ANNO SEPTIMO

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C A P. XIX.

An Act for regulating the Bailiffs of Inferior Courts. [6th *June* 1844.]

WHEREAS Courts are holden in and for sundry Counties, Hundreds, and Wapentakes, Honours, Manors, and other Lordships, Liberties, and Franchises, having by Custom or Charter Jurisdiction for the Recovery of Debts and Damages in personal Actions, and in many Places great Extortion is practised under Colour of the Process of such Courts: For Remedy thereof, 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, That the Judge of every such Court shall have Power to appoint a sufficient Number of proper and responsible Persons to act as Bailiffs of the said Court, and in the Execution of the Process thereof, and to suspend or dismiss any such Bailiff for Misconduct, and no Bailiff so dismissed shall be qualified to be reappointed; and the Bailiffs of the Court so appointed, and no other Persons, save as herein-after mentioned, shall serve all Summonses, and execute all Orders, Warrants, Precepts, Writs, and other Processes issued out of the said Court; and a List containing the Name and Place of Abode of every such Bailiff shall be put up in a conspicuous Place in the said Court: Provided always, that this Act

Bailiffs to be appointed by the Judge of the Court.

shall not extend to prevent any Process from being executed by any High Sheriff or High Bailiff, or any Officer appointed by Act of Parliament to perform the Duties of Sheriff with regard to the Execution of Process out of any such Court, or his or their bound Bailiffs or other Officers.

Bailiffs to give Security.

II. And be it enacted, That every Bailiff so appointed under this Act shall give to the said Judge Security, in such Sum and Manner and Form as he shall from Time to Time order, for the due Performance of his Office, and for Payment of all Monies received by him in the Execution of his Office.

Bailiffs taking Fees other than those allowed to be discharged.

III. And be it enacted, That every Bailiff authorized to execute the Process of any such Court who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever other than and except such Fees as shall be allowed by Law and declared by Order of the Court, which shall be put up in some conspicuous Place in the Court, shall, upon Proof thereof before the said Court, be for ever incapable of serving or being employed in any Office of Profit or Emolument of the said Court.

Remedies against Officers of the Court guilty of Extortion or Misconduct.

IV. And be it enacted, That if any Bailiff acting under Colour or Pretence of the Process of any such Court shall be guilty of Extortion or Misconduct, or shall not duly pay or account for any Money levied under Process of the said Court, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties, and to make such Order thereupon for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs to the Parties aggrieved, as he shall think just; and in default of Payment of any Money so ordered to be paid within the Time specified for the Payment thereof it shall be lawful for the Judge of the said Court, by Warrant under his Hand and Seal, to cause such Sum to be levied by Distress and Sale of the Goods of the Offender, together with the reasonable Charges of such Distress and Sale, and in default of such Distress to commit the Offender to the County Gaol or House of Correction for any Time not exceeding One Calendar Month.

Persons forging Process, &c. guilty of Felony.

V. And be it enacted, That for every such Court a Seal shall be made under the Direction of the Judge of such Court, and that all Summonses and other Process issuing out of the said Court shall be sealed or stamped with such Seal; and every Person who shall forge the Seal or any Process of the Court, or who shall serve or enforce any such forged Process, knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons or other Process of the said Court, knowing the same to be false, or who shall act or profess to act under or by the Authority of such Summons or Process, knowing the same to be false, or who shall take upon himself to act as a Bailiff of any such Court without lawful Authority, shall be guilty of Felony.

Sale not to be till Three Days after Execution.

VI. And be it enacted, That no Goods which shall be taken in Execution under any Process of any such Court shall be sold until the End of Three Days at least next following the Day on which such Goods shall have been so taken, unless such Goods be of a perishable Nature, or upon Request in Writing under the Hand of the Party whose Goods shall have been taken; and until such Sale the Goods so taken shall be in the Custody of the Bailiff to whom the Warrant of Execution shall have been directed.

Penalty for assaulting Bailiffs, or rescuing Persons or Goods taken in Execution.

VII. And be it enacted, That if any Bailiff of any such Court shall be assaulted while in the Execution of his Duty, or if any Rescue shall be made or attempted to be made of any Person or Goods taken or levied under Process of any such Court, the Person offending therein, on Conviction thereof before any Two Justices of the Peace, shall be imprisoned with or without hard Labour in the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, or shall forfeit and pay such Fine not exceeding Five Pounds as may be set upon him by the said Justices of the Peace; and every such Fine, with the Costs of Conviction, in case of Nonpayment thereof, shall be levied by Distress and Sale of the Goods of the Offender.

Limitation of Actions, &c.

VIII. And be it enacted, That all Actions and Prosecutions to be commenced against any Bailiff of any such Court for any thing done in pursuance of his Duty as such Bailiff, or for such Grievance, Misfeazance, or Nonfeazance as aforesaid, shall be laid and tried in the County where the Offence was committed, and shall be commenced within Three Calendar Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action or Prosecution, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of such Action or Prosecution; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends, in the Opinion of the Judge who shall try such Action, shall have been made before Action brought, or if after Action brought a sufficient Sum of Money, in the Opinion of the Judge as aforesaid, with Costs, shall have been paid into Court, in satisfaction of such Action.

Meaning of "Judge."

IX. And be it enacted, That in this Act the Word "Judge" shall be construed to mean the County Clerk, Under Sheriff, Steward, or other Person by or before whom any such Court shall be holden.

Act may be amended.

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

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