

conferred upon the Judges in sec. 188 of the Ontario Election Act, which is incorporated by reference into sub-sec. 4 of sec. 91. This construction of sub-sec. 4 is justifiable as being a necessary implication from its expressed intention, and is therefore, no violation of the rule that statutes creating special jurisdictions are to be strictly construed.

It was well within the power of the Legislature to refer the question mentioned in sec. 2 to the vote of the electors. instead of deciding it themselves; they reserved to themselves the power to deal with the question after the vote was taken.

The Judge was not acting as a County Court Judge in the matter, but as a Court specially created by the Act, and the Act intended the Judge who was designated to act out of his own county in holding the actual trial; and there was no reason why he should not issue his summons in his own county or elsewhere.

There was no reason why, having found defendant guilty on 20th January, 1903, the Judge should not adjourn the Court until 3rd February, 1903, as he did for the purpose of sentencing him, nor why he should not sentence him on that day.

The charge in the summons was in the words of sec. 19 (c) of the Ontario Election Act, and was unobjectionable in point of form.

FALCONBRIDGE, C.J., and BRITTON, J., gave reasons in writing for coming to the same conclusion.

Rule nisi discharged. No costs.

STREET, J.

JANUARY 30TH, 1903.

CHAMBERS.

RE O'SHEA.

*Will—Construction—Devise of Land—Direction to Devisees—Maintenance of Sisters.*

Motion by executors of will of Thomas O'Shea, under Rule 938, for order declaring construction of will.

The testator devised his farm to his two sons, share and share alike, and directed that they should be bound to keep their two sisters until they married, in a suitable manner, free of expense.

G. Edmison, K.C., for the executors and some of the beneficiaries.

R. R. Hall, Peterborough, for Susannah O'Shea.

STREET, J., held that the devisees were bound to give their sisters a home, but were not bound to furnish them with money on which to live apart.