

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

J. M. Pike, K.C., for the appellant.

O. L. Lewis, K.C., for the respondents.

THE COURT dismissed the appeal with costs.

FIRST DIVISIONAL COURT.

OCTOBER 5TH, 1917.

*BRODERICK v. McKAY.

*Bastard—Maintenance—Form of Affidavit of Affiliation—"Really"
—Illegitimate Children's Act, R.S.O. 1914 ch. 154, sec. 3.*

Appeal by the plaintiff from the judgment of the Senior Judge of the County Court of the County of York, dismissing an action brought by the mother of an illegitimate child against the putative father for necessaries supplied to such child. The action was dismissed by the County Court Judge on the ground that the affidavit of paternity filed by the plaintiff did not comply with the Illegitimate Children's Act, R.S.O. 1914 ch. 154, sec. 3, in that it did not declare that the defendant was "really" the father, but merely that he was the father of the child, following the decision of the Court of Queen's Bench in *Jackson v. Kassel* (1867), 26 U.C.R. 341.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

C. H. Porter, for the plaintiff, argued that *Jackson v. Kassel* should not now be followed, as, since it was decided, the Judicature Act, and the Interpretation Act, R.S.O. 1914 ch. 1, sec. 10, had come into force, under which all Acts were to be deemed remedial, and should receive such a fair and liberal construction as would best ensure the attainment of the objects aimed at.

H. H. Shaver, for the defendant, was not called upon by the Court.

At the conclusion of the argument for the appellant, the judgment of the Court was delivered by MEREDITH, C.J.O., who said that, while the plaintiff's counsel had presented his view of

* This case and all others so marked to be reported in the Ontario Law Reports.