

NEW ZEALAND,



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 24.

ANALYSIS;

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| <p>Title.</p> <p>1. Appointment of Sheriffs to be made by the Governor.</p> <p>2. Ordinance Sess. 7, No. 4, repealed.</p> <p>3. Districts to be defined by the Governor.</p> <p>4. Sheriffs now acting and Districts defined to be deemed to have been appointed by Governor.</p> <p>5. Sheriff's Oath.</p> <p>6. Security to be given. Existing Securities to remain in force.</p> <p>7. Sureties may withdraw.</p> | <p>8. Duties, &c., of Sheriff.</p> <p>9. Sheriffs not to act as Barristers or Solicitors.</p> <p>10. Service of Process when Sheriff disqualified.</p> <p>11. Chief Justice may fix and alter Fees.</p> <p>12. Fees to be paid to Colonial Treasurer.</p> <p>13. Governor may appoint Deputy Sheriffs.</p> <p>14. When Deputies to act.</p> <p>15. Act 1st Mary, Sess. 2, chap. 8. not in force in Colony of New Zealand.</p> <p>16. Short Title.</p> <p>Schedule.</p> |
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AN ACT to regulate the appointment and duties of Sheriffs, [3rd July, 1858.] Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows;

I. An Ordinance enacted by the Lieutenant-Governor and Legislative Council of New Zealand, intituled "An Ordinance to Regulate the appointment and the duties of Sheriffs in the Colony of New Zealand," Sess. VII, No. 4, is hereby repealed. Ordinance Sess. 7, No. 4, repealed.

II. After the passing of this Act, it shall be lawful for the Governor, and for no other person, to appoint fit persons to be Sheriffs within the Colony, who shall hold their Offices during pleasure. Appointment of Sheriffs to be made by the Governor.

III. It shall also be lawful for the Governor and for no other person, to define the Districts within which the jurisdiction of the several Sheriffs shall be exercised, and the limits of such Districts from time to time to alter as occasion may be. Districts to be defined by the Governor

Sheriffs.

Sheriffs now acting, and Districts defined, to be deemed to have been appointed by Governor.

IV. The several Sheriffs who are now acting shall be deemed to have been appointed, and the several defined Districts for which they are respectively acting shall be deemed to have been defined, by the Governor under this Act.

Sheriff's Oath.

V. Every Sheriff shall, upon his appointment, take an Oath, before a Judge of the Supreme Court, or some person specially appointed by such Judge, in the form set forth in the Schedule to this Act, faithfully to execute the duties of his Office.

Security to be given.

VI. Every Sheriff shall from time to time give security for good behaviour in his office, by Bond to Her Majesty, by himself and such sureties, and in such reasonable sum or sums respectively, as the Governor may direct: Provided that all Bonds or other Securities for Good Behaviour in office given by or for any Sheriff under the provisions of the recited Ordinance or otherwise, shall remain in full force, and may be put in Suit, in like manner, as if the same had been given under this Act.

Existing Securities to remain in force.

Sureties may withdraw.

VII. Every such Surety may withdraw from any liability for the future under any such Bond, by giving to the Attorney General for New Zealand three months notice of his intended withdrawal, without prejudice nevertheless to any previous breach of the condition of the Bond.

Duties, &c., of Sheriffs.

VIII. Every Sheriff shall have such powers and privileges duties and responsibilities, as a Sheriff by law hath, or is liable to, in England, as a Ministerial Officer of one of Her Majesty's Courts at Westminster.

Sheriff not to act as Barrister or Solicitor.

IX. No Sheriff shall be in any way concerned in any suit in any Court within the Colony, either as Barrister, Solicitor, or Agent.

Service of process when Sheriff disqualified.

X. Whenever any Process shall issue which the Sheriff ought not by law to execute, the Supreme Court shall authorise some fit person to execute the same; and in every such case the cause of such special proceeding shall be entered upon the records of the Court.

Chief Justice may fix and alter Fees.

XI. It shall be lawful for the Chief Justice of the Supreme Court from time to time, to fix, alter, and abolish the Fees and Poundage to be paid and taken by any Sheriff, Sheriff's Officer, Bailiff, or other person employed under the Sheriff upon any proceedings in the Supreme Court, or otherwise in respect of his Office or employment, such Fees and Poundage shall be paid and taken as soon as they shall have been approved of by the Governor in Council.

Fees to be paid to the Colonial Treasurer

XII. All Fees taken by any Sheriff under any Regulations made by virtue of this Act, shall be paid to the use of Her Majesty for the public uses of the Colony, and the support of the Government thereof, and shall be accounted for quarterly to the Colonial Treasurer.

Sheriffs.

XIII. It shall be lawful for the Governor at any time to appoint a fit and proper person to be Deputy Sheriff for any District, to act in case of the death, illness, or unavoidable absence of any Sheriff, and such Deputy shall, during the time he shall so act, have all the powers and privileges and shall perform all the duties and be subject to the responsibilities of the Sheriff.

Governor may appoint Deputy Sheriffs

XIV. Whenever the Sheriff of any District shall die, the Deputy Sheriff shall act as such from the day of such death, and in the case of illness or absence, shall act as such from such day as the Sheriff shall certify under his hand to the Deputy Sheriff that he is ill and unable to perform his duties, or that he is about to leave his district, and such Deputy Sheriff shall cease to act as such on the day on which he shall receive from the Sheriff a certificate under his hand to the effect that he has resumed his duties. No Sheriff of any District shall have any power to act during such time as the Deputy Sheriff shall be lawfully acting.

When Deputies to act.

XV. And it is hereby declared and enacted that an Act of Parliament passed in the first year of the reign of Queen Mary, Sess. 2, chap. 8, intituled "An Act that Sheriffs shall not be Justices of the Peace during that office," shall be deemed and taken not to have been heretofore and not to be hereafter in force in the Colony of New Zealand.

Act 1st Mary, Sess. 2; chap. 8, not in force in Colony of New Zealand.

XVI. The Short Title of this Act shall be "The Sheriffs' Act, 1858."

Short Title.

SCHEDULE.

I, *A. B.*, do swear that I will truly and faithfully, and to the best and utmost of my skill and knowledge, discharge the duties of Sheriff of the District of _____, without fear, favor, or malice. So help me God.