

him or with such corporation the person for whose benefit the action is brought. This Section shall not be deemed to authorize the assignment of a *chose* or thing in action not arising out of contract. Exceptions.

5 III. In case of an assignment of a thing in action arising out of contract, the action by the Assignee shall be without prejudice to any set off or other defence existing at the time of or before notice of the assignment; but this Section shall not apply to any negotiable promissory note or bill of exchange
10 transferred in good faith and upon good consideration before it shall have become due. Assignment of a thing in action not to prejudice defence.

IV. When a married woman is a party, her husband shall be joined with her, except that when the action is between herself and her husband, or where her husband cannot be
15 joined, she may be sued alone, but may sue or defend by her next friend. When a married woman is a party, her husband must be joined. Exceptions.

V. When an Infant is a party, such Infant must sue or defend by Guardian who may be appointed by the Court in which the action is pending or is to be brought or a Judge
20 thereof, either as a general Guardian, or merely to prosecute or defend in the action or suit, in case there be no known General Guardian to such Infant in Upper Canada, or if it be doubtful who is such general Guardian, or if such general Guardian refuse or neglect to appear or defend for the Infant. Infants must sue or defend by Guardian.

25 VI. The Guardian in such case shall be appointed as is now provided by law in Upper Canada, or as follows : Guardian, how appointed.

1. When the Infant is to sue, upon the application of the Infant if he be of the age of fourteen years or upwards, or if he be under that age, upon the application of a relative or
30 friend of the Infant. If the application be made by a relative or friend of the Infant, notice thereof in writing must be given to the person with whom such Infant resides, or is employed, or under whose care or control he is.

2. When the Infant is Defendant, upon the application of
35 the Infant if he be of the age of fourteen years, and apply within twenty days after service of the Summons: If he neglect so to apply or be under the age of fourteen years, then upon the application of any other party to the action or of a relation or friend of the Infant, after notice of such appli-
40 cation has been given to the known general Guardian, if there be any in Upper Canada, refusing or neglecting to appear and defend, and to the person with whom, if any in Upper Canada, such Infant resides, if he has no such known general Guardian within Upper Canada, then to the Infant himself if
45 over fourteen years of age and within Upper Canada, or if under that age and within Upper Canada, to the person with