

No. 163.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to amend "An Act passed in the Session of the Provincial Parliament, held in the 4th and 5th years of Her Majesty's Reign, intituled, "*An Act to regulate the taking of securities in all offices in respect of which security ought to be given, and for avoiding the grant of all such offices in the event of such security not being given within a time limited after the grant of such office,*" and for other purposes.

Received and read a first time, Friday, 5th Nov.
1852.

Second reading, Monday, 8th Nov., 1852.

MR. Sol. Gen. CHAUVEAU.

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BILL.

An Act to amend " An Act passed in the Session of the
" Provincial Parliament held in the 4th and 5th years
" of Her Majesty's Reign, intituled, ' An Act to regu-
" late the taking of securities in all offices in respect
" of which security ought to be given, and for avoiding
" the grant of all such offices in the event of such
" security not being given within a time limited for
" the granting of such office ' " and for other purposes.

WHEREAS it is expedient to amend the Act passed in the Session of the Provincial Parliament, held in the fourth and fifth years of Her Majesty's Reign, intituled, "*An Act to regulate the taking of securities in all offices in respect of which security ought to be given, and for avoiding the grant of all such offices in the event of such security not being given within a time limited after the grant of such office.*" with regard to the provisions of the said Act for avoiding the grant of public offices as aforesaid ; Be it therefore enacted, &c.,

Preamble.

4 & 5 Vic. c. 91

10 And it is hereby enacted, That from and after the passing of this Act, no office whatever shall be avoided nor shall be deemed to be avoided by the non-compliance with any of the provisions of the said Act, until the Governor General or person administering the Government of this Province shall have declared the same to be
15 avoided, anything to the contrary in the said Act contained notwithstanding.

In what cases only the not giving security shall vacate the office.

II. And be it enacted, That it shall be lawful for the Governor General or person administering the Government of this Province, by Order in Council, to approve and confirm the security given
20 and entered into by, for or on account of any public officer previous to the passing of this Act, or within two months after the passing of this Act, although the same shall have been entered into after the time limited in the said Act ; and the provisions of the said Act as to the avoiding of offices shall be deemed not to apply nor
25 to have applied to any such public office, and the commission and tenure of any such office shall remain and shall be deemed to have remained in full force and effect, anything to the contrary in the said Act contained notwithstanding ; Provided always

Governor may approve security given after the time required by Law, but before the passing of this Act.

Proviso.

that any security entered into approved and confirmed as aforesaid shall be deposited and registered in the manner and form provided for by the said Act, and the delay for depositing and registering the same shall be computed from the date of the Order in Council approving the same. 5

And so of affidavits of sufficiency.

III. And be it enacted, That whenever by any other Act now in force in this Province, any public officer was, or shall be required to give security, or to file an affidavit of qualification within a limited time, it shall be lawful for the Governor, General or person administering the Government of this Province, to approve of the security given, or of the affidavit filed by any such public officer, although the same may have been, or shall have been given or filed after the time limited by law, and in such case the office or commission of any such public officer shall be deemed not to have been avoided, but shall remain and shall be deemed to have remained in full force and effect, anything to the contrary in the said Act notwithstanding. 10 15

Officers not to be vacated in such cases.

IV. And be it further enacted, That no act of any public officer whose security may or shall have been given, or registered or deposited, or whose affidavit of qualification may or shall have been filed after the time limited by law, shall by such defect be void or voidable, nor deemed to be void or voidable, any law, usage or custom to the contrary notwithstanding. 20