by the said testator (*or* intestato) L. M., in his life time, to the said C. D. at his request.

The alterations necessary in the body of the Affidavit and in the Jurat.—These are few, confined chiefly to cases where the party is allowed by law to affirm, and where the deponent is a person who from his signature, or otherwise, appears to be illiterate, (See Rule 46) or by one who does not understand the English language.

ALTERATIONS IN AFFIDAVIT, &c.

36. *Affirmation by Quaker, &c.*—A. B. being one of the people called Quakers (*or* Menonists, &c.) doth solemnly affirm that C. D. of &c., is justly and truly indebted to this affirmant in the sum of ———, &c., (*proceed as in ordinary cases, except, instead of calling the party* "deponent" *call him* "affirmant.")

37. *Jurat when party illiterate.*

Sworn before me, at ———, in the County of ——, this —— day of ——, A.D. 18 , and I certify that the above Affidavit was read over in my presence to the above named A. B., and that he seemed perfectly to understand the same, and wrote his signature (*or* made his mark) thereto in my presence

A. B.

Clerk, &c.

38. *Jurat on Affirmation by Quaker.*

Affirmed before me at ——, in the County of ——, this —— day of ——, A.D. 18 .

A. B.

Clerk &c.

39. *Interpreter's Oath.*—"You swear that you have (if *already interpreted*) truly interpreted this affidavit to the deponent, and that you will truly interpret the oath to be taken by him.—So help you God."

(This form of oath does not appear in the affidavit, but is verbally administered by the Clerk.)

40. *Jurat where oath is interpreted to deponent.*

Sworn before me at ——, in the County of ——, this —— day of ——, A.D. 18 , by the deponent A. B., the contents of the above affidavit having been first read over and explained to him in the (*Gaelic*) language by Y. Z., who was first duly sworn to interpret the same.

A. B.

Clerk &c.

We have now gone through the variations, necessary in the Affidavit for Attachment, to meet the facts and circumstances of particular cases, and without pretending to have exhausted the subject, we have aimed at providing a form suitable to every case of common occurrence in the Division Courts.

BAILIFFS.—*Personal service of Summons.*—The proviso in the 24th sec. of the Division Court Act makes *personal* service on the defendant necessary, where the amount sued for exceeds forty shillings. Without pausing to consider how far this rule regarding personal service might be relaxed with advantage to the public, let us look at the subject itself as the law stands. Information as to what in law amounts to a personal service must be of value to Bailiffs, who have to combat the ingenuity of "hard cases," and are often compelled to resort to stratagems of all kinds to make personal service where defendants are "bent on keeping out of the way": officers suffer not a little in this respect, for, like every one else in this country, time is money to them. Before speaking of "services," a hint may not be amiss touching cases where parties *keep concealed to avoid service of process*, and, in consequence, no service is made. If in such cases bailiffs made plaintiffs aware of the fact, and of the right to sue out an attachment, under the 64th section of the Act, parties would probably avail themselves of the right and attach the defendant's property. One or two such cases in a Division acted on in this way, would bring home knowledge to the parties and the public that evading the service of a Summons *does not operate advantageously for a debtor;* and the *result* would be less difficulty with "personal services."

Although the due service of the summons is the very foundation of the Judge's jurisdiction—and by the section above referred to that service must be *personal* where the claim exceeds 40s.—it is not absolutely necessary to put the copy of the summons into the corporal possession of the defendant; for whether the bailiff touches him or puts it into his hand is immaterial for the purposes of personal service; it is sufficient if the officer sees the party, or speaks with him, and draws his attention to the summons and leaves the copy for him. Thus, "applying the principles of practice in the Superior Courts," after informing a defendant of the nature of the process and tendering a copy, he refuses to receive it—then, placing it on his person—or throwing it down in his presence—or leaving it at his house, would be sufficient personal service. Again, if a defendant locks himself in a house, putting the copy through the crevice of a door to him—or, if known by the bailiff to be secreted in a house, leaving the copy with some one in the house for him—or, if a letter covering the copy of the summons be by some means given to the defendant, and it can be shewn that he took out the copy—or, if left with some one for him and it is proved that it came to his notice in due time—in these, and in similar cases, *strict personal* service may be dispensed with. Should the defendant appear at the Court and object to the sufficiency of a service, but refuse to say whether or not the copy of summons came to his hands before the time of service had expired, it is probable that, with other circum-