ANNO PRIMO

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C A P. LV.

An Act for better regulating the Fees payable to Sheriffs upon the Execution of Civil Process.

[15th *July* 1837.]

WHEREAS it is expedient to amend the Laws relating to the Fees payable to Sheriffs, Under Sheriffs, Deputy Sheriffs, Sheriffs Agents, Bailiffs, and others the Officers or Ministers of Sheriffs in *England* and *Wales*, and to give the Courts of Record at *Westminster Hall* a due Control over such Fees; and also to provide a summary Remedy against such Officers and others as shall extort or receive other or greater Fees than by Law they shall be entitled to: And whereas divers Enactments touching the said Officers, contained in certain ancient Statutes, have become inconvenient, and ought to be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this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 so much of an Act passed in the Forty-second Year of His late Majesty King *Edward* the Third, intituled *Estreats shall be shewed to the Party indebted, and that which is paid shall be totted: no Sheriff,* et cætera, *shall continue in Office above a Year,* as relates to the Time during which Under Sheriffs and Sheriffs Clerks may abide in their respective Offices; also an Act passed in the First Year of the Reign of His late Majesty King *Henry* the Fifth, intituled *Sheriffs Bailiffs' shall not be in the same Office in Three Years after:*

Part of 42 Ed. 3. c. 9.

the Act 1 Hen. 5. c. 4;

and Part of 23 Hen. 6. c. 9.

after: Sheriffs Officers shall not be Attornies; and also so much of an Act passed in the Twenty-third Year of the Reign of His late Majesty King *Henry* the Sixth, intituled *No Sheriff shall let to farm his County or any Bailiwick: the Sheriffs and Bailiffs Fees and Duties in many Cases,* as relates to the Fees to be taken by Sheriffs, Under Sheriffs, Sheriffs Clerks, and other Officers and Ministers of Sheriffs,

repealed. be and the same are hereby repealed.

Sheriffs to take only such Fees as are allowed by Taxing Officer of Courts of Law at Westminster.

II. And be it enacted, That from and after the passing of this Act it shall be lawful for Sheriffs, or their Officers concerned in the Execution of Process directed to Sheriffs, to demand, take, and receive such Fees, and no more, as shall from Time to Time be allowed by any Officer of the several Courts of Law at *Westminster* charged with the Duty of taxing Costs in such Courts, under the Sanction and Authority of the Judges of the said Courts respectively.

To prevent Officers taking Fees not allowed or greater Fees than are allowed;

III. And be it enacted, That any Sheriff, Officer, or Minister acting in the Execution of Process directed to any Sheriff or Sheriffs, or engaged or concerned therein, who shall extort, demand, take, accept, or receive from any Person or Persons any Fee or Fees, Gratuity, or Reward not allowed as aforesaid, or greater in Amount than as allowed as aforesaid, such Sheriff, or other his Officer or Minister, upon Complaint thereof made against him to any of the said Courts, and on Proof being made thereof upon Oath, either by the Examination of Witnesses *vivâ voce*, or on Affidavits, or on Interrogatories, to the Satisfaction of the Court to which the said Complaint shall be made, that such Sheriff, Officer, or Minister, as the Case may be, hath offended therein as aforesaid, then and in such Case every such Sheriff, Officer, or Minister, as the Case may be, shall be adjudged guilty of a Contempt of such Court, and punished by such Court accordingly; and if any Person, not being such Officer or Minister as aforesaid, shall assume or pretend to act as such, and shall extort, demand, take, accept, or receive any Fee or Fees, Gratuity, or Reward under colour or pretext of such Office, he shall, on like Complaint and Proof, be in that Respect dealt with by the Court in like Manner.

and other Persons from taking any Fees.

Court may award Costs.

IV. And be it enacted, That in all Cases of summary Complaints as aforesaid the Court before which such Complaint shall be preferred may at its Discretion award the Costs of or occasioned by such Complaint to be paid by either Party to the other; such Costs to be taxed by the Master of such Court: Provided always, that no such Complaint shall be entertained unless made before the last Day of Term next following the Act whereof Complaint is made.

Fees to the Sheriffs of Lancashire and Durham.

V. And be it enacted, That from and after the passing of this Act the Sheriffs of *Lancashire* and *Durham*, and their Officers, shall have and be entitled to the like Fees, and no more, upon Process issuing out of the Court of Common Pleas at *Lancaster* and out of the Court of Pleas at *Durham* respectively as from Time to Time shall be allowed under the Authority of this Act to Sheriffs upon Process issuing from the Superior Courts at *Westminster;* and that

the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, or any Judge thereof respectively, being also Judge of one of the Superior Courts at *Westminster*, shall have the same Powers in every Particular, with respect to Offences against this Act upon Process issuing out of the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, as are herein-before given to the Courts at *Westminster* respectively in respect of Process issuing from those Courts.

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

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