was, he thought there was a mistake in his friend's construction of the Act, and that the register there alluded to was not the parliamentary but the municipal register. The claim must be rejected; for the person was not even entitled to go on the municipal roll, but was disqualified in both capacities.

LORD ARDMILLAN entirely concurred in his Lordship's opinion. In the first place, on the 48th section of the Burgh Voters Act, this claimant, although only appointed temporarily by the Sheriff, occupied the same positon, and was liable to the same incapacity as if he were the regular town-clerk permanently appointed. At least, while he held the temporary appointment he was town-clerk. In the second place, the town-clerk was under legal incapacity to vote while he held the office. In the third place, every person who was under legal incapacity when the Sheriff considered the claim to be enrolled ought to be refused registration on the terms of the Statute; and the best instance of this was, that if a person was not of full age when the Sheriff considered the claim, it would be no answer to the objection that he would be of full age in a month, and then could vote. That he would be of legal capacity a month hence was no reason for registering him if he were not of legal capacity when the Sheriff was considering his claim. Therefore, on all these grounds, there would be no difficulty in dealing with the case, but for the element introduced by the Act of 1856, and after considering that Act he had come to the conclusion that it made no difference in their procedure in administering this Statute for the registration of claimants to vote for a member of Parliament. The claim could not be admitted.

LORD MANOR did not think that any difficulty arose from the mere temporary nature of the appointment, the claimant having the actual appointment at the time he appeared before the Sheriff. The Act of 1856 did not in the least alter the rule as regarded a temporary town-clerk.

The decision of the Sheriff rejecting the claim was affirmed, with expenses.

Agents for the Appellant—Hamilton & Kinnear, W.S.

Agents for Respondent—Tods, Murray & Jameson, W.S.

CORRIE *v.* SEATON.

Act. Shand and Guthrie.
Alt. Solicitor-General and Scott.

Burgh Voters Act. sec. 3—*Interpretation Clause—Dwelling-house.* Circumstances in which *held* that a house was not a dwelling-house in the sense of sec. 3 of the Burgh Voters Act, but only a dwelling-house in the sense of the interpretation clause of the Act; and in respect it was not separately rated, that it did not afford the qualification.

The following special case was stated by the Sheriff:—"At a Registration Court for the burgh of New Galloway, held by me at New Galloway on the 3d day of October 1868, under and in virtue of the Act of Parliament 31 and 32 Vict., cap. 48, intituled 'The Representation of the People (Scotland) Act 1868,' and the other Statutes therein recited, Alexander Seaton, farm servant, claimed to be enrolled on the register of voters for the said burgh, as inhabitant occupier, as tenant of dwelling-house High Street, New Galloway.

"The following facts were proved: the claimant has for the requisite period been an inhabitant occupier, as tenant of a dwelling-house within this burgh at less than £4 of a yearly rent. This dwelling-house consists of two rooms, to which access is had by a door in one side of a passage leading from the street to background; on the opposite side of the passage is a dwelling-house, occupied by another tenant, also consisting of two rooms, and to which the access is by a door in that side of the passage. Both houses are parts of a building having one roof and two main gables, belonging to the same proprietor. Each house is separated from the passage by a partition wall, and the occupant of the one house has no right of access to or connection with the other. The claimant has never paid nor been assessed for poor-rates. The whole poor-rates for last year, ending Whitsunday 1868, and previous years, as well tenant's as owner's proportion, have been assessed on the owner of the house, and been paid by him.

"Adam Corrie, bank-agent, New Galloway, a voter on the roll, objected to the said claim, on the ground that, *first*, The said house occupied by the claimant is not a dwelling-house within the meaning of sec. 3 of 'The Representation of the People (Scotland) Act 1868,' but is only part of a house, occupied as a separate dwelling, to which sec. 59 of the same is applicable; and, *second*, That the claimant not being rated to the relief of the poor either in respect thereof or as an inhabitant of the parish, he is not entitled to be registered.

"I admitted the claim; whereupon the said Adam Corrie required from me a special case for the Court of Appeal, and in compliance therewith I have granted this case.

"The questions of law for the decision of the Court of Appeal are, *first*, Whether the said house is not a dwelling-house in the sense and meaning of sec. 3 of the Statute, but only part of a house occupied as a separate dwelling? and *second*, Whether, in respect thereof, and of the claimant not having been separately rated to the relief of the poor, the said 59th sec. of the Statute is sufficient to exclude his claim to be registered as a voter?"

SHAND said that all cases of part-houses in the Wigtown burghs were verbatim the same. There was not a word of difference in the description, and he thought this case had been already decided by the part-house not rated in the Kirkwall case.

SCOTT said the case was completely different to any of the cases their Lordships had heard. The special case found that the claimant had from the requisite period been tenant of a dwelling-house, and this was very important. The dwelling-house consisted of two rooms. The objection was that it was not a dwelling-house under sec. 3 of the Act; but the Sheriff had found that it was. Sec. 3 was plain and distinct, the words being "any dwelling-house"—a house within which a man dwelt. When they said it was not a dwelling-house under the 3d sec. they must go to sec. 59, and put an artificial meaning upon the word dwelling-house. This latter section rather enlarged the meaning of the word dwelling-house, calling it any part of a house occupied as a separate dwelling, or the occupant o which was separately rated to the poor.

