

ordinary chamber business, at such convenient periods as the Court shall ordain.

In Equity.

V. One other of the said Judges shall sit to hear matters of an equitable nature, to be by him determined, subject to a re-hearing as after provided. 5

Court for rehearings.

VI. On the *Monday* week after the last day of each Term, to obviate the expense of a Court of Appeal, all the Judges who shall not be prevented by some reasonable cause from attending, shall sit and hold a Court to rehear such causes as may be entered for rehearing, 10 such sittings being continued from day to day, or adjourned to a future day, as the Court shall be advised.

Rehearings.

VII. Causes heard by one Judge in Equity, or in Term by two or more Judges, may be reheard by the full Court after term, if either party shall, upon signature of 15 counsel, be so advised.

Forms of action, &c. abolished.

VIII. The distinction between actions at law and suits in equity, and the forms of all such actions and suits heretofore existing as technical pleadings or modes of procedure, are abolished, and there shall be hereafter 20 in Upper Canada but one description of action for the enforcement or protection of private rights and the redress of private wrongs, which shall be denominated a civil action, under which the party complaining shall be known as the plaintiff, and the adverse party as defendant. 25

Certain writs abolished.

IX. Writs of *mandamus*, *quo warranto*, and *scire facias*, injunctions and *certiorari* are abolished, and the Court, upon motion in Term, or a Judge in vacation, may grant rules, either absolute in the first instance, or to shew 30 cause, as shall be deemed proper for the redress of the the wrongs, attainment of the objects, or enforcement of right, for which those writs have heretofore been sued out.

Feigned issues abolished.

X. Feigned issues are abolished, and when a question of fact, not put in issue by the pleadings, is to be tried 35 by a Jury, an order for the trial may be made, stating distinctly and plainly the question of fact to be tried, and such order shall be the only authority necessary for the trial thereof.

Parties to actions.

XI. Every action must be prosecuted in the name of 40 the real party in interest, except in case of executors or administrators, trustees of an express trust, and persons expressly authorised by statute.

Defences to action by an assignee.

XII. In the case of an assignment of a thing in action not heretofore assignable at law by mere endorsement, 45 the action by the assignee shall be without prejudice to