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4th Session, 3d Parliament, 14th Victoria, 1851.

BILL.

An Act to regulate the Office of Clerks
of Assize in Upper Canada.

Received and read a first time, Tuesday, 3rd
June, 1851.

Second reading, Monday, 9th June, 1851.

Mr. SMITH (Durham.)

TORONTO : PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to regulate the Office of Clerks of Assize in Upper Canada.

WHEREAS it is desirable to provide by Law for the appointment and duties of Clerks of Assize in Upper Canada ; Be it therefore enacted, &c.

That from and after the passing of this Act, there shall be an Officer in the County of York, called the Chief Clerk of Assize, to be appointed by the Governor of the Province for the time being, and to hold office during pleasure, and that such Chief Clerk, in the County of York, and the Deputy Clerks of the Crown, in the several counties or unions of counties in Upper Canada, shall, *ex officio*, be and act as Marshals at the Courts of Assize and Nisi Prius and 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 Deputy Clerks of the Crown, respectively, immediately after each sitting of such Courts, to forward to the Chief Clerk of Assize at Toronto, all and every recognizance and indictment, in their custody as such officers, respectively, and every record, and exhibit which shall be required by either party, or his or her attorney or agent, upon receiving notice to that effect, together with the usual and proper returns as such Deputy 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 their accounts as such Officers, in addition to their salary ; and it shall be the duty of such Chief Clerk of Assize to deliver to the Clerk of the particular Court in which the cause is pending, every record or other paper in his custody, when required for the purpose of motions for new trial or otherwise.

Preamble.

Chief Clerk of Assize to be appointed, his duties and those of his deputies.

As to the transmission of Records.

II. And be it enacted, That the fees and charges hereafter to be received by the said Clerk and Deputy Clerks, shall be by them accounted for, paid over and applied under the provisions of the Act passed in the ninth year of Her Majesty's Reign, and intituled, "*An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada,*" as part of the Fund thereby created.

Fees received to go to the fee Fund under 9 Vict. c. 33.

Allowance to
the said Chief
Clerk and his
Deputies.

III. Provided always, and be it enacted, That instead of the per centage allowed by the said Act, the said Clerk and Deputy Clerks, respectively, shall be entitled to and be paid out of the said fee-fund, the sum of *one pound and five shillings* for every day they shall respectively be employed as such Clerks of Assize during any Assizes, and the said Chief Clerk, in addition thereto, the sum of *one pound and five shillings*, for every day's necessary attendance as such Chief Clerk of Assize in Term. 5

What shall
constitute the
Judgment
Roll.

IV. And be it enacted, That after verdict, the attorney of the party entitled to the *postea* in the cause, shall prepare the same, which, together with the judgment, shall be added or annexed to the record, and that the record, *postea* and judgment thus made up, shall form and constitute the judgment roll, and shall answer and be treated as such for all purposes, and no other judgment roll in any such case shall be required. 15