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2nd Session, 7th Parliament, 26 Victoria, 1863.

BILL.

An Act to smend the Consolidated Statute for Upper Canada, intituled, "An Act respecting the office of Sheriff."

Received and read, 1st time, Monday, 2nd March, 1863.

2nd Reading, Friday, 6th March, 1863.

Hon. Mr. Sol. Gen. Wilson.

QUEBEC:

PRINTED FOR THE CONTRACTORS BY MUNTER, BOSE & LEMISUX, ST. URSULE STREET. An Act to amend the Consolidated Statute for Upper Canada. intituled "An Act respecting the office of Sheriff."

WHEREAS it is desirable to amend the Act intituled, "An Act Preamble. respecting the office of Sheriff," chapter thirty-eight of the Con-Con. State solidated Statutes for Upper Canada; therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly 5 of Canada, enacts as follows:

I. The fourteenth section of the said Act is hereby repealed, and the New sec. subfollowing clause is enacted in its stead, and shall be read as if the same stituted for sec. 14. had originally formed part of the said Act.

"In case a Sheriff dies or resigns and his resignation is unconditional- in case of 10 ly accepted, or in case he is removed, the Under Sheriff or Deputy death of Sheriff, by Law appointed, shall nevertheless continue the office of Sheriff to per-Sheriff and execute the same and all things beionging thereto in the form the name of such deceased Sheriff, until another has been appointed and duties until a sworn into office, and the said Under Sheriff or Deputy Sheriff shall be pointed. 15 answerable for the execution of the said office in all respects and to all intents and purposes whatsoever, during such interval as the Sheriff so deceased would by law have been if he had been living or continuing in his office.'

And the security given to the Sheriff so deceased, resigning, or Furetyship of 20 being removed, by the said Under Sheriff, and his pledges shall remain Under Sheriff. and be a security to the Queen, Her Heirs and Successors, and to all persons whatsoever, for such Under Sheriff's due performance of his office during such interval."

- 2. A true copy of the Instrument of Security now in force, given by Copy of ex-25 any Under Sheriff or Deputy to the Sheriff, shall be filed within three isting security months after the passing of this Act, in the office of the Clerk of the Peace of the County for which such person is Under Sheriff or Deputy Sheriff.
- 3. A true copy of the Instrument of Security hereafter at any time And of any 30 to be in force, given by any Under Sheriff or Deputy Sheriff to the security here-Sheriff, for the due performance of the duties of such person as Under Sheriff or Deputy, shall be filed within one month after the same is given, in the Office of the Clerk of the Peace of the County for which such person is Under Sheriff or Deputy Sheriff.
- 4. The copy so filed shall be sworn to by a subscribing witness to How to be 35 the same, that it is a true copy of the original, and so long as such copy attented. remains on file as the Security to the Sheriff, it shall be deemed to be Its effect. binding upon the Under Sheriff and Deputy for all purposes under this

Penalty for default

5. In case such copy is not filed within the periods aforesaid, the 5 Sheriff and also the Under Sheriff or Deputy Sheriff shall each be liable to a fine of ten pounds, and to a further penalty of ten pounds each for every month thereafter the same remains unfiled.

Oopy of any arrangement between Sheriff and

6. Every agreement, deed, bond, and arrangement between the Sheriff and his Under Sheriff or Deputy Sheriff, or between the Sheriff and 10 any other person relating in anywise to the office, or to the duties, fees, Under Sheriff or perquisites of the office, or to any payment to be made out of the office, or for or in respect of the office, shall be absolutely void, unless a true copy of the same be filed with the Clerk of the Peace of the County for which such Sheriff acts, within three months from the pass- 15 ing of this Act, or within one month from the making of such agreement, deed, bond, or arrangement.

Proviso.

But this clause shall not apply to any Bailiff of the Sheriff so long as such agreement, deed, bond, or engagement applies only to the ordinary and proper duties of such person as such bailiff.