the act or proceeding they qualify a matter of judicial discretion in such manner that no order is required in any case? It cannot mean that. By one section of the Supreme Court Act, an election appeal does not operate as a stay of proceedings "unless the court otherwise orders." It is, of course, discretionary with the court to order a stay of proceedings or not, but the order must certainly be made, and it would probably have to be made in the majority of cases where this phrase is found in a statute. Then if it is not on account of the words themselves, upon what principle does the court hold that an order is not necessary? The reported judgments do not state any principle except that it is a matter of judicial discretion, and Mr. Justice Patterson goes so far as to say that it would also be a matter of judicial discretion without the qualifying words. Perhaps he is right; but as the provision for bracketing the petitions together has the word "shall," which the Interpretation Act says is to be construed as imperative, his opinion is not easy to follow. One could understand it being a matter of judicial discretion to make or refuse an order for severance, but it is difficult to go beyond that.

Then the majority of the court has held that the question we have been discussing did not arise on the trial of the petition, and was not, therefore, a matter which could be brought before them on appeal.

The only way in which the decision on this point could be questioned is that it was a question as to the jurisdiction of the trial court, and, being such, did not the judges virtually decide it on the trial? From this point of view, it must be taken to be the rule of the Supreme Court that in no case, even where the court appealed from was palpably void of jurisdiction, will an appeal lie in an election case on that ground unless the objection was formally taken at the trial and passed upon by the trial judges. This may not be of great importance, as it is not likely that many cases will arise in which the objection to jurisdiction will be taken for the first time on appeal, but it is not at all impossible, as this case shows.

This decision, then, is unsatisfactory upon several grounds, namely, that it is founded upon an assumed construction of section 30 which the grammatical arrangement of that section does not seem to warrant; that the *ratio decidendi* of the holding on the merits is not apparent; that the ruling as to jurisdiction of