreement which was for the sale of a portion of Sniders land was carried out by the parties, and that petitioner did pay debts for Snider, and it does not appear that Snider at any time complained, that the petitioner had not performed his par of this agreement. It also appears in evidence that the agreement or writing, never was called for by the parties to it. There is evidence to satisfy me that the conditions have been performed. As respects the real estate, I suppose there can be no doubt, that this instrument could not be considered a valid will. But, with this we have nothing to do. The question is, is it a will or testament as regards the personalty. I do not understand that if the writing is a will, that any objection was made to its due execution. Under the statute of Victoria in England, the execution of this will as regards personalty would not be sufficient. The law here is still the same as in England previous to the passing of that act.

I think I am justified by the authorities cited, in looking upon the latter part of the writing proved as a will, sufficient to pass the personalty, and must therefore order a revocation of the letters of administration to Mr. Cole, and direct that letters with the will annexed be issued to the petitioner.

Costs of former letters, and of this contestation to be paid out of the estate.

ENGLISH REPORTS.

COMMON PLEAS.

Pegler v. Gurney and Hoare.

The expression "twenty-one days" in clause 2, of section 6, of 31 & 32 Vict. c. 125, means twenty-one days exclusive of all Sundays.

[17 W. R. 316, Jan. 11, 1869.]

This was the case of the Southampton election petition. A rule was moved for to-day on the part of the respondent Hoare, calling upon the petitioner to show cause why the petition should not be taken off the file, on the ground that it had not been presented within twenty-one days, as required by 31 & 32 Vict. c. 125, s. 6.

The facts were these:—The petition had been presented within twenty-one consecutive week-days, but not within twenty-one consecutive days if Sundays were counted as days.

Staveley Hill, Q. C. (*Jelf* with him), for the respondent Hoare.—The section which is against my contention is section 49 of 31 & 32 Vict. c. 125, which is as follows:—"In reckoning time for the purposes of this Act, Sunday, Christmas-day, Good Friday, and any day set apart for a public fast or public thanksgiving, shall be excluded." I read that section as meaning that Sunday is not to be counted where the last of the twenty-one days happens to be a Sunday. [Montague Smith, J.—The Act says "in reckoning time."] The word in the Act is Sunday, and not Sundays. There are two periods mentioned in clause 2 of section 6 within which, according to circumstances, the petition must be presented; one period is the twenty-one days we are discussing, and the other is the period of twenty-eight days. I contend that these periods mean respectively three weeks and four weeks, and that if Sunday comes on the last day, then, but only then, it shall not be counted.

Bovill, C.J.—I am of opinion that section 49 excludes all Sundays in reckoning the twenty-one days. Your rule must, therefore, be refused as to that particular ground.

Byles, Keating, and Smith, JJ., concurred.

Chorlton v. Lings.

Mary Abbott's Case.

A woman cannot, either at common law or by statute vote for a member of Parliament to represent a borough.

Semble, it is the same in the case of a county.

[17 W. R. 284, C. P. Nov. 7, 9,]

This was an appeal from the decision of the Revising Barrister. The following was the case:—

At a court held at the town hall in the city of Manchester on the 15th day of September, 1868, for the revision of the list of voters for members of Parliament in the parliamentary borough of Manchester, before John Hosack, Esq., the Revising Barrister, Mary Abbott, appearing on the list published by the overseers of claimants to votes in the township of Manchester, was duly objected to by Matthew Chadwick, a person on the list of voters for the said parliamentary borough.

The name of the said Mary Abbott appeared upon the list of claimants in the following manner:—

Abbott, Mary	51, Edward-st.	House	51, Edward-st.

It was admitted that the said Mary Abbott was a woman of the age of twenty-one years and unmarried, and that she had for twelve months previously to the last day of July, 1868, occupied a dwelling-house stated in the said claim with the said claim within the said township for such occupation, and that she had paid the rates for the relief of the poor assessed in respect of such dwelling-house before the 20th day of July last, and in other respects had complied with the requirements of the Registration Acts.

On behalf of the claimant it was contended that under the existing statutes the claimant was duly qualified and entitled to be registered as a voter and when registered to vote in the election of a member of Parliament, and that women for the purpose of being registered electors and voting in elections for members of Parliament are not subject to any legal incapacity.