does not put in special bail within the time required by the order for his arrest, that his bail to the sheriff, or "bail below," should be at liberty to render their principal into the sheriff's custody again. But there are technical difficulties in the way of such a simple proceeding, and it is the "established practice" that before they can do this they must go through the solemn farce of putting in "special bail," even though immediately it is put in, and before it is justified, it is the intention of the bail to surrender their principal. This is called "bail for the purpose of rendering only," referred to in Rule 1074.

Then if the "special bail" be not put in, pursuant to the rule "to bring in the body," the plaintiff is entitled to call upon the sheriff to assign the bail bond, which he has taken, and forthwith to commence an action thereon in his own name against the sureties. This action, however, the sureties are entitled to have stayed on the terms of putting the plaintiff in the same position as if no default had been made, *e.g.*, by putting in and perfecting special bail, and paying the costs of the action; but no such order is to be made, staying the action, except where the application is made by the original defendant, upon an affidavit of merits; or where it is made by the sheriff, bail, or any officer of the sheriff, upon an affidavit showing that the application is really and truly made on the part of the sheriff or bail, or sheriff's officer, as the case may be, at his own expense, and for his own indemnity, and without collusion with the original defendant (Rule 1060). Or, instead of taking an assignment of the bail bond from the sheriff, the plaintiff, in the event of special bail not being duly put in and perfected, may, on the return of the order "to bring in the body," issue an attachment against the sheriff, which, however, may be set aside on the like terms as an action on the bail bond may be stayed.

Then, assuming the special bail is duly put in and perfected, the defendant is entitled to a writ of *supersedeas*, if he is in custody, which commands the sheriff to release him, if detained for no other cause.

The action must be duly proceeded with, and if the defendant, instead of giving bail, remains in the custody of the sheriff, the plaintiff must deliver his statement of claim within one calendar month after the arrest, otherwise the defendant will be entitled to be discharged, unless further time to deliver a statement of claim is given to the plaintiff by the court or a judge (Rule 1052). Judgment having been obtained, the plaintiff must then "charge the defendant in execution," in order to "fix the bail"; this is done by issuing a *ca. sa.*, and delivering it to the sheriff within fourteen days after the plaintiff is entitled to enter judgment (Rule 1053); whereupon the bail must either pay the plaintiff's claim to the extent of the amount for which they are bail (Rule 1085), or must surrender their principal to the close custody of the sheriff. In default of their so doing, the plaintiff must get a return of *non est inventus* to the *ca. sa.*, and he may then commence an action against the bail. But in order to "fix the bail," the plaintiff must take care that his *ca. sa.* is returnable on a day certain, and not immediately after execution: *Proctor* v. *McKenzie*, 11 O. R. 486.

Rules 1045-1088, which are supposed to embody the practice on this subject, are taken from the Common Law Procedure Act and the Common Law Rules passed pursuant thereto. The wording of these Rules is in several instances