

Provided that such avoidance shall not annul or affect any act, matter or thing done by any such Clerk or Deputy Clerk, during the time that he shall actually hold his appointment. Proviso.

II. The Governor of this Province shall approve of the security and sureties to be given by the said Clerks and Deputy Clerks, (the Judge of the County Court first certifying his approval in writing of the security and sureties to be given by the Deputy Clerk of the Crown for his County,) and such securities shall, as soon as they are so executed and approved, be duly recorded in the manner provided by the third section of the Statute passed in the session of the Provincial Parliament, held in the fourth and fifth years of Her Majesty's Reign, chaptered ninety-one, and then deposited in the office of the Inspector General of Public Provincial Accounts; and if any surety in any such security shall die or cease to reside in Upper Canada, or become insolvent, it shall be the duty of such Clerk or Deputy Clerk, within one month of his knowledge of the fact or after being thereto required by the Inspector General, to give a new security, in manner hereinbefore provided, and the omission to give such new security shall render the appointment of the Clerk or Deputy Clerk so omitting, void.

Bonds and sureties to be subject to approval of the Governor.

Bonds to be recorded under 4, 5 V. c. 91.

New bond to be given in case of death, &c., of a surety.

Failure to avoid office.

III. Every Deputy Clerk of the Crown shall, within twenty-four hours after notice in writing delivered to him at his office, for that purpose, enclose, seal up and transmit by post to the proper principal office at Toronto, addressed to the Clerk thereof, any record of *Nisi Prius* in his custody to be mentioned in such notice, together with all exhibits filed at the trial, and in default thereof, he may be adjudged guilty of a contempt of Court, and be dealt with in the discretion of the Court accordingly. And if, after such notice, the *Nisi Prius* record shall not be in Court at the time of moving any rule requiring a reference thereto, the party moving may, on filing an affidavit of the service of notice, and that the record, on search, has not been found in the said principal office, be allowed by the Court to move any such rule without the production of the Record of *Nisi Prius*.

Deputy Clerks of the Crown to transmit any *Nisi Prius* record to Toronto, or deliver the same sealed up, on proper notice, &c.

Failure to be a contempt.

After such notice, a party may move although the record be not in Court; first filing affidavit of notice.

And with respect to Bills of Exchange and Promissory Notes, Be it enacted as follows :

IV. From and after the first day of July, in the year of our Lord one thousand eight hundred and fifty-eight, all actions upon Bills of Exchange or Promissory Notes, commenced in either of the Superior Courts of Common Law, within six months after the same shall have become due and payable, may be by writ of summons in the special form contained in the Schedule to this Act annexed, numbered one, and endorsed as is therein mentioned; and it shall be lawful for the Plaintiff on filing an affidavit of personal service of such writ within the jurisdiction of the Court or an order for

Form of summons in actions on Bills or Notes, after 1st July, 1858.

Final judgment may be signed on proof of service