

House of Commons on June 23rd, 1896, was served on July 30th, and in September the petitioner was examined under sec. 14 of the Act. Notice of motion was afterwards given to strike the petition off the files of the Court on the ground that the affidavit of the petitioner was false, it having appeared from his examination that he had no knowledge of the truth or otherwise of the matters sworn to in the affidavit. The judge who heard the motion dismissed it, holding that the matter should have come up on preliminary objections filed under sec. 12 of the Act. His judgment was reversed by the full Court and the petition struck off.

Held, that the Court had no jurisdiction to entertain an appeal from this decision. That an appeal only lies from a decision on a preliminary objection (sec. 50), and that means a preliminary objection filed, under sec. 12, within five days from the date of service of the petition.

Appeal quashed with costs.

Howell, Q. C., and *Chrysler, Q. C.*, for the appellant.

Tupper, Q. C., for the respondent.

24 March, 1897.

Manitoba.]

WINNIPEG ELECTION CASE.

MACDONALD v. DAVIS.

MACDONALD ELECTION CASE.

BOYD v. SNYDER.

Election petition—Service—Copy—Status of petitioner—Preliminary objections.

On the hearing of preliminary objections to an election petition to prove the status of the petitioner, a list of voters was offered with a certificate of the Clerk of the Crown in Chancery, which, after stating that said list was a true copy of that finally revised for the district, proceeded as follows:

“And is also a true copy of the list of voters which was used at said polling division at and in relation to an election of a member of the House of Commons of Canada for the said electoral district, which original list of voters was returned to me by the returning officer for said electoral district in the same plight and condition as it now appears, and said original list of voters is now on record in my office.”