

THE SHERIFF'S ACT OF 1875⁽¹⁾ (QUEENSLAND, ADOPTED) IN ITS APPLICATION TO THE TERRITORY OF PAPUA.

An Act to provide for the more speedy and effectual Execution of the Process of the Supreme Court.

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Preamble repealed by No. 3 of 1914, s. 2 and First Schedule.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows:—

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Section 1 repealed by No. 3 of 1914, s. 2 and First Schedule.

2. It shall be lawful for the Governor with the advice of the Executive Council to appoint fit and proper persons to be high bailiffs or bailiffs at such towns and places as shall be necessary or expedient and every person so appointed shall give security to

Governor may appoint high bailiffs or bailiffs when necessary.

(1) *The Sheriff's Act of 1875* of Queensland in its application to the Territory of Papua comprises the original *The Sheriff's Act of 1875* of Queensland referred to in Part I of the following Table, as amended by the Ordinance of the Territory of Papua referred to in Part II of the following Table:—

TABLE.

PART I.—ACT OF THE STATE OF QUEENSLAND.

Citation of Act.	Ordinance by which adopted.	Date on which adoption took effect.
<i>The Sheriff's Act of 1875</i> (39 Vic. No. 3) ^(a)	<i>The Courts and Laws Adopting Ordinance (Amended) of 1889</i> (No. 6 of 1889)	23.11.1889 (Supplement to British N.G. Govt. Gaz. of 23.11.1889)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.

PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council notified in Papua Govt. Gaz.	Date on which came into operation.
<i>Ordinance Revision Ordinance, 1913</i> (No. 3 of 1914)	14.8.1913	4.2.1914	4.2.1914 (Papua Govt. Gaz. of 4.2.1914)

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Her Majesty her heirs and successors by bond or recognizance of himself and two responsible sureties or otherwise in such manner and in such reasonable amount as may be fixed by the Governor in Council⁽²⁾ for the due performance by such person of the duties of his office and for the due payment by him to the Sheriff or as he shall direct of all moneys which shall come to his hands in the execution of the duties of his office.

Officers so appointed to be deemed Sheriff's officers.

3. Every person so appointed as aforesaid shall for the purposes of this Act be deemed to be an officer of the Sheriff and shall be bound by himself or his deputies to execute all lawful orders and precepts of the Sheriff directed to him and shall in all respects have and perform the same duties as have been heretofore performed by the officers of the Sheriff appointed under his hand and seal.

Persons aggrieved by acts of officers may sue the Sheriff by that name and not personally. Mode of payment of damages recovered.

4. Any person aggrieved by any act or default of any of the officers of the Sheriff appointed as aforesaid shall have the like remedy as heretofore by action Provided that every such action brought against the Sheriff shall be brought against him by the name of "The Sheriff of Queensland" and not by his own name and any damages or costs adjudged to be recovered by the plaintiff in any such action shall be paid by the Colonial Treasurer out of the consolidated revenue.

Power to appoint person to execute process where Sheriff ought not to execute. Q. 31. Vic. No. 23, s. 47. Stat. 2358.

5. Whenever the said court or any judge thereof shall direct any process to issue against the Sheriff or award any process in any cause matter or thing wherein the said Sheriff on account of his being related to any of the parties thereto or by reason of any good cause of challenge which would be allowed against any Sheriff in England ought not to execute the same it shall be lawful for the said court or any judge thereof to appoint some other fit person to execute the same.

Power to appoint special bailiff. Q. 1b. s. 47.

6. Whenever the process of the court is to be executed in a remote part of the colony and it shall appear to the court or any judge thereof that delay in the execution of such process would be likely to ensue if such process were directed to the Sheriff it shall be lawful for the said court or any judge thereof upon the application of the party at whose suit such process is to be issued to order that such process shall be directed to some fit person instead of to the Sheriff and executed in such manner and under such terms and conditions as the court or judge shall deem meet And in any such case no action shall be brought against the Sheriff for any acts or defaults of the person named in such process but any party aggrieved by any act or default of such person shall have the like remedy against him that he might have had by action against the

(2) No amounts have been notified in British N.G. Govt. Gaz. or Papua Govt. Gaz.

The Sheriff's Act of 1875, (Queensland, adopted).

Sheriff in case such process had been directed to the said Sheriff and the act or default had been committed by him or his officers Provided that in any such case all fees of right payable to the Sheriff by the person against whom such process is directed shall with the exception of those for registering the warrant and returning the same be paid to the person on whose behalf such process was issued.

7. If any debtor in execution shall escape out of legal custody after the passing of this Act the Sheriff deputy-sheriff bailiff or other person having the custody of such debtor shall not be liable to any action of debt in consequence of such escape but the party aggrieved shall be entitled to an action upon the case for the damages sustained by him.

Action of debt not to lie on escape of debtor. Q. 31 Vic. No. 23, s. 50. Stat. 2359.

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Section 8 repealed by No. 3 of 1914, s. 2 and First Schedule.

9. Notwithstanding anything hereinbefore contained every Sheriff bailiff and other officer of the Sheriff shall be accountable for his own acts and defaults in the same manner and to the same extent as heretofore.

Sheriff and officers personally accountable for their own acts or defaults.

10. This Act shall be styled and may be cited as "*The Sheriff's Act of 1875.*"⁽¹⁾

Short title.

(1) See footnote (1) printed on p. 853.

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