

added

remaining Trustees have served for the same period of time that one of them whose then current term of office will last expire, shall and may act as, be known as, and for all the purposes of this Act be deemed to be, the Chairman of the Trustees.

Absence or incapacity of a Trustee. Vacancy of office may be assumed.

(7) Whenever upon application of any Trustee or Trustees and reasonable notice in writing to the Attorney-General of Canada it shall be made to appear to the President of the Exchequer Court of Canada—

(a) by a Trustee applying, that by reason of his imminent absence out of Canada, or

(b) by any two Trustees, that by reason of absence out of Canada or other cause of incapacity—

a Trustee is to be or is temporarily unable to perform the duties of his office and, in either case, that for the operation of the provisions of this Act while such incapacity shall continue it is necessary that the office of the Trustee shall be assumed to be vacant, such President may by order or decree of his court declare that pursuant to this subsection of this Act the office of such Trustee shall for all the purposes of this Act except those of sections five and six which relate to payment of salaries and appointments to vacancies, be assumed to stand vacant until the further order or decree of such President or the occurrence of an actual vacancy in the office of the Trustee concerned.

Effect of order.

Termination of presumption of vacancy.

(8) Such order or decree shall have effect according to its terms. It may be vacated by such President at any time upon application of the Trustee concerned, his co-Trustees or the Attorney-General of Canada, and upon such prior notice in writing, if any, to such persons, if any, as such President may approve or direct.

W.L.M. King Papers, Memoranda and Notes, 1933-1939
(M.G. 26, J 4, volume 205, pages C141316-C141859)

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