

An Act to provide for the more equal distribution of business in and to improve the practice of the Superior Courts of Common Law in Upper Canada, and for other purposes therein mentioned.

5 **W**HEREAS it is desirable that the offices for issuing Writs Preamble.
of Summons and Capias, and other Writs of mesne or first
process in the Courts of Queen's Bench and Common Pleas in Upper
Canada, in the County of York, be united; Be it therefore enacted,
10 &c.,

That from and after the commencement of this Act, the Clerk of the
Crown and Pleas in the said Court of Queen's Bench, and the Clerk
of the Crown and Pleas in the said Court of Common Pleas, shall,
15 subject to the approval of the Judges of the said Courts, from time
to time, select one of their Clerks, whose duty it shall be to issue all
Writs of Summons, *Capias*, and other Writs of mesne or first
process in the said Courts, that may be required to be issued at the
City of Toronto, and which Clerk shall be called the Clerk of the
20 Summonses, and he shall be the Clerk of the said Clerks of the
Crown and Pleas in the Courts of Queen's Bench and Common
Pleas, and act under their direction, not only in issuing such writs
but in discharging such other duties in connection with their office,
as they or either of them may require of him.

25 **II.** And whereas much public inconvenience arises from the
unequal distribution of the business between the said Courts,
whereby one Court is often insufficiently employed, while the other
is unduly pressed, to the great delay and injury of suitors and detri-
30 ment of Justice, and it is expedient to adopt means to equalize
the business of the said Courts so far as the same can be effected:
be it therefore enacted, That from and after the commencement of
this Act, the said Clerk of the Summonses, and the respective
Deputy Clerks of the Crown and Pleas, in the said Courts of
35 Queen's Bench and Common Pleas, in their respective Counties and
United Counties in Upper Canada, shall issue out of their respective
offices all Writs of Summons, *Capias* and other process for the

Clerks of Q.
B. and C. P.
at Toronto to
appoint a
Special Clerk
to issue writs
of mesne pro-
cess.

Recital.

The said Clerk
to issue such
writs out of
each Court al-
ternately by
twelves, be-
ginning with
Court of C. P.