executed, the next thing to be done is to get it allowed; and the procedure for doing this is left by the Rules in the greatest obscurity. Formerly, in every case, the bail had to be allowed by a judge in Chambers, at Toronto, and Rules which were appropriate enough when this was the practice have been retained, in apparent forgetfulness of the fact that the extension to the County Court Judges and Local Masters of jurisdiction in Chambers has materially altered the practice in this respect.

According to the English practice, the bail-piece was not filed until it had been allowed by the judge as sufficient. The bail-piece appears to have been deposited in the Judge's Chambers, and entered in the judge's book kept for the purpose, and notice given to the plaintiff of justification; and the bail attended in person at the time named, and were examined orally as to their sufficiency. The personal attendance of bail, however, is no longer necessary unless expressly ordered, but they may now justify by affidavit (Rule 1063). Under our Rules it is not clear whether the bail-piece, with affidavits of due taking thereof, and of justification, are intended to be filed with the officer in whose office the proceedings are to be carried on before allowance, or not (see Rule 1075); in that Rule it is provided that when bail is put in in the county, and is to be justified in court, the deputy clerk, with whom the bail-piece is *filed*, is to transmit it, with the affidavits of due taking and justification, to the proper officer in Toronto. But is not the Local Master, or County Court Judge, as the case may be, "the court" for the justification of bail in such cases? Rule 1077, on the other hand, seems inconsistent with the filing of the bail-piece before the allowance of the bail, for it provides that if the plaintiff does not give one day's notice of exception, "the bail may be taken out of court without other justification than the affidavit," which is inconsistent with the bail being already filed, though consistent with it having been merely deposited for the purpose of justification. Assuming that the bail-piece and affidavits are to be filed before the bail is justified and allowed, notice in writing, at all events, must be given to the plaintiff of the filing, or putting in of the bail. And here comes another little difficulty: Rule 1075 contemplates that the affidavits of justification shall be filed with the bail-piece; but Rule 1076 contemplates, apparently, that the affidavits may be served with the notice of bail. How they can be served on the plaintiff and at the same time filed we do not know, unless they are sworn in duplicate, one of which is filed and the other served. At any rate, the notice of bail may, or may not, be accompanied by an affidavit of justification of each of the bail according to the form No. 46, in the appendix to the Rules. If the affidavits are delivered with the notice, and the plaintiff afterwards takes objection to the sufficiency of the bail, or "excepts to the bail," as it is technically called, and such bail are allowed, the plaintiff must pay the costs of justification (Rule 1076), which is hard on the plaintiff, to say the least, especially as after service of notice of the bail it seems that he may have only one day to give notice of exception, otherwise the bail may, as we have said already, "be taken out of court without other justification than the affidavit" (Rule 1077), which is another way of saying that the bail is to be allowed as sufficient. This we