



WESTERN AUSTRALIA.

ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

No. II.

An Ordinance for restricting the Responsibility of the Sheriff of Western Australia.

WHEREAS by the Colonial Ordinance passed in the second year of the reign of His Majesty King William the Fourth, intituled "an Act for regulating the Constitution of Juries, and the office of Sheriff," it is amongst other things, enacted, that the said Sheriff for the time being shall by himself, or or by his sufficient deputies, to be by him appointed, and for whom he shall be respon-

sible during his continuance in office, execute all the sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands, and process, to him directed, of the Civil and Criminal Courts of the said colony, and receive and detain in prison all such persons as shall be committed to the custody of such Sheriff by any Court or Judge of the said colony; and whereas it is expedient that the responsibility of the said Sheriff should be restricted and modified as hereinafter contained;—Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the responsibility of such Sheriff, so far as respects the execution of any process of the Civil Court of the said colony, shall be limited to any official duties dischargeable by himself or his deputies within the distance of 50 miles from the office of the said Sheriff in the town of Perth.

In execution of process of the Civil Court, the responsibility of Sheriff limited to distance of 50 miles.

Court to direct, in other cases, how and on what terms such process shall be executed.

II. PROVIDED always, that when the process of the Court shall be to be executed in any place or places beyond the said distance, the Commissioner of the said Civil Court shall, upon application to him, in or out of Court, direct by what person or persons and in what manner such process shall be executed, and the terms and conditions which the party at whose instance the same shall be issued, shall enter into, in order to prevent any abuse of the process of the said Court, and the Sheriff shall, and he is hereby required to grant his special warrant or deputation to such person or persons as the said Court shall direct, for the execution of such process; and the said Sheriff, his Executors or Administrators, shall not be responsible in any respect for the execution of such process, under or by pretence of such special warrant; and any person or persons being aggrieved by any act done under or by pretence of such special warrant, shall and may seek his or their remedy under any security which may have been directed to be taken upon the occasion, and which the said Court, or the said Commissioner, is hereby authorised to direct to be taken. Provided further, that in any such case of special Deputation as aforesaid, the fees paid by the defendant in ordinary cases to the Sheriff shall be due and payable to the plaintiff, except the fees for the special warrant and returning the same.

How fees are to be paid.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Council the 17th }
day of November, 1851. }*

A. O'GRADY LEFROY,
Clerk of the Council.