request to have it allowed and approved accordingly, if the said A. B. within bounden, being thereunto requested, do render and deliver the said letters of administration (approbation of such testament being first had and made) in the said Court; then this obligation to be void and of none effect, or else to remain in full force and virtue."

Upon dissecting this condition it will be found that the duties of the administrator, and for which the sureties become responsible, are the following:

First—To make a true and perfect inventory of all and singular the goods, chattels and credits of the deceased.

Second—To exhibit the inventory in Court at or before a day limited for the purpose.

Third—To well and truly administer according to law.

Fourth—To make a just and true account of his administration, at or before a day limited for the purpose.

Fifth—To make distribution of the goods, chattels and credits, that shall be found remaining upon the account, the same being first examined or allowed by the Judge or Judges for the time being of the Court.

Sixth—To render and deliver the letters of administration upon the discovery and approbation of a will of the deceased, in the manner described.

A Probate and Surrogate Court were, in 1793, established in Upper Canada (33 Geo. III. cap 8). The former was a court as to jurisdiction extending to the whole Province, and the latter were local courts co-extensive with the districts in which situate. If the intestate died possessed of goods, chattels and credits, in more than one district, letters of administration were issued from the Probate Court; but if in one district only, then from the Surrogate Court of that district. The Judge of Probate, and every Surrogate in his district, upon granting letters of admistration of the goods of persons dying intestate, were required (as by the act 22 & 23 Car. II.) "to take sufficient bonds of the respective person or persons to whom any administration is to be committed, with two or more able sureties, respect being had to the value of the estate, in the name of the Governor, Lieutenant Governor, or person administering the government of the province." (sec 12.) The condition of the bond was given, and was almost word for word the same as that above set forth as prescribed by the English statute 22 & 23 Car. II.

In 1858, the Probate Court of Upper Canada was abolished, and the jurisdiction at the time of its abolition exercised or exercisable by it was transferred to the several Surrogate Courts of Upper Canada, of which one was established in each county. (22 Vic. cap. 93.) By section 45 of this act, it was provided that every person to whom any grant or administration should be committed should give bond to the Judge of the Surrogate Court from which the grant was made to enure for the benefit of the Judge of the Court for the time being, with one or more surety or sureties, as might be required by the Judge of the Court, conditioned *for the due collecting, getting in* and administering the personal estate of the deceased; which bond was required to be in such form as might be prescribed by the rules and orders under the act; and in cases not provided for by the rules and orders the bond was required to be in such form as the Judge of the Surrogate Court should by special order direct By section 46, the bond was required to be in a penalty of double the amount under which the estate and effects of the deceased were sworn, unless the Judge in any case should think fit to direct the same to be reduced, in which case it was declared lawful for the Judge so to do; and it was also provided that the Judge might direct that more bonds than one should be given, so as to limit the liability of any surety, to such amount as the Judge might think reasonable. By section 44 of the same act, it was provided that so much of the English acts of 21 Hen. VIII., cap. 5, 22 & 23 Car II., cap 10, and 1 James II., cap. 17, "as requires any surety, bond, or other security to be taken from any person, to whom administration shall be committed, shall henceforth cease to extend to or be in force in Upper Canada."

On 29th November, 1858, the Rules and Orders having been made were promulgated, and by Rule 27 it was provided that the bond to be given upon any grant of administration, should be according to the forms 16 and 17 thereto subjoined, or in a form as near thereto as the circumstances of the case admit. The condition of the bond is substantially the same as that already noticed. In some particulars, however, not unimportant, there is a difference which we shall proceed to describe.

The duties of the administrator (as in the foregoing condition under the English Statute of Car II.) are made six in number, viz.:

First—To make an inventory of "*all the personal estate and effects, rights, and credits*" (not "goods, chattels, and credits," as in the old form of condition) of the deceased.

Second.—To exhibit the inventory so made "*when lawfully called on in that behalf*" (not on a day fixed for the purpose, as in the old form of condition).

Third.—To administer the personal estate, &c., according to law, "*that is to say, do pay the debts which the said deceased did owe at his decease.*"

Fourth—To make a just and true account of his administration "*whenever required by law so to do*" (not on a day fixed for the purpose, as in the old form of condition).

Fifth.—To make distribution to such person or persons "*as shall be entitled thereto under the provisions of any act*