whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in the said voters' list as shewn in said list No. 3."

The printed heading of list No. 2 was: "List No. 2, shewing voters wrongly named in voters' list." And that of No. 3: "List No. 3, shewing persons wrongfully inserted in the voters' list."

It was objected before the County Court Judge that none of the names in list No. 2 could be removed from the list, inasmuch as there was no error in any of the names and that the time of appealing having elapsed, no amendment of the notice could be allowed which would have the effect of disfranchisement. On the other hand, it was contended that the grounds of objection being specified in each case, the notice was sufficient, or at all events might be amended.

The questions referred were, whether the notice was sufficient to entitle the complainant to prove his objections, and if not, whether it might be amended.

R. A. Grant, for Robert Totten, the complainant.

F. Arnoldi, K.C., for certain voters, contra.

MACLENNAN, J.A.—By sec. 32 of the Act it is declared that "the Judge shall have power to amend any notice or other proceeding upon such terms as he may think proper."

It seems to have been contended before the learned Judge that, inasmuch as the effect of an amendment whereby the names in question or any of them should be struck off the voters' list, would be to disfranchise voters, it ought not to be allowed, for it would in effect be filing a new complaint after the time for complaining had elapsed. But it is to be observed that the inquiry before the Judge is not whether any voter is to be disfranchised, but whether certain persons are or are not entitled by law to vote, or to exercise the franchise. If persons not entitled to vote are left on the list, that is a most serious wrong done to all who are so entitled, and if the names of such persons are stricken off, they suffer no wrong.

There is, therefore, in my opinion, no ground on which a notice of objection, such as that in question, should not be amended by the Judge as freely as any other notice. Neither can it be an objection to an amendment that the time limited by the Act for serving notice of objection had elapsed, inasmuch as the matter cannot come before the Judge at all until after that time.

I am, therefore, of opinion that the learned Judge might have amended the notice, if he thought any amendment