

From Divisional Court.] HILL v HILL. [Dec. 31, 1901.

*Alimony—Right to maintain—Summary judgment—Rule 616.*

On a motion for leave to appeal from the judgment of the Divisional Court, reported in 2 O.L.R. 541; 37 C.L.J. 823, affirming the decision of MEREDITH, C.J.; (1) that the plaintiff in the action was not entitled to alimony; and (2) that on a motion for summary judgment under Rule 616, he could pronounce judgment dismissing the action, the Court of Appeal were of the opinion that the judgment was right, and leave to appeal was therefore refused.

*S. H. Bradford*, for plaintiff. *Riddell*, K.C., contra.

Moss, J.A.] IN RE VOTERS' LISTS OF CARLETON PLACE. [Feb. 11.

*Parliament—Voters' lists—Notice of complaint—Form of—Grounds of objection—Subjoined lists—Amendment of notice.*

In a list of complaints contained in a notice of complaint under the Ontario Voters' Lists Act, R.S.O. 1897, c. 7, the names of persons wrongfully omitted from the voters' list were given, and in the column headed "grounds on which they are entitled to be on the voters' list," "M. F. and" appeared.

*Held*, 1. Having regard to the provisions of s. 6 (1) and (7) and Form 6 (list 1) of the Voters' List Act, and of ss. 1 (12), 13, and 56 of the Assessment Act, and of s. 4 of the Manhood Suffrage Registration Act, that the letters "M. F." could properly be read as meaning "Manhood Franchise," and those words were sufficient for the purposes of the notice, while the word "and" should be treated as surplusage.

2. The notice of complaint consisted of fifteen sheets, each in itself in the form given in the schedule to the Voters' Lists Act as No. 6, the lists Nos. 1, 2, 3 and 4 being printed on the backs of forms of notices of complaint; only the notice of complaint on the last sheet was filled out and signed by the complainant; but evidence was given that the whole fifteen sheets were attached together when the complainant signed the notice, and handed the whole to the clerk; and they so appeared before the court. The notice referred to the "subjoined lists."

*Held*, that the lists were part of the complaint, and it was sufficient in that regard. But that, if it were necessary in order to make the notice of complaint a good one, to amend it so that it should refer explicitly to the annexed sheets, the amendment should not be allowed under s. 32.

*G. H. Watson*, K.C., for electors against the rulings of the County Court Judge. *E. Bristol* and *E. N. Armour*, for electors supporting the rulings.