

CAP. LXXXVII.

An Act to amend an 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, and for other purposes.*

[Assented to 22nd April, 1853.]

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 by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, 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 or person administering the Government of this Province shall have declared the same to be avoided; any thing to the contrary in the said Act contained notwithstanding.

Preamble.

4 & 5 V. c. 91.

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 or person administering the Government of this Province, by Order in Council, to approve and confirm the security given 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 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, any thing to the contrary in the said Act contained notwithstanding; Provided always, 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,

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

Proviso.

Act,

Act, and the delay for depositing and registering the same shall be computed from the date of the Order in Council approving the same.

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, is or shall be required to give security, or to fyle an affidavit of qualification within a limited time, it shall be lawful for the Governor or person administering the Government of this Province, to approve of the security given, or of the affidavit fyled by any such public officer, although the same may have been, or shall have been given or fyled 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; any thing to the contrary in the said Act notwithstanding.

Offices not to be vacated in such cases.

IV. And be it 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 fyled after the time limited by law, shall by such defect be void or voidable, or deemed to be void or voidable; any law, usage or custom to the contrary notwithstanding.

C A P . L X X X V I I I .

An Act to explain an Act intituled, *An Act to provide a remedy against Absent Defendants.*

[Assented to 22nd April, 1853.]

Preamble.

14 & 15 V. c.
10.

WHEREAS the wording of the first Section of an Act of the Legislature of this Province, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide a remedy against Absent Defendants*, is such as to have caused doubts to arise as to the meaning of the said Act, and it is expedient to declare and explain the meaning of the same: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the said Section of the said Act was intended to refer and does refer to cases of persons having real or personal property in Upper Canada, although such persons may not have resided in Upper Canada.

Sect. 1 of the said Act explained.