inconvenience, as a Judge's order must in every instance be obtained before the writ can be sued out, and the several Deputy Clerks of the Crown are kept supplied with process.

The practice we should be disposed to adopt then would be this: on receiving instructions to apply for an order to hold to bail, let a summons be sued out while the necessary affidavits are being prepared; before being sworn the affidavits to be intitled in the Court and cause; and then if an order is obtained from a Judge to arrest a defendant, the capias to be sued out under the third section of the Act. If our plan is not the best, we shall at least have warned the profession of the difficulty—that a better method of avoiding it may be devised.

One word more. Care should be taken in using the old forms to alter the endorsement as to bail, which will be no longer "bail for £——, *by affidavit*," but instead of the last two words "*by Judge's order*," in all cases.

THE SURROGATE COURTS.

Until the Judges appointed under the 14th section of the Surrogate Courts Act of last Session have framed the necessary Rules and Forms, there will doubtless be much diversity in the forms used, and delay may arise from want of full particulars in the notice to the Surrogate Clerk, required by the 28th section of the Act.

It is not at all probable that these Rules will be out before the latter end of the year; and in the meantime we venture to suggest that the forms used might be something like the following. Take for example the ordinary case of executors applying for probate of a will:—

(*Style of Court to which application made.*)

To the Surrogate Clerk,

You are hereby notified that application has been made to this Court for a grant of the Probate of the Will bearing date, &c., of ——, deceased, who died on the —— day of ——. &c., *having at the time of his death a fixed place of abode at —— in the said County of*——, by —— and —— of, &c., the executors named in said Will.

——, *Registrar.*

The names, places of residence, and additions of the executors, should be stated at length; and the place where the testator had his fixed place of abode at the time of his death should be particularly specified in the application to the Court, as well in the notice from the Registrar of the Court to the Surrogate Clerk.

Should the party have resided out of Upper Canada at the time of his death, or have had no fixed place of abode therein, as the application to the Court must be varied accordingly, so also must the form of notice to the Surrogate Clerk. In such case the grant may be obtained from the Court for any County in which the deceased had real or personal estate, and instead of the words in italics the statement would run thus:—

"Having at the time of his death no fixed place of abode in Upper Canada, but having there real estate (*or as the case may be*) in the said County of——."

The application for grant of administration might be as follows.

(*Style of Court to which application made.*)

To the Surrogate Clerk,

You are hereby notified that application has been made to this Court for a grant of letters of administration of the personal estate and effects of ——, late of ——, (*describing deceased as before*) who died intestate on or about the —— day of —— &c., by A. B. of ——, in the County of ——, &c., widow (*or as the case may be*) of the said deceased.

Registrars of Surrogate Courts must take care that the application to their own Courts is used as a guide in framing notice to the Surrogate Clerk; and such applications ought in all cases to be so worded as to give the necessary particulars, and show that the Court has jurisdiction by fixing the place of abode of the deceased, or showing that he had property in the particular County.

THE ENGLISH PRESS AND HARRISON'S COMMON LAW PROCEDURE ACTS.

In the proper place will be found still another review of this work, taken from the "Solicitors' Journal," an English Law Periodical of note, having a very large circulation.

We cannot forbear referring to it as something of which not only Mr Harrison himself, but the profession generally in Canada must feel justly proud, as we believe, that since the commencement of our legal annals no Canadian law publication has received such an extended and flattering notice in England, and moreover from such eminent authorities.

It will be seen that the writer of the Review, now being referred to, in his first paragraph, gives us to understand that his attention is but rarely attracted by any work published out of England, and that it must have strong claims to merit to procure a place in his columns. He says, "as a general rule, neither Colonial nor Foreign law treatises are reviewed in this journal, for such space in our columns as is available for the purpose of noticing new books, is fully engrossed by authors who register at Stationers Hall. Occasionally, however, we find among books sent to us from abroad, some with peculiar claims upon our consideration, and the one of which we are about to give a short account, appears to fall within this class." And again after speaking of the common practice of hurriedly annotating statutes after the close of a session, and the ephemeral character of such productions, he says of Mr. Harrison's work by way of comparison, "It was not hurriedly put together a few weeks after the statutes passed,