CHAP. 99.

An Act to amend the Procedure in the Civil Bill Courts in Ireland. [21st August 1871.]

A.D. 1871.

WHEREAS it is expedient to amend the procedure of the Civil Bill Courts in Ireland, and to enlarge the provision for the better execution of the decrees and orders of the said Court:

Be it 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, as follows:

Commencement of Act.

1. This Act shall come into operation on the first day of October one thousand eight hundred and seventy-one.

Limit of Act.

2. This Act shall extend to Ireland only.

Short title.

3. This Act may be cited for all purposes "The Civil Bill Courts Procedure Amendment Act (Ireland), 1871."

27 & 28 Vict. c. 99. to be construed with this Act.

4. "The Civil Bill Courts Procedure Amendment (Ireland) Act, 1864," and the several provisions of Acts incorporated with the said Act shall, as the same are amended by this Act and so far as the same are not inconsistent therewith, be read together with this Act as if the same and this Act were one Act.

Chairman may give permission to nominate special bailiff at peril of party.

5. The sheriff of every county shall, on the demand of the plaintiff in a decree (except a decree for the possession of land), or of the defendant in any dismiss heretofore made or hereafter to be made, grant a special warrant to such plaintiff or defendant, as the case may be, nominating one or more bailiffs and his or their assistants to execute same at the peril of such plaintiff or defendant, as the case may be, and said warrant shall be in the form in the schedule hereunto annexed, or to the like effect; provided, however, that the chairman of every quarter sessions, on application to him in open court, may, within his jurisdiction, by endorsement on any such decree or dismiss, direct that no special warrant shall be given to the plaintiff or defendant; and where any such endorsement is made, the sheriff shall not grant a special warrant. The sheriff

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shall be entitled to a fee of one shilling upon every such warrant, and after signing said warrant shall not be entitled to any poundage on said decree or the execution thereof.

Any person employed under the authority of this Act as a bailiff in any civil bill decree shall have all and the same power and authority to sell goods taken in execution by him as any bailiff appointed by the sheriff.

The provisions contained in section twenty-eight of "The Civil Bill Procedure Amendment (Ireland) Act, 1864," shall apply to goods or cattle which shall be taken in execution by any bailiff appointed under the authority of this Act: Provided always, that in the construction of the said section in relation to such goods or cattle the same shall be read as if for the word "sheriff" the words "person on whose demand a bailiff was nominated" were substituted in the said section.

Provided, however, that, unless the plaintiff in case of a decree, or defendant in case of a dismiss, shall elect to have such decree or dismiss executed by obtaining a warrant to execute same at his own peril as herein-before mentioned, same shall be executed by the sheriff or his bailiff as if this Act had not been passed.

Bailiff guilty of misconduct may be prevented from acting.

6. In case it shall appear upon the trial of any action or proceeding that any person, whether appointed by the sheriff or nominated at the peril of the plaintiff or defendant as bailiff, has been guilty of any misconduct which, in the opinion of the chairman, ought to disqualify him from being thereafter appointed to execute decrees, the said chairman shall make an order that the sheriff of the county or city in which such person resides shall not thereafter appoint any such person as bailiff, either under the provisions of the said "Civil Bill Court Procedure Amendment (Ireland) Act, 1864," or at the plaintiff or defendant's peril, to execute any decree or dismiss, and such order shall be entered by the clerk of the peace in a book to be kept by him for that purpose, and a copy thereof, signed by the clerk of the peace, shall, within one week from the date thereof, be transmitted by him to the sheriff. Provided always, that the said chairman may at any time thereafter revoke and annul the said order, but so long as it shall continue in force it shall not be lawful for the sheriff of such county or city to sign a warrant authorising any person so disqualified to execute any decree or dismiss.

Sheriff to obtain list of disqualified persons.

7. It shall be the duty of the sheriff of every county or city on being sworn into his office to obtain from the clerk of the peace a list of the persons so disqualified, which list the clerk of the peace shall furnish to such sheriff without any fee.

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8. The first part of Schedule B. in the Act of the twenty-seventh and twenty-eighth Victoria, chapter ninety-nine, the thirty-third section of said Act, and so much of Part Three in the said Schedule B. which gives one penny in every shilling to the clerk of the peace, are hereby repealed.

Discontinuance of certain allowances to sheriffs and clerks of the peace.

SCHEDULE to the foregoing Act.

FORM OF THE SHERIFF'S WARRANT TO A SPECIAL BAILIFF.

County of } I authorise and empower *A.B.* and *C.D.*, or
to wit. } either of them and their or either of their assistants special bailiffs at the plaintiffs [*or* defendants *in case of dismiss*] peril to execute the above decree [*or* dismiss].

Given under my hand this day of 18 .

{ Sheriff of the said County.

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