

## AGENCY.

See "Costs," 4.

## ALDERMAN.

*Of Kingston, qualification for.]* See "Kingston."

## AMENDMENT.

*Of Writ.]* See "Arrest," 4. "Costs," 4.

## APPEARANCE.

*Omission to enter.]* See "Irregularity."

## ARREST.

1. *Arrest of married woman. Writ set aside.]* Where the defendant, being a married woman, and known to be so by the plaintiff, was arrested on writ of *ca. re.*, both writ and arrest were set aside with costs. When the writ of *ca. re.* is only against the wife and is irregular against her, the husband cannot be compelled to appear.—*Foley v. White and Wife*, 51.

2. *Arrest. Privilege of Parliament.* 1 *Geo.* III. *ch.* 1, *sec.* 3; 2 *Geo.* IV. *ch.* 1, *sec.* 6; 1 *Vic.* *ch.* 68, *sec.* 38; 18 & 14 *Vic.* *ch.* 58, *sec.* 96.] A member of the Provincial Parliament is privileged from arrest for a period of forty days after the prorogation or dissolution of parliament, and for the same period before the next appointed meeting.

Defendant made an application to set aside an arrest for irregularity; his application was defeated, not on the merits, but owing to the plaintiff's applying for and obtaining an order to amend. *Held*, therefore, that plaintiff was still at liberty to move after the amendment against the arrest on the ground of illegality.—*Wadsworth et al. v. W. H. Boulton*, 76. See 9 *U. C. R.*, 546.

3. *Debt contracted in foreign country. Debtor and creditor foreigners. Law of arrest. Affidavits.* 2 *Geo.* IV. *ch.* 1, *sec.* 10.] If the affidavit of debt, and intention to leave the country, be a positive one, neither can the question of the actual existence of the debt, nor the circumstances under which it was contracted, nor the conduct of the defendant after it was contracted, be tried upon affidavits, for the purpose of permitting an arrest. In England the merits of an arrest are tried on affidavits, but that arises from the alteration of the law by the statute 1 & 2 *Vic.* *ch.* 110.—*Smile*, that it is contrary to the policy of our laws of arrest