LORD ARDMILLAN—If it is a case where a dwelling-house is so clearly and entirely a dwelling-house that it does not require the words of the 59th sec., then separate rating is unnecessary; but if you require the words of that section, so as to make your part of the house be a dwelling-house for you then you must be separately rated.

The SOLICITOR-GENERAL—Certainly.

SCOTT said they had got here that very kind of house which their Lordships had desiderated.

After further argument,

LORD ARDMILLAN said they were just re-hearing, re-arguing, and re-considering a case on which they had already bestowed great pains, and which they had decided. He could see no distinction.

Their Lordships concurred, and reversed the Sheriff's judgment, without expenses.

Agents for Appellant—Hamilton & Kinnear, W.S.

Agents for Respondent—Tods, Murray, & Jameson, W.S.

MARY BROWN *v.* INGRAM.

Act. Solicitor-General and Scott.
Alt. Shand and Guthrie.

Female—Tenant and Occupant—Burgh Voters Act—Section 3. Held that a female has no right to the franchise.

The following special case was stated in this appeal:—"At a Registration Court for the Burgh of Stranraer, held by me at Stranraer on the 30th day of September 1868, under and in virtue of the Act of Parliament 31 and 32 Vict., cap. 48, intituled 'The Representation of the People (Scotland) Act 1868,' and the other Statutes therein recited, Mary Brown, grocer, Fisher Street, Stranraer, claimed to be enrolled on the register of voters for the said burgh as inhabitant occupier, as tenant of dwelling-house in said Fisher Street.

"The following facts were admitted:—The claimant is and has been for a period of not less than twelve calendar months next preceding the last day of June an inhabitant occupier as tenant of the said dwelling-house within the burgh of Stranraer.

"But the claimant is a female; and Alexander Ingram, writer in Stranraer, a voter on the roll, objected to the said claim on the ground that the claimant, not being a man, is not entitled to be registered as a voter under section 3 of said Statute.

"I rejected the claim. Whereupon the said claimant required from me a special case for the Court of Appeal, and in compliance therewith I have granted this case.

"The question of law for the decision of the Court of Appeal is—Whether a female claimant is entitled to be registered as a voter?"

SCOTT, who appeared for the appellant, said that on this case several others depended. The claimants were all carrying on business in the same way as men, having the same liabilities. They paid taxes, and thought they had a right to have their opinions on these matters. They claimed to vote under the 3d section of the Reform Act of 1868, providing that every man should be entitled to be registered as a voter and to vote unless subject to any legal incapacity. There were two things he had to argue upon. These were the word "man," and the concluding words of the clause, "not subject to any legal incapacity." He had to inquire whether the word man in this Act might be held to include woman—whether, in fact, she was the Statute man—and, if so, whether she was subject to legal incapacity. Under the Reform Act 2d and 3d Will. IV., the word "person" was used—"Every person shall be entitled to vote." This question, therefore, could not have arisen in its present shape under that Act, and they had the further protection of the Romilly Act. In the recent Act the word "man" was used; and what their Lordships had to construe was that word "man." In popular and scientific language, he argued, the word included woman. Taken in natural history, it would include woman. He asked their Lordships to construe the word as in popular language, unless there was something repugnant in the Act. He asked their Lordships to apply the interpretation clause of 13th and 14th Vict., which held that words importing the masculine gender should be deemed and taken to include females also, unless the contrary as to gender or number was expressly provided. There was not a word in the Act of 1868 that expressly provided that the word man should not include females. As to the second question, he submitted that women had no legal incapacity in this respect. Women had a right to vote in the election of a schoolmaster as heritors, and there was as great a qualification there as in the right to vote for a member of Parliament. Another public duty women were entitled to perform was to vote for a member of parochial boards. He had excerpts from the municipal records showing that women had been elected burgesses of Edinburgh. There was nothing special in this right to the suffrage to disqualify female voters. She could be a trustee, and this involved the most delicate and difficult duties that a person could be called on to perform. Why, then, deprive her of her right to vote for a member of Parliament, who had to decide on matters in which she was deeply interested?

LORD ARDMILLAN—Can she be a member of Parliament? Your argument implies it.

SCOTT—I think she can on the general question, unless there is some special provision in the Act against it.

SCOTT, concluding, said he maintained that the word man included woman—an argument unassailable under the Romilly Act; and that there was no legal incapacity.

GUTHRIE, in reply, and in reference to the Romilly Act, said that the word "import" had a different meaning to "express," and in that view of the case the word man might be quite sufficient to exclude the meaning which his friend contended for. He was not aware that the Romilly Act had been held to go so far as his learned friend held. If the word "man" had occurred in the Poor-law Act instead of "person" the case would have been different, and would have excluded woman. The word man must be taken to mean a male person in distinction to a female. To put this strange construction upon the Romilly Act would be to change the whole constitution of the country, for it was a principle that it was always to be presumed that the Legislature, when it made known its intention, should express it in clear and explicit terms.

SOLICITOR-GENERAL said the question brought forward was one of very general application. In the 3d section of the Act of 1868, the word man was employed; but in the Statute of 1832, the word used was person. The question to consider was not the word man, but whether or not the person who was a woman was subject to any legal incapacity. There was much prejudice to encounter, women not being considered fit for the rude duty of voting for a member of Parliament; but it was a duty to rise above such prejudice. In early times women, while they had very heavy duties laid upon them, were not considered adapted for all the privileges of men, but it had not been shown that the statute or common law of the country held them to be incapacitated for exercising the franchise. There was nothing that presented the resemblance