

that the construction of the word "vest" as used in s. 218, did not authorize the corporation to dig to an excessive depth.

Held, adopting the ruling in *Roche v. Ryan* (1891) 22 Ont. 107, that the word "vest" was not a vesting of the surface merely, but is wide enough to include the freehold as well, but

Held, on the evidence, that it had not been shewn by plaintiffs that substantial or irreparable injury would be sustained by them through the construction of the drain.

Wilson, K.C., for plaintiffs. *Cowan*, K.C., for defendants.

Hunter, C.J.]

A. v. B.

[May 17.

Divorce—Alimony, whether grantable to wife obtaining a divorce on account of impotence.

The wife obtained a decree of divorce on the ground of impotence on the part of the husband, and on an application for permanent alimony objection was taken that there was no jurisdiction, as there was never a valid marriage.

Held, on the principle that a marriage annulled on the ground of impotency is not void ab initio, but voidable only at the instance of the aggrieved spouse, that the wife was entitled to permanent alimony.

Macdonell, for the applicant. *Davis*, K.C., contra.

Book Reviews.

Tristram and Cootes' Probate Practice, by A. C. FORSTER BOULTON. Fourteenth edition, London: Butterworth & Co., Bell Yard. Canada, The Canada Law Book Company, Limited, Toronto, 1907.

Whilst it is of course unnecessary to do more than state that this is a new edition of the great English work on Probate and Administration Practice, it is nevertheless desirable to call attention to the fact that this is an edition prepared by Mr. Forster Boulton, with a special reference to the use of this work in Canada. We have in Mr. Weir's book on Probate, Administration and Guardianship a useful summary, but we have in the book before us a more exhaustive treatise, in fact a mine of in-