

Sheriffs Office.

Appeals by petition for leave to appeal therefrom to Her Majesty in Council.

9. In case such leave to appeal be prayed by a party who shall be required to pay any sum of money or to perform any act, the said Court of Appeals shall direct either that the judgment appealed from be carried into execution or that the execution thereof be stayed pending the appeal to Her Majesty, as to the Court shall appear just.

Execution when to be stayed.

10. In case the Court of Appeals shall direct the judgment appealed from to be carried into execution, the party in whose favour the same shall be given shall, before the execution thereof, enter into sufficient security, to be approved by the said Court of Appeals, for the due performance of such judgment or order as Her Majesty in Council shall make thereupon.

Security to be taken when judgment carried into execution.

11. In case the Court of Appeals shall direct the execution of any such judgment to be stayed, the party against whom the same shall have been given shall in like manner enter into sufficient security, to be approved as last aforesaid, for the due performance of such judgment or order as Her Majesty in Council shall make thereupon.

Security to be taken when execution stayed.

12. In all cases of appeal to Her Majesty in Council the party appellant shall give sufficient security, to be approved as last aforesaid, for the effectual prosecution of such appeal and for the payment of all such costs as may be awarded by Her Majesty in Council to the party respondent. And in case such last-mentioned security shall be entered into within three clear calendar months after the date of such petition for leave as aforesaid, and not otherwise, the said Court of Appeals shall allow the appeal to be prosecuted.

Security for due prosecution of appeal.

13. In all cases where leave to appeal to Her Majesty in Council shall be granted, the said Court of Appeals shall certify and transmit to Her Majesty in Council a true and exact copy of all proceedings and judgments in the cause appealed from or relating thereto.

Court of Appeals to transmit copies of proceedings to Her Majesty in Council.

14. Provided always that nothing herein contained shall be construed to affect the power and authority of Her Majesty to admit an appeal to Her Majesty in Council from any judgment either of the said Supreme Court or of the Court of Appeals hereby constituted.

Power of Her Majesty to receive appeals not to be affected.

15. For the purposes of this Ordinance, the word "Judgment" shall be taken to include any final order judgment or decree, and the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government for the time being.

Interpretation.

No. IV.

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

SHERIFFS OFFICE.

[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:

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.

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.

Appointment of Sheriffs.

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.

Their districts to be defined.

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.

Oath to be taken.

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.

Security to be given.

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.

Sureties may withdraw.

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.

Duties &c. of Sheriffs.

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.

Service of process when Sheriff disqualified.

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.

Sheriffs to have charge of gaols &c.

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.

Their liability limited.

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.

Monthly return to be made.

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

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finer 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 be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being. Interpretation.

No. V.

AN ORDINANCE to regulate the Appointment and Duties
of Coroners in the Colony of New Zealand.

CORONERS.

[15th October, 1846.]

WHEREAS it is expedient that provision should be made to regulate the appointment and duties of Coroners in the Colony of New Zealand: Preamble.

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

1. 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 Coroners of the several counties or districts (as the case may be) of the Colony. All persons so to be appointed as aforesaid and all persons now acting as Coroners shall hold their offices during pleasure. Power of Governor to appoint Coroners.

2. It shall also be lawful for the Governor to define the districts within which the jurisdiction of the Coroners shall respectively be exercised, and the limits of such district from time to time to alter as occasion may require. And to define their districts.

3. Each Coroner shall upon his appointment take an oath well and faithfully to execute the duties of his office, which oath any Justice of the Peace is hereby authorized to administer. Oath to be taken.

4. Every person acting as Coroner, or to be appointed to that office under the authority of this Ordinance as aforesaid, shall have all such powers and privileges and be liable to all such duties and responsibilities as any Coroner by law hath or is liable to in England. Their powers and duties.

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