

ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

CAP. XXXIII.

An Act to amend and explain so much of Two Acts, of the Sixth and Seventh Years of His late Majesty, and of the First Year of Her present Majesty, as relates to the Execution of Civil Bill Decrees for the Possession of Land in *Ireland*.

[18th *June* 1842.]

WHEREAS by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Jurisdiction and regulate the Proceedings of Civil Bill Courts in* Ireland, certain Provisions were made for the Appointment of Bailiffs for the Execution of the Decrees or Orders of the Civil Bill Courts therein mentioned; and it was also thereby enacted, that Civil Bill Decrees for Possession of Lands should be executed by the Sheriff, and also Decrees, so far as respected Costs in Ejectment Cases, and that every Sheriff should be entitled to and be paid a Sum of Ten Shillings and Sixpence, and no more, for executing every Decree for delivering Possession made by an Assistant Barrister or Judge on Appeal; and the said Sheriffs were thereby required to execute all such Decrees in Person, or by his Deputy, within a Week after the same should be delivered to him and required by the Party to execute the same: And whereas by another Act passed in the 6 & 7 W. 4. c. 75.

Session of Parliament holden in the Seventh Year of His late Majesty and the First Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Recovery of Small Debts by Civil Bill in* Ireland, so much of the said first-recited Act as relates to the Appointment of Bailiffs for the Purposes aforesaid, and to certain other Matters, was repealed, and other Provisions were made in relation thereto; but it was provided that Decrees for delivering Possession made by an Assistant Barrister or Judge on Appeal should be executed by the Sheriff or his Deputy in Person, in manner and within the Time and for the Fee in the said first-recited Act in that Behalf directed: And whereas Doubts have arisen whether, under the said recited Provisions, Sheriffs in *Ireland* have Power to appoint any Deputy, other than their Under Sheriffs, for the Purpose of executing such Civil Bill Decrees for the Possession of Lands: And whereas it is expedient to remove such Doubts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for all Sheriffs in *Ireland*, when and as often as they shall be required so to do by any Plaintiff in any Civil Bill Ejectment Decree, by themselves, or their Under Sheriffs acting in their Names and on their Behalf, by any Writing or Writings to be endorsed on any Civil Bill Decrees for the Possession of Land, now made or hereafter to be made, to authorize, nominate, and appoint any Person or Persons whom such Sheriff or Sheriffs may think fit to act as Deputy or Deputies of such Sheriffs, and at the Peril of such Sheriff and Sheriffs to execute all Decrees for delivering Possession of Land made by any Assistant Barrister or Judge on Appeal, and for the Costs of such Decrees; and that such Deputy or Deputies shall execute the same in manner and within the Time in the first herein-before in part recited Act directed in that Behalf, and shall have for such Purpose all and singular the same Powers and Authorities as the Sheriff or Sheriffs, Under Sheriff or Under Sheriffs, by whom he or they shall be appointed: Provided always, that no larger or other Fee shall be paid to the Sheriff for executing, either in Person or by Deputy, any Decree for delivering the Possession of Land, than the said Sum of Ten Shillings and Sixpence in the said first-recited Act specified, and that no Fee whatever shall be paid or payable to any Deputy or Deputies to be made or appointed under or in pursuance of the Provisions herein-before contained.

7 W. 4. & 1 Vict. c. 43.

Sheriffs in Ireland may appoint Deputies for the Execution of Civil Bill Decrees for delivering Possession of Lands.

II. And for the Relief of such Sheriffs as may have been unable to execute such Decrees for Possession of Lands, or for the Costs of such Decrees, in Person or by their Deputies, or who may have executed such Decrees by any other Persons, and for Removal of all Doubts as to the Validity of such Execution of such Decrees, be it enacted, That any Sheriff who may have at any Time previous to the passing of this Act omitted to execute any such Decree as aforesaid, in Person or by his Deputy, or who may have executed the same by any Person other than his Sub-Sheriff, shall be and is hereby indemnified and discharged of and from all Liabilities, Penalties, and Damages whatsoever by reason of such Omission, or by reason of having executed any such Decree by any Person other than his

Sheriffs indemnified from Penalties for having allowed Decrees to be irregularly executed, and for Non-execution, &c; and said Executions declared valid.

Sub-Sheriff; and that every such Decree at any Time previous to the passing of this Act executed by any Person thereunto authorized by any such Sheriff, and on his Behalf, shall be deemed and taken to have been duly executed to all Intents and Purposes, and that the Execution of such Decree by any such Person as aforesaid shall be alike good, valid, and effectual as if the same had been executed by the Sheriff in Person or by his Deputy.

Sheriffs may plead the General Issue, &c.

III. And be it enacted, That in case any Action, Suit, or other Proceeding shall, from and after the passing of this Act, be brought, carried on, or prosecuted, any Sheriff or Person hereby meant to be indemnified for or on account of the Omission to execute any such Decree, or for or on account of the Execution of any such Decree, in manner aforesaid, such Sheriff or Person may plead the General Issue, and give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

Recited Acts shall remain in force.

IV. And be it enacted, That, save so far as the same are herein-before altered, the said Two several herein-before in part recited Acts shall remain in full Force and Effect, any thing herein contained to the contrary thereof notwithstanding.

Act may be amended this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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