

or with his authority or privity, and if he shall answer in the affirmative, then he shall, also in case the Court or any Judge of the same, or of any other Superior Court, shall so order and direct, declare in writing within a time to be allowed by such Court or Judge, the profession, occupation or quality and place of abode of the plaintiff, on pain of being guilty of a contempt of the Court from which such Writ shall appear to have been issued; and if such Attorney shall declare that the Writ was not issued by him or with his authority or privity, the said Court or Judges shall and may, if it shall appear reasonable so to do, make an order for the immediate discharge of any defendant or defendants who may have been arrested on any such Writ, on entering a common appearance.

Particulars when required by the defendant.

Defendant may in certain cases be discharged on entering an appearance.

XXXII. And be it enacted, That it shall and may be lawful to and for the Judges of each of the Courts from time to time to make such rules and orders for the government and conduct of the Ministers and Officers of their respective Courts, in and relating to the distribution and performance of the duties and business to be done and performed in the execution of this Act, as such Judges may think fit and reasonable: Provided always, that no additional charge be thereby imposed on the suitors.

Judges may make rules for the conduct of the officers and ministers of their courts. Proviso.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained shall subject any person to arrest, who by reason of any privilege, usage or otherwise, may now by law be exempt therefrom.

Privilege from arrest not to be impaired by this Act.

XXXIV. And be it enacted, That from the time when this Act shall commence and take effect, the Writs hereinbefore authorized shall be the only Writs for the commencement of personal actions in the Courts aforesaid, and the costs to be allowed and charged for such Writs shall be the same as for Writs of *Capias ad Respondendum*; and that all the provisions of an Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, intituled, *An Act to alter the issuing of Testatum Writs of Capias ad Respondendum in the several Districts of Upper-Canada, and for other purposes therein mentioned*, shall continue in force and be applicable to the Writs directed by this Act, except in so far as the provisions of the said Act are inconsistent herewith, and shall apply to the practice to be observed in the Court of Common Pleas as well as the Court of Queen's Bench.

The said Writs to be the only Writs for commencing personal actions in the said courts.

Provisions of Act 8 V. c. 36, extended to such Writs.

XXXV. And whereas it is expedient to authorize and require the Judges of the several County Courts in Upper-Canada, to make orders in relation to certain matters of practice in cases depending in the Superior Courts of Common Law, which may be conveniently disposed of in the several Counties: Be it enacted, That it shall and may be lawful for any plaintiff or defendant in any suit depending in the Superior Courts of Common Law in Upper-Canada, to make application for time to plead, reply or rejoin, for particulars of demand and set off, and for summonses and orders to compute, to the Judge of the County Court for the County in which the suit is brought, or the venue laid; and the Judge of such County Court is hereby authorized and required to hear and determine such applications and to grant such summonses, to impose such terms, and make such orders as are granted, imposed and made in the like cases by a Judge of the Superior Courts of Common Law sitting in Chambers; Provided always, that the provisions of this clause shall not apply to any suit wherein the venue is laid in the County of York, or in any suit wherein the Attorney for the defendant, or in case of two or more defendants where the Attorney for any one or more of them,

Recital.

Judges of the county courts to make orders as to certain matters in cases depending in superior courts.

Proviso as to suits in the county of York; or where the parties reside in

resides