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No. 105.

4th Session, 8th Parliament, 29th Vic., 1865.

BILL.

An Act to extend the provisions of the Statute of the last Session of Parliament, intituled: "An Act to authorize the acceptance of certain Incorporated Companies as sureties for public officers."

[No. 192 of 1865—1st Session.]

Mr. SHUTER SMITH.

QUEBEC :

PRINTED BY HUNTER, ROSE & CO., ST.
URSULE STREET.

An Act to extend the provisions of the Act of the last Session of Parliament, intituled: "An Act to authorize the acceptance of certain Incorporated Companies as sureties for public officers."

WHEREAS it is desirable that the provisions of the Act of the last Session of Parliament, chaptered seven, and intituled: "An Act to authorize the acceptance of certain Incorporated Companies as sureties for public officers," should be extended so as to apply and embrace the bonds and covenants required to be given by Sheriffs in Upper Canada; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. When any Sheriff in Upper Canada desires to avail himself of the provisions of the Act above cited, he shall give, or cause or procure to be given, by any one or more of the Incorporated Companies mentioned in the first section of the said Act, two bonds or policies of guarantee, to be approved by the Governor in Council, which said bonds or policies of guarantee shall be executed in the terms of and contain the conditions and stipulations required to be contained in the bond to Her Majesty, and the covenant in duplicate respectively, required to be executed by the said Sheriff, in virtue of the sixth section of the Act passed in the said last Session, and chaptered twenty-eight, intituled: "An Act to repeal chapter thirty-eight of the Consolidated Statutes for Upper Canada," intituled: "An Act respecting the office of the Sheriff, and to make further provisions respecting the said office in Upper Canada."

Policies of guarantee may be given in lieu of bonds by Sheriffs in U. C.

2. Such bonds or policies of guarantee, on being duly executed and approved as aforesaid, shall be substituted for and shall stand and be accepted and received in lieu of the bond or duplicate covenant required by the said sixth section of the Act last cited.

Effect of such policies.

3. The bond or policy of guarantee executed for the benefit and security of the Crown, and granted to Her Majesty, shall, on being approved by the Governor in Council, be deposited in the office of the Minister of Finance for the Province, and notice of such approval shall be given to the Sheriff by the Provincial Secretary, and the bond or policy of guarantee for the security of parties to legal proceedings, and which shall stand in lieu of the duplicate covenant before mentioned, shall be deposited in the office of the clerk of the peace for the County.

Policies to be approved and filed of record

4. The Governor in Council may at any time require any Sheriff to renew the said bonds or policies of guarantee, or to furnish others in lieu of the same, to be granted by the same or by any other such

Renewal of policies.

Incorporated Company as to him may appear expedient for the protection of the interests of the Crown, or of parties to legal proceedings, as aforesaid.

Liability of
Companies
issuing poli-
cies.

5. The Incorporated Companies by whom any such bond or policy of guarantee shall be given or granted, shall be liable to indemnify 5 as well the Crown as the party or parties to any legal proceedings, for any loss or damage arising out of any omission, default or misconduct of the said Sheriff, and all the provisions of the said Act, with respect to the examination of the said bond and duplicate covenant, by parties interested, the liability to indemnify parties 10 sustaining damage and proceedings in actions upon the bond or covenant contained in the seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second sections of the said Act, respecting the office of Sheriff, shall apply to and have force and effect in respect of such bonds or policies of guarantee in the same 15 manner and as fully and effectually to all intents and purposes as though the said bonds and policies had been expressly mentioned therein.