

New Zealand.



ANALYSIS.

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1882, No. 12.

Title.

AN ACT to amend "The Sheriffs Act, 1858."

[31st August, 1882.]

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

Short Title.

1. The Short Title of this Act is "The Sheriffs Act 1858 Amendment Act, 1882."

Interpretation.

2. The word "goods" includes every description of personal property liable to be taken in execution.

Sheriff's poundage.

3. Whenever a Sheriff makes a levy under due authority, he shall be entitled to levy poundage thereon, as follows:—

(1.) Where the goods are sold, the poundage shall be calculated on the gross amount realized by the sale;

(2.) Where the Sheriff is authorized or directed by the execution creditor to withdraw before sale, or the execution debtor pays the sum to be levied indorsed on the writ, with fees and expenses, the poundage shall be calculated on the sum so indorsed:

Provided that the execution debtor may, if he thinks fit, require in writing that the goods shall be appraised, and in such case the Sheriff shall appoint a competent appraiser.

Appointment of, and oath taken by, appraiser.

4. Where an appraiser is appointed, the Sheriff shall deliver to him an inventory of the goods in his possession under the execution, and shall administer to the appraiser the following oath: "You shall well and truly appraise the goods and chattels mentioned in this inventory according to the best of your judgment."

The poundage payable shall be calculated on the amount so fixed, instead of on the amount indorsed on the writ to be levied.

A. commission shall be payable to the appraiser of such sum as the Sheriff thinks fit, not exceeding sixpence in the pound on the sum appraised. **Commission to appraiser.**

5. All poundage so levied as aforesaid shall be forthwith paid into the Public Account as revenue of the Crown, and shall form part of the Consolidated Fund. **Poundage to be paid into Public Account.**

WELLINGTON: Printed under authority of the New Zealand Government,
by GEORGE DIPSBUZZ, Government Printer.—1882.