

11. Character of occupation, viewed as an element determining the correctness of the wording of indictments for burglary.—

It has been laid down that the essential question to be determined in the cases under this head is, whether the dwelling or

and were under her control. Another of her servants cleaned out C.'s room. *Held*, that C. was not entitled to the franchise. *Hasson v. Chambers* (1885) 18 L.R. Ir. 68.

A non-commissioned officer in the service of the Crown claimed the parliamentary franchise as the inhabitant occupier of a dwelling-house in respect of rooms occupied by him as his quarters in barracks. He had inhabited the rooms, which consisted of a bedroom and sitting-room, during the qualifying period, subject, however, to certain regulations and powers of superior officers incident to military service, such, for instance, as the power of entry by the commanding officer at any time, and by other superior officers for the purpose of preserving order, and by certain officers at stated times for the purpose of inspection of the rooms, the power of the commanding officer to forbid any person to enter or leave the barracks at any time, and the obligation to be in his quarters at a stated hour every evening. The Crown supplied certain necessary articles of furniture for the rooms, the rest of the furniture being the claimant's own. The rooms formed part of one of the blocks of buildings situate within the barrack inclosure the remaining rooms in the block being occupied by other non-commissioned officers, some of whom were superior in rank to the claimant, and the senior of whom was bound to preserve order in the block, and would be entitled to enter the claimant's rooms for that purpose. The colonel commanding lived in a house situate within the walls of the barracks. *Held*, that the claimant was entitled to the franchise on the ground that he had inhabited a dwelling-house and that no person under whom he served had inhabited such dwelling-house. *Atkinson v. Collard* (1885) 16 Q.B.D. 254 (254).

In two other cases reported under the same caption, where votes were claimed by persons in military service, the facts with regard to the occupation of the quarters were similar, with the exception that the claimants, non-commissioned officers, had been absent for twenty-one days during the qualifying period from their quarters on duty elsewhere, and could not return without leave, but during such absence, in one case the claimant's wife and family, and in the other his furniture, remained in the quarters which were retained for him. *Held*, that, it not sufficiently appearing in those cases that there had been any constructive inhabitancy of the rooms by the claimants during the twenty-one days when they were in fact absent, they were not qualified.

In *Henry v. Collard*, also reported under the same caption, L. a captain occupied rooms in a block in the same barracks, and a major, his superior officer, had rooms in the same block. It was held that the major occupied his own quarters only, and not constructively the whole block; that he was not a person under whom L. served; and that, therefore, L. was to be deemed a tenant under s. 3 of the Act.

The appellant was an industrial trainer in the employment of poor law guardians, and as part of his salary was allowed to have the exclusive occupation of a sitting room and bedroom in the main building of the workhouse. The guardians reserved another room in the workhouse which they used as a boardroom; the master of the workhouse, whom they employed, resided in other rooms of the building. The appellant could not stay out of his rooms after 9 p.m. without the permission of the master; the master, however, had no power to suspend or dismiss him if he did so, but could only report the matter to the guardians. *Held*, that the appellant was an inhabitant occupier of a dwelling-house "by virtue of his