

trial of the one petition to be proceeded with. The appeal to the Supreme Court was from the judgment on this trial avoiding the election, and the only question argued and decided was whether or not the one petition could be tried alone without a substantive order therefor.

The court held that the words "unless the court otherwise orders," at the end of section 30, made it a matter of judicial discretion whether the petitions should be ordered to be tried together or not, and that it must be assumed that the judges in this case thought fit, in their discretion, not to order them to be tried together.

It seems to have been taken for granted by their lordships that the qualifying clause at the end of the section applies to the provision as to bracketing and trying the petitions together, and Mr. Justice Patterson expressly says that it does so apply. It is not easy, however, to understand how this construction can be justified except by the arbitrary disregard of the grammatical arrangement of the section, and the rules by which the judicial interpretation of statutes is governed. The section contains two distinct provisions: first, that two or more petitions shall be bracketed together: and, secondly, that they shall be placed in a certain order of date for trial, if not otherwise provided for. The two are entirely independent of each other; and though the last would be unnecessary if the other did not exist, the first could certainly stand alone. The last provision might have appeared as a separate section, in which case the qualifying words could not possibly have been held to apply to the bracketing together of the petitions, and it is difficult to see how the actual arrangement calls for another construction.

However, the court has held, or assumed, that the qualifying words do so apply, and has then decided that a substantive order for a separate trial is not necessary. The Act, says, according to the construction put upon it, that the two petitions "shall be bracketed together, and dealt with, as far as may be, as one petition, unless the court otherwise orders." The Supreme Court says that one of two or more such petitions may be tried alone without any order. In other words, that the act of the judges in proceeding with the separate trial is equivalent to an order.

Does this decision mean that the words "unless the court otherwise orders," whenever they appear in a statute, make