

petition is intended to signify its deletion, as I suppose must be taken to be the case, the paper served is undoubtedly not a true or complete copy of the petition. Nevertheless, the respondent is not left in any uncertainty as to the relief claimed as appropriate to the long string of charges set forth in the petition, and I cannot see that he is prejudiced in the least by the omission he complains of, irregular as it is. Mr. Bristol argued very earnestly that the slip was fatal, and could not be amended, relying upon such cases as *Williams v. Mayor of Tenby*, 5 C. P. D. 135; *Lisgar Election Case*, 20 S. C. R. 1; *Burrard Election Case*, 31 S. C. R. 459; and other cases in which it has been held that a petition cannot be amended by the addition of a new or further ground for avoiding the election, or the entire omission of some statutory condition or preliminary, cured. These cases, however, are not analogous to the case in hand. There was in them either the attempt to set up at too late a period some special ground for avoiding the election, or the clear absolute omission to do something which the statute required to be done, e.g., to give notice of the presentation of the petition, or to leave a copy of it within the prescribed time for the returning officer, an essential part, as *Ritchie, C.J.*, said in the *Lisgar Case*, of the presentation or filing of the petition. The objection taken here is, under the circumstances, a purely formal one, to which by Rule 60 no effect ought to be given, and I see nothing in the Act which forbids the exercise of the powers of the Court under sec. 2 (1) of the *Controverted Elections Act* to cure it by amending the copy served (which is before me) just as a defect in the copy of a summons in an action in the High Court may be amended. The petitioner must pay the costs of the application, which are to be the respondent in any event of the cause, and over and above any costs which may be awarded to him at the trial.

MACLENNAN, J.A.

JULY 19TH, 1902.

C. A.—CHAMBERS.

RE STORMONT PROVINCIAL ELECTION.

McLAUGHLIN v. McCART.

Parliamentary Election—Petition—Status of Petitioner—Statement of Right to Petition—What is Sufficient—Defeated Candidate.

Application by respondent to set aside petition, and to remove same from files of Court, on the ground, amongst others, that the petition did not contain a statement of the right of the petitioner to petition, as defined by the *Election Acts*.