case it was held that the time within which the trial of an election petition must be commenced, cannot be extended beyond the six months limited by section 32 of the Act, unless upon application made within the six months.

At first sight this decision might appear to be in conflict with *Wheeler* v. *Gibbs* and *Banner* v. *Johnston*, but Mr. Justice Taschereau, in the *Glengarry* case, points out an obvious distinction. He rested his decision in the latter case upon reasons of public policy, pointed at by the Legislature in limiting the time during which an election petition could be allowed to remain pending, and if I may be permitted to say so, very reasonably considered that the Legislature never could have intended, and in fact that it would be against public policy that an election petition should be permitted to hang for a year, or two, or three, after its presentation or, for that matter, until the expiration of Parliament; that six months was to be the ordinary limit, and whilst for good reasons the Court might during such six months give a reasonable extension of time, yet after the six months, if nothing was done, the petition was dead: *Whistler* v. *Hancock*, L. R. 3 Q.B.D. 83; *Wallis* v. *Hepburn*, ib. p. 84; and there was no power in the Court to revive it, the learned Judge's words being, "The Legislature intended that the state of excitement, agitation and uncertainty in which the controverted election necessarily placed the constituency should not be unduly prolonged." His Lordship held that the general power of extension given by sec. 64 did not apply to sec. 32, which latter section was governed solely by sec. 33, a proper construction of which precluded an application to extend the time, after such time had expired.

But, as pointed out by his lordship, the considerations which governed him in the *Glengarry* case did not arise in *Banner* v. *Johnston*, or *Wheeler* v. *Gibbs*, which were decisions "where the clause under consideration stood in the Act by itself, and unconnected with any other clauses of the Act." In other words, the clause in question in those cases related to mere matters of procedure unconnected with the general policy of the law itself, and in mere matters of procedure, as pointed out in *Banner* v. *Johnston* (page 170), "the Court has all its own orders and rules under its own control."

Similarly, I think that under sec. 12, whether the respondent is to have five or twenty-five days in which to file his preliminary objections is a mere matter of procedure, wholly unconnected with the general policy of the law or any of the other provisions of the Act, and hence comes under the unrestricted power of sec. 64, which allows an extension at all times, provided, I think, in view of the *Glengarry* case, it be not such a delay as would prevent the trial commencing within the six months.

It is true that Mr. Justice Taschereau, at pages 483 and 484 of the *Glengarry* case, remarks upon sec. 12 that "unless he is mistaken it has never been contended that preliminary objections to a petition could be presented after the five days." Possibly not at that time (1888), but here in British Columbia, eight years later, the contention is distinctly urged that the time for presenting such preliminary objections can be extended both before and after such five days, and I am of opinion, for the reasons above given, the contention is well founded.