

nature and effect of such preliminary objections when raised, not before the judge on the trial, but addressed to the whole Court, I felt, and still feel, the want of any precedent to guide us. The English statutes provide for the decision of such objections by the judge before whom the trial takes place, and we therefore look in vain in that direction for aid in the decision of the points of objection to a petition that should form the subject of consideration for this Court or for the Judge on the trial.

"The Controverted Elections Act, 1873" makes the first provision known to me for the decision of such preliminary objections by a Court such as this, and, being from the short period since elapsed, without the assistance of any decisions under the new system in the other Provinces under that act, we can only deal with the several questions arising before us by a comparison of the duties performed in this Country and in England by committees of the several representative assemblies, and by Judges in the latter, with those required to be performed by this Court and the Judges thereof at the trials, and as far as possible to appreciate and carry out the object and intention of the Act under which we are here placed. Our authority to deal with "preliminary objections" is derived from the fourteenth section of the Act before mentioned, under which, in the language of that section, "the Respondent may present in writing any preliminary objections or grounds of insufficiency which he may have to urge against the petition or against any further proceedings thereon," and this Court or any Judge thereof, "shall thereupon hear the parties upon such objections and grounds, and shall decide the same in a summary manner." As I have already said we have nothing in the shape of precedents to aid us as to the *nature and character* of the "preliminary objections," proper for the peculiar consideration and decision of this Court, but no question has been raised as to our jurisdiction in relation to any of the points involved and it therefore seems unnecessary for me to discriminate as between those which should be dealt with by the Court and those which would come more legitimately before the Judge on the trial. I shall therefore proceed to dispose of the whole of the objections raised, and as the petition contains no less than twenty paragraphs, each alleging a distinct ground of complaint, and the objections number fourteen, I must endeavor to group some of both to avoid unnecessary prolixity.