

Suits at Law and in Equity in Upper Canada : Be it therefore enacted by &c. as follows :

OF THE FORMS OF ACTIONS AND PARTIES THERETO.

- Section* 1. Distinctions in forms of Civil Action abolished. Only one form hereafter. Parties to actions how styled. Jurisdiction of Courts preserved.
2. Action to be in the name of party really interested. Exceptions.
 3. Assignment of a thing in action not to prejudice defence.
 4. When a married woman is a party, her husband must be joined. Exceptions.
 5. Infants must sue or defend by Guardian.
 6. Guardian, how appointed.
 7. Lunatic, Idiot or Person judicially declared of unsound mind, how to sue or be sued.
 8. Who may be joined as Plaintiffs.
 9. Who may be joined as Defendants.
 10. Parties united in interest when to be joined. When one or more may sue or defend for the whole.
 11. Parties liable on a Bill of Exchange, Promissory Note or Contract, may all be sued in one action. What costs allowed if sued separately.
 12. No abatement of action by death, marriage or other disability or by transfer. Proceedings in such cases.
 13. The Court when to decide controversy between the parties, or order other parties brought in. When to allow parties applying to defend.

Distinctions in forms of Civil Action abolished.

I. The distinctions in the forms of Civil Actions and Suits, are hereby abolished, and—

Only one form hereafter.

Parties to actions how styled.

1. Hereafter, there shall be but one form of action in the Courts of Record both of Law and Equity in Upper Canada, for the enforcement or protection of private rights and the redress of private wrongs, which shall be denominated *an action on the case*, and in which the party complaining shall be known as the Plaintiff, and the adverse party as the Defendant.

Jurisdiction of Courts preserved.

2. But the Jurisdiction of the Court of Chancery, the Court 10 of Queen's Bench, the Court of Common Pleas and the County Courts, respectively, in Upper Canada, as regards the subject matter of actions and proceedings (but without regard to the form thereof) and as regards the powers of such Courts, and the Judges thereof individually and collectively, shall 15 remain as now fixed by law, except in so far as the same may be varied, increased or diminished by the provisions of this Act.

Action to be in the name of party really interested.

II. Every action shall be prosecuted in the name of the real party in interest, except that an Executor or Administrator,—20 a Trustee of an express trust,—a Receiver appointed under any Decree, Order or Judgment of a Court of Record of Upper Canada,—a Person with whom or in whose name a contract is made for the benefit of another,—or a person or corporation expressly authorized by statute, may sue without joining with 25