

with the insurance did not constitute an acceptance of the elevator.

*Walt and Minty*, for plaintiffs. *Munson, K.C., and Laird*, for defendants.

Mathers, J.]

IN RE MORRIS ELECTION.

[Nov. 29, 1907.]

*Election petition—Want of prosecution.*

Motion to dismiss the petition herein on the ground that six months had elapsed without the trial having been commenced or any order made enlarging the time for commencing it. There is no provision in the Manitoba Controverted Election Act, R.S.M. 1902, c. 34, or in any of the rules of Court applicable to election petitions in the Province, limiting the time within which the trial must be commenced. Section 39 of the Dominion Controverted Elections Act does, however, contain such a provision and the respondent's contention was that that section of the Dominion Act is incorporated into the local Act by the effect of sections 10 and 13 of the latter Act.

Section 10 gives power to the judges to make general orders for the effectual execution of the Act and of the intention and object thereof, and the regulation of the practice and procedure with respect to election petitions and the trial thereof, and section 13 says that, "in all cases unprovided for by such rules when made, the principles, practice and rules then in force, by which election petitions touching the election of numbers of the House of Commons of Canada are governed shall be observed, so far as, consistently with this Act, they may be so observed." Since section 39 of the Dominion Act was first enacted, the Manitoba Act has on several occasions been revised and amended.

*Held*, that, in interpreting an Act which creates new jurisdictions or delegates subordinate legislative or other powers, the principle of strict construction should be applied and a distinct and unequivocal enactment is required for the purpose of either adding to or taking from the jurisdiction of the Court: "It is impossible to suppose that the legislature intended, as it were by a side wind, to bring into operation so important a provision as section 39 of the Dominion Act, and the Court will not assume that such was the intention: *Smith v. Brown*, L.R. 6, Q.B. 729. Even if section 13 is sufficiently wide to include the provisions of the Dominion Act, only such provisions of it