

No. IV.

AN ORDINANCE to regulate the Appointment and the SHERIFFS OFFICE.
Duties of Sheriffs in the Colony of New Zealand.

[12th October, 1846.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session III., No. 1), intituled "*An Ordinance for establishing a Supreme Court,*" provision is made for the appointment and duties of Sheriffs, and it is expedient that further provision be made for that purpose:

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BE

Preamble reciting
No. 1, Session III.

Sheriffs' Office.

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Secs. 18, 19, 20, and 21 repealed.

Appointment of Sheriffs.

Their districts to be defined.

Oath to be taken.

Security to be given.

Sureties may withdraw.

Duties &c. of Sheriff.

Service of process when Sheriff disqualified.

Sheriffs to have charge of gaols &c.

Their liability limited.

Monthly return to be made.

1. So much of the said Ordinance as relates to the appointment and duties of Sheriffs, that is to say, the sections 18, 19, 20, and 21, shall be and the same are hereby repealed.

2. It shall be lawful for His Excellency the Governor from time to time by warrant under his hand to appoint provisionally, subject to Her Majesty's confirmation, fit persons to be Sheriffs of the several counties or districts (as the case may be) of the Colony. All persons now acting as Sheriffs or to be appointed by virtue hereof shall hold their offices during pleasure.

3. It shall also be lawful for His Excellency the Governor to define the districts within which the jurisdiction of the Sheriffs shall respectively be exercised, and the limits of such districts from time to time to alter as occasion may require.

4. Each 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 following form, faithfully to execute the duties of his office:—

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 favour or malice. So help me God.

5. Each Sheriff shall from time to time give security for good behaviour in his office by bond to Her Majesty and her successors by himself and such sureties and in such reasonable sum or sums respectively as Her Majesty or her successors may think fit to require.

6. 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 calendar months' notice of his intended withdrawal, without prejudice nevertheless to any previous breach of the condition of such bond.

7. Each Sheriff shall have such powers and privileges only and such duties and responsibilities only 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: Provided that no Sheriff shall be in any way concerned in any suit in any Court either as barrister, solicitor, or agent.

8. Whenever any process shall issue which the Sheriff ought not by law to execute, the Supreme Court shall authorize some other 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.

9. Every Sheriff shall have the charge and superintendence of the gaols and the custody of all imprisoned debtors and criminals within his district: Provided that he shall not be liable to answer for the escape of any criminal imprisoned within the walls of any authorized gaol or house of correction unless such escape shall happen by or through his wilful neglect or default.

10. If any debtor in execution shall escape out of legal custody, the Sheriff, Bailiff, or other person having the custody of such debtor, shall be liable only to an action for damages sustained by the person or persons at whose suit such debtor was taken or imprisoned, and shall not be liable to any action of debt in consequence of such escape.

11. On the first Monday in every month each Sheriff shall make a return to the Colonial Treasurer or Treasurer of the district of all fines

Coroners.

fines which, during the preceding month, he may have been ordered by any Judge of the Supreme Court to collect or which it may otherwise be his duty to collect. Such return shall show whether such fines have been collected or not, and shall also show the whole amount which may at the time of making the return remain due to the Sheriff on account of fines, and the names of the parties from whom such amount may be owing.

12. For the purpose of this Ordinance the word "Governor" shall Interpretation.
be taken to include the Lieutenant-Governor or the Officer Adminis-
tering the Government of the Colony for the time being.