

GEORGE HIBBARD, Petitioner.

vs.

CHARLES TUPPER, Respondent.

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*Decision as to security. Whether one surety sufficient.*

In this cause the surety and recognizance given by the Petitioner were objected to on the ground, among others, that there was but one surety given. A summons was taken out April 6th on behalf of the Petitioner, to shew cause why the security should not be declared sufficient.

The matter was argued before the Clerk of the Court by R. L. Weatherbe, Esq., on behalf of the Petitioner, and J. S. D. Thompson, Esq., on behalf of the Respondent.

BENJAMIN RUSSELL, Esq., *Clerk of the Court*, now (April 10th) delivered the following decision :—

Several objections were filed to the recognizance and security in this case, but the only ground relied on at the hearing was that the recognizance had been entered into by only one surety. The argument in support of the objection is based altogether upon Section 11, Sub-section 5, and certain expressions in Section 12 of the Act, taken in connection with Rules 24 and 25 of the Election Court. If the effect of the expressions relied upon, in these Sections and Rules had not already been settled by very high judicial authority, it might be necessary to go back to first principles in the construction of doubtful clauses, but I find that I am relieved of the necessity of instituting any original inquiry by a decision of WILLES J., which, as I view the matter, conclusively settles the question. In order to show that this decision is precisely applicable to the matter in hand, I shall quote the sections of the English Act and Rules side by side with the corresponding Sections of the Dominion Act and the Rules of