

Form or
cause of
action need
not be men-
tioned in writ.

Names of De-
fendants.

XVII. It shall not be necessary to mention any form or cause of action in any writ of summons or in any notice of writ of summons issued under the authority of this Act.

XVIII. Every writ of summons shall contain the names of all the Defendants and shall not contain the name or names of any Defendant or Defendants in more actions than one. 5

Date of Writ.

Teste.

XIX. Every writ of summons or capias issued under the authority of this Act, shall bear date on the day on which the same shall be issued, and shall be tested in the name of the Chief Justice of the Court from which the same shall issue, or in case of a vacancy of such office, then 10 in the name of the Senior Puisne Judge of the said Court.

Office whence
issued to be
marked on
writ.

XX. The Clerk or Deputy Clerk of the Crown and Pleas who shall issue any writ, shall mark in the margin a memorandum stating from what office and in what County such writ was issued, and shall sub- scribe his name to such memorandum. 15

Name of per-
son suing out
writ to ap-
pear on it.

XXI. Every writ of summons or of capias shall be indorsed with the name and place of abode of the Attorney actually suing out the same, and when the Attorney actually suing any writ, shall sue out the same as agent for any other attorney, the name and place of abode of such other Attorney shall also be indorsed upon the said writ, and in case no 20 Attorney shall be employed to issue the writ, then it shall be indorsed with a memorandum expressing that the same has been sued out by the Plaintiff in person, mentioning the City, Town, incorporated or other Village or Township within which such Plaintiff resides.

Commence-
ment of
actions
where it is
intended to
hold Defen-
dant to
special bail.

XXII. In all such actions wherein it shall be intended to arrest and 25 hold any person to special bail, the process shall be by a writ of capias according to the form contained in schedule A to this Act annexed, and marked number 2, and may be directed to the Sheriff of any County or Union of Counties in Upper Canada, and so many copies of such process, together with every memorandum or notice subscribed thereto, and 30 all indorsements thereon as there may be persons intended to be arrested thereon or served therewith, shall be delivered with the original writ, to the Sheriff or other officer who may have the execution or return thereof, and who shall upon or immediately after the execution of such process, cause one such copy to be delivered to every person upon whom such 35 process shall be executed by him, whether by service or arrest, and shall indorse on such writ, the true day of the execution thereof, whether by service or arrest, within three days at furthest after such service or arrest; and if any Defendant be taken or charged in custody upon any such process and imprisoned for want of sureties for his appearance thereto, the 40 Plaintiff in such process may, before the end of the next term after the arrest of such Defendant, declare against such defendant and proceed thereon, in the manner and according to the directions contained in the third and fourth rules of the Court of Queen's Bench, made in Easter Term, in the fifth year of Her Majesty's Reign: Provided always that 45 it shall be lawful for the Plaintiff or his Attorney, to order the Sheriff or other officer to whom such writ shall be directed, to arrest one or more of the Defendants therein named, and to serve a copy thereof on one or more of the others, which order shall be duly obeyed by such Sheriff or other officer, and such service shall be of the same force and effect as 50 the service of the writ of summons hereinbefore mentioned and no other.

Declaration
when to be
made, when
Defendant is
imprisoned
for want of
bail.

Proviso;
some Defen-
dants may be
arrested, and
others not.