which the sale is duly entered—the building or block-account credited with the whole price, and the claimant's share account debited with the £290, and credited with the £30, 5s. 2d.

5. It was maintained for the objector that the claimant was not the true or proper owner of the subjects claimed on in the sense of the 7th section of the Reform Act.

6. But the Sheriff-Substitute is of opinion in law, and has decided, that though the claimant's title is not made up or completed to the subjects, the company only hold the same in security of the balance of the advance to the claimant on his shares, and that he is the true and proper owner or proprietor of the subjects, and that though, if he falls into arrears to the extent of more than three months' subscriptions or six months' interest, which he has not yet done, the directors of the company will have the option of disposing of the security or of entering into possession of the property, yet the claimant is no less the owner thereof, and that the directors are in no other position than heritable creditors, or parties having sold a subject under minute of sale, the whole price of which has not been paid, and to which no conveyance has been granted, and the purchaser's title remains uncompleted.

The agent for the objector considered the decision to be erroneous in point of law.

Mr BLACKBURN supported the appeal, but no appearance was made for the other side.

This case, and two others of the same character, were taken to avizandum.

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## *Wednesday, Nov.* 29.

This case was advised to-day.

LORD ORMIDALE said—The defender in this case states that he has the qualification of ownership, and the Sheriff has sustained his claim. But it is alleged on the part of the objector that, according to the rules of the building society in question, the claimant's right of ownership here is not complete, that it stands suspended till the whole instalments of the price are paid up, and till he had got a conveyance from the society; that in fact, in the circumstances of the case, his right was defeasible by the building society. It appears to me that the claimant's right as purchaser having been conferred by public sale, the purchase is completed. It is a mistake to suppose that non-payment of the price is suspensive of the sale. It is trite law that the contract of sale is completed by consent alone; and if it were necessary that the price should be paid what would become of all sales on credit? In regard to the question of title it is clear that it was not necessary that a formal disposition should be delivered to the purchaser in order to give him a sufficient title. It is sufficient if there be writing of some kind; and we have that here in the minute of enactment. The only ground of defeasibility that can be alleged by the objector is the rules of the society, and from these I can see no good ground to hold that the sale is defeasible at the instance of the sellers. Looking at the case in all its bearings, I think it is a very clear case for adhering to the Sheriff's judgment. His Lordship then referred to the argument of the objector founded on the case of Irving, decided in this Court two years ago on an appeal from Selkirkshire. He thought that was the case of a suspensive sale, and could be no precedent in this case.

LORD KINLOCH concurred. He was clear a formal disposition was not necessary. A minute or missive of sale followed by possession was sufficient. He therefore was of opinion that the Sheriff's judgment should be confirmed.

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## *Wednesday, Nov.* 22.

### APPEALS FROM DUMBARTONSHIRE.

### KENNEDY *v.* DONALDSON.

The voter is vested by assignation in certain of subjects in Alexandria, held under sub-lease for 93 years from Whitsunday 1785, of the free yearly value of upwards of £10. The voter is not in the actual occupation of any of the subjects. The question of law is—Whether he is entitled to be retained on the register under the 9th section of the statute, 2d and 3d Will. IV., cap. 65? The Sheriff decided that he was not, and that his name should be deleted from the register accordingly.

LORD ORMIDALE said that he thought that this case came under the proviso in the Act in question, "that no sub-tenant or assignee to any sub-lease for fifty-seven or nineteen years shall be entitled to be registered or to vote in respect of his interest in such lease, unless he shall be in the actual occupation of the premises thereby set." He therefore thought that the Sheriff's decision should be sustained.

LORD KINLOCH concurred. The appeal was therefore dismissed, and the question of expense was reserved.

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## *Thursday, Nov.* 23.

### YOUNG *v.* LINDSAY.

George Young was tenant and occupant of Belteriro House for the year from Whitsunday 1865 at a rent of £105, and then he became tenant and occupant of the subjects on which he claimed—viz., the mansion-house of Broomley, at a yearly rent of £110. The question of law was whether the claim was legal and valid under the 9th section of the 2d and 3d Will. IV., cap. 65, either *per se* or when read in combination with the statute 24 and 25 Vict. cap. 83, sec. 42? The Sheriff decided that the claim was not valid under either alternative, and rejected it.

LORD ORMIDALE said he thought that successive holding of different subjects was not enough to amount to the statutory qualification of a voter. There was this difference between county and burgh voters, that in burghs it was well known that householders, especially £10 householders, were in the constant practice of holding their premises for a very short period indeed. But this was not common in agricultural districts. It was therefore probably to provide a remedy for this evil that a difference was made in the Act between burgh and county voters. Therefore in regard to the Reform Act of 1832 he could not arrive at any other conclusion than that the successive holding of the qualification of a county voter was not sufficient under the statute; and all the Registration Courts in Scotland had for thirty or forty years concurred in coming to that conclusion. Nor by the County Voters Act of 1861 was any change introduced, or intended to be introduced. The object of section 42 was to provide a remedy for an evil, not to change the essential nature of the qualification. He therefore moved that the appeal be dismissed and the Sheriff's decision sustained.

LORD KINLOCH had come to the same conclusion. There was nothing in the County Voters Act entitling the Court to adopt a different inference from that done by the Sheriff. Neither did he think this decision was affected by anything in that Act when read in combination with the Reform Act of 1832. It was plain that the statute was passed in order to meet the case of persons who had lost the qualification, but who had acquired a new one before they tendered their votes. It had been argued that the term "qualification" might be interpreted to mean *pecuniary amount*. He could not give the word this partial meaning. If we had nothing but sections 7, 9, and 11 of the Reform Act, he would have thought the case one of great difficulty. He agreed with Mr Monro in thinking that sections 7 and 9 might be read so as to import successive occupation in counties. At the same time he was not prepared to say that this was the natural construction of the statute; his own impression was rather the reverse, But all difficulty was removed by connecting section 12 with the previous sections. And where he had that section expressly allowing successive occupancy in burgh subjects, he could not come to any other conclusion than that burgh subjects were meant to be in a different position from other sub-