

him, by the non-payment of the note or bill.

Proviso: as to accommodation bills or notes.

and expenses which such drawer or endorser may have actually paid, and to which he may have been subjected by reason of the non-payment by the said maker or acceptor of the said note or bill respectively :—Provided always, that nothing herein contained shall render any accommodation maker of a note or accommodation acceptor of a bill liable to pay any such costs, charges or expenses to the party for whose accommodation he may have made or accepted such note or bill respectively.

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Clerk and Deputy Clerks of the Crown to be *ex-officio* Clerks of Assize and perform the duties of that office and of Marshals of Assize and *Nisi Prius*, &c.

Their duties as such in transmitting papers to Toronto, &c.

Postage allowed.

Duty of Officers of particular Courts.

**XXV.** And be it enacted, That the Clerk of the Crown 10 in the Common Pleas in the County of York and Deputy Clerks of the Crown in the several Counties or Unions of Counties in Upper Canada, shall *ex officio* be and act as Clerks of Assize, and discharge the duties thereof and of Marshals at the Courts of Assize and *Nisi Prius* and 15 General Gaol Delivery, to be holden in their respective Counties or Unions of Counties, and shall have all the powers, and perform all the functions incident to the same, as such Clerks of Assize and Marshals, and it shall be the duty of the said Clerks respectively, immediately after 20 each sitting of such Courts, to forward to the officer, to whose custody the same properly appertains, at the head office at Toronto or elsewhere, all and every Recognizance, Indictment, Record, Exhibit, or other paper fyled by him or in his custody as such officer, together with the 25 usual and proper returns, as such Clerk of Assize and Marshal, by Post, charging the postage thereon to Her Majesty's Government in this Province, which postage shall be allowed in his account as such officer in addition to his salary :—And it shall be the duty of such officer 30 of the particular Court in which the cause is pending to have and produce in Court every Record or other paper in his custody, when required, for the purpose of motions for new trial or otherwise.

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Recital.

Common Law Courts empowered to sit in *Banc* out of Term.

Sittings how to be appointed.

**XXVI.** And whereas it would greatly facilitate the 35 despatch of business in the Courts of Queen's Bench and Common Pleas at Toronto, if the said Courts were enabled to sit in *Banc* out of term, for the purpose of hearing motions and arguments, pronouncing judgments, making 40 rules and orders and disposing of such matters as may be from time to time pending in the said Courts respectively : Be it therefore enacted, that from and after the passing of this Act, it shall and may be lawful for the said Courts respectively to sit in *Banc*, out of Term, for the transaction and despatch of the general business of the said 45 Courts respectively; and that the Judges of the said Courts shall from time to time, fix and appoint a day or days for such sittings in *Banc*, as occasion may require, and that all the proceedings of the said Courts under the authority of this Act, shall have the same effect, to all 50 intents and purposes as if the same had been had or taken in Term: Provided always, that nothing herein

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