

No. 73.

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

BILL.

**An Act to amend 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 :

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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 respecting the office of Sheriff," chapter thirty-eight of the Consolidated Statutes for Upper Canada; therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
Con. Stat. U.
C., c. 38.

1. The fourteenth section of the said Act is hereby repealed, and the following clause is enacted in its stead, and shall be read as if the same had originally formed part of the said Act.

New sec. substituted for sec. 14.

10 "In case a Sheriff dies or resigns and his resignation is unconditional- ly accepted, or in case he is removed, the Under Sheriff or Deputy Sheriff, by Law appointed, shall nevertheless continue the office of Sheriff and execute the same and all things belonging thereto in the name of such deceased Sheriff, until another has been appointed and sworn into office, and the said Under Sheriff or Deputy Sheriff shall be 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."

In case of death of Sheriff, the under Sheriff to perform the duties until a Sheriff is appointed.

20 And the security given to the Sheriff so deceased, resigning, or being removed, by the said Under Sheriff, and his pledges shall remain 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."

Furetyship of Under Sheriff.

25 2. A true copy of the Instrument of Security now in force, given by any Under Sheriff or Deputy to the Sheriff, shall be filed within three 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.

Copy of existing security to be filed.

30 3. A true copy of the Instrument of Security hereafter at any time to be in force, given by any Under Sheriff or Deputy Sheriff to the 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.

And of any security hereafter given.

35 4. The copy so filed shall be sworn to by a subscribing witness to the same, that it is a true copy of the original, and so long as such copy remains on file as the Security to the Sheriff, it shall be deemed to be binding upon the Under Sheriff and Deputy for all purposes under this Act.

How to be attested.

Its effect.

**Penalty for
default.**

5. In case such copy is not filed within the periods aforesaid, the 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. **5**

**Copy of any
arrangement
between
Sheriff and
Under Sheriff
to be filed.**

6. Every agreement, deed, bond, and arrangement between the Sheriff and his Under Sheriff or Deputy Sheriff, or between the Sheriff and any other person relating in anywise to the office, or to the duties, fees, 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 passing of this Act, or within one month from the making of such agreement, deed, bond, or arrangement. **10**

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. **15**