

this Court upon which the argument in support of the objection is based :—

## CANADA ACT.

*Sec. 11, Sub-Sec. 5.* The security shall be to the extent of One Thousand Dollars. It shall be given either by recognizance *to be entered into by any number of sureties not exceeding four*, or by a deposit of money with the Clerk of the Election Court, if no other manner be prescribed, or in the prescribed manner if any, or partly by recognizance and partly by such deposit.

*Sec. 12. \* \* \** It shall be lawful \* \* to object in writing to such recognizance *on the ground that the sureties or any of them are insufficient, or that a surety is dead.* \* \*

## NOVA SCOTIA RULES.

*Rule 24.* There may be one recognizance *acknowledged by all the sureties or separate recognizances by separate recognizances by one or more* may be convenient. \* \* \*

*Rule 25.* The recognizance shall contain the name and usual place of usual place of abode of each surety, &c.

## ENGLISH ACT.

*Sec. 6, Sub-Sec. 5.* The security shall be to an amount of One Thousand Pounds. It shall be given either by recognizance *to be entered into by any number of sureties not exceeding four*, or by a deposit of money in manner prescribed, or partly in one way and partly by another.

*Sec. 8.* It shall be lawful \* \* to object in writing, *on the ground that the sureties or any of them are insufficient, or that a surety is dead, or cannot be found.*

## ENGLISH RULES.

There may be one recognizance *acknowledged by all the sureties or separate recognizances by one or more* may be convenient.

The recognizance shall contain the name and usual place of abode of each surety, &c.

I have italicised the words in the Canada Act and the Nova Scotia Rules upon which reliance is placed, and it will be found on inspection of the English Act and Rules that the phraseology is not only essentially but precisely identical with that of the corresponding clauses and sections of the English Rules and Act. Whatever arguments can properly be applied to the Canadian Act and the rules of this Court, could therefore with equal propriety have been used in expounding the meaning of the English statute and rules. Yet I find that WILLES J. in December, 1868, held that "one surety was sufficient, one being a number not exceeding four." In the light of this decision, I cannot do otherwise than decide that the objection is futile. The argument drawn from the form of the recognizance in this Court points very strongly to the intention of the Court that there should be but one surety required. In the first form given in the rule, the initials are supplied for the name of only one surety, and the whole sum of One Thousand Dollars is mentioned in the body of