

New Zealand.

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. 16.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. This Act to be deemed as part of the Sheriffs' Act 1858.
3. A Judge may fix a fee in special cases.

AN ACT to amend "The Sheriffs' Act 1858." Title. [13th December 1864.]

WHEREAS by "The Sheriffs' Act 1858" it is enacted that it shall Preamble.
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 subject to the approval of the Governor in Council :

AND WHEREAS it is expedient to enable any Judge of the Supreme Court on application in any case to order that any fees other and beyond those that have been or may be fixed under the power aforesaid may be taken and received by the Sheriff or such other officer as aforesaid And it is also expedient that the duties and responsibilities of Sheriffs in New Zealand in respect of the execution of writs of *capias ad satisfaciendum* should be altered :

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

I. The Short Title of this Act shall be "The Sheriffs' Act Amend- Short Title.
ment Act 1864."

II. This Act shall be deemed to be and construed as part of "The This Act to be deemed as part of the Sheriffs' Act 1858.
Sheriffs' Act 1858."

III. It shall be lawful for any Judge of the Supreme Court on the application of the Sheriff in any case to fix the amount of any fee and to order that the same may be taken and received by any Sheriff or his Officer Bailiff or other person employed as aforesaid for or in respect of the execution of any writ of *habere facias possessionem* or any other proceeding And on the making of such order such fee shall be payable to and receivable by the Sheriff as if the same had been fixed by the Chief Justice and approved by the Governor in Council under the said recited power. A Judge may fix a fee in special cases.

Sheriffs' Act Amendment.

Sheriff may liberate
person apprehended
under *ca sa* on pay-
ment of debt and
costs.

IV. In case any person taken in execution under a Writ of *capias ad satisfaciendum* shall pay to the Sheriff or to his Bailiff the amount of debt and costs for which he shall be so taken in execution together with Sheriff's charges and expenses such person shall be at once discharged from custody and no such Sheriff or Bailiff shall incur any liability in respect of such discharge. And it shall be the duty of the Sheriff forthwith to pay the amount of debt and costs to the execution creditor or his executor.