

the Petitioner's Agent, if any, and of the address, if any, given as prescribed; and also the name of the Respondent's Agent, and the address, if any, given as prescribed; and the Returning Officer shall forthwith publish those particulars along with the petition, in the manner hereinafter prescribed.

The cost of publication of this and any other matter required to be published by the Returning Officer, shall be paid by the Petitioner or person moving in the matter, and shall form part of the general costs of the petition.

## XII.

The time for giving notice of the presentation of a petition, and of the nature of the proposed security, shall be five days, exclusive of the day of presentation.

## XIII.

Where the Respondent has named an agent or given an address, the service of an Election petition may be by delivery of it to the agent, or by posting it in a registered letter to the address given, at such a time that, in the ordinary course of post, it would be delivered within the prescribed time.

In other cases, the service must be personal on the respondent, unless one of the Election Judges, on an application made to him, not later than five days after the petition is presented, on affidavit showing what has been done, shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent; in which case, the said Judge may order that what has been done shall be considered sufficient service, subject to such conditions as he may think reasonable.

## XIV.

In case of evasion of service, the affixing in a conspicuous place in the office of the Clerk of the Election Court a notice of the petition having been presented, stating the petitioner, the prayer and the nature of the proposed security, shall be deemed equivalent to personal service, if so ordered by one of the Election Judges.

## XV.

The deposit of money by way of security for payment of costs, charges and expenses payable by the Petitioner, shall be made by payment to the Clerk of the Election Court; who shall keep a book, open to the inspection of all parties concerned, without payment of any fee, in which shall be entered from time to time, the amount deposited, and the Petition to which it is applicable.

## XVI.

All claims at Law or in Equity to money deposited or to be deposited for payment of costs, charges and expenses payable by the Petitioners pursuant to the said 15th rule, shall be disposed of by the Election Court, or one of the Election Judges.

## XVII.

Money so deposited shall, if and when the same is no longer needed for securing payment of such costs, charges and expenses, be returned or otherwise disposed of as justice may require, by rule of the Election Court or order of one of the Election Judges.

## XVIII.

Such rule or order may be made after such notice of intention to apply, and proof that all just claims have been satisfied or otherwise sufficiently provided for, as the Court or one of the Election Judges may require.

## XIX.

The rule or order may direct payment either to the party who deposited the same, or to any person entitled to receive the same.

## XX.

Upon such rule or order being made, the amount may be paid by the Clerk of the Election Court.

## XXI.

The recognizance entered into as security for costs, may be acknowledged before one of the Election Judges, or any County Court Judge,

or the Clerk of the Election Court, or before the Judge of Probates, the Clerk of the Peace, or the Registrar of Deeds for the County in which the Election complained of was held. There may be one recognizance acknowledged by all the sureties, or separate recognizances by one or more, (not exceeding four), as may be convenient.

## XXII.

The recognizance shall contain the name and usual place of abode of each surety, with such sufficient description as will enable him to be found; and may be as follows:—

### IN THE ELECTION COURT.

Dominion of Canada, } Be it remembered that on the  
Province of New Brunswick, } day of        in the year of our Lord  
To wit: } 18    , before me (*name and description*) came A B of (*name and description as above directed*), C D of, &c. (*name and description as above*) and severally acknowledged themselves to owe to our Sovereign Lady the Queen the sum of one thousand dollars, to be levied on their respective goods and chattels, lands and tenements, to the use of our Sovereign Lady the Queen, her heirs and successors. [*If separate recognizances are entered into, the form to be varied as follows:—*"Came A B of, &c., and acknowledged himself to owe to our Sovereign Lady the Queen the sum of        dollars, to be levied on his goods and chattels, &c."]

The condition of this recognizance is, that if (*insert the names of all the Petitioners, and if more than one, add "or any of them,"*) shall well and truly pay all costs, charges and expenses in respect of the Election Petition signed by him (*or them*) relating to the election of a Member for the House of Commons for (*insert the name of the County or City*) which shall become payable by the Petitioner (*or, Petitioners, or any of them*) under "The Controverted Elections Act, 1873," to any person or persons; then this recognizance to be void, otherwise to stand in full force.

(*Signatures of sureties.*)

Taken and acknowledged by the above named (*names of Sureties*),  
at        on the        day of        18    , before me

Judge of the Election Court (*or, as the case may be*).

## XXIII.

The recognizance or recognizances shall be filed in the office of the Clerk of the Election Court by or on behalf of the Petitioner, forthwith after being acknowledged.

## XXIV.

An objection to the recognizance must state the ground or grounds thereof: as, that the sureties, or any, and which of them, are insufficient; or that a surety is dead; or that he cannot be found; or that a person named in the recognizance has not duly acknowledged the same.

## XXV.

An objection made to the security shall be heard and decided by the Clerk of the Election Court, subject to appeal within five days to one of the Election Judges, upon summons taken out by either party, to declare the security sufficient or insufficient.

## XXVI.

Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the Clerk of the Election Court or Judge may think fit.

## XXVII.

If by order made upon such summons, the security be declared sufficient, its sufficiency shall be deemed to be established within the meaning of the 13th section of the said Act, and the Petition shall be at issue.

## XXVIII.

If by order made on such summons an objection be allowed, and the security be declared insufficient, the Clerk of the Election Court or one of the Election Judges shall, in such order, state what amount he deems requisite to make the security sufficient; and the further prescribed time to remove the objection by deposit shall be within five days from the