Sheriffs Act (Ireland) 1725

Chapter 4

An Act for the better regulating the office of sheriffs, and for the ascertaining their fees, and the fees for suing out their patents, and passing their accounts.[1]

Ss.I–V rep. by SLR (I) 1878; SLR (NI) 1953; 1969 c.30 (NI) s.132 sch.6

On sheriff's death, sub-sheriff shall continue to act in his name, till another sworn;

and answerable during the interval;

and his security shall remain.

[[2]VI. If any sheriff of any County or County Borough in Ireland[3] shall happen to die before the expiration or determination of his year or before he be lawfully superseded in such case the under-sheriff appointed under the Principal Act[4] shall execute the office of such sheriff and all things belonging thereto in the name of the said deceased sheriff until another sheriff be appointed and sworn in his place and the said under-sheriff shall be answerable for the execution of said office in regard to all the duties ~~which notwithstanding the appointment~~ of an under-sheriff under the Principal Act[4] the sheriff is to continue to discharge and to all respects intents and purposes whatsoever during such interval as the sheriff deceased would by law have been and shall have the same powers as the sheriff deceased would have had if he had been living and the security given by the under-sheriff under Section 4 of the Principal Act[4] shall stand and be a security to the King his heirs and successors and to all other persons whomsoever for such under-sheriff's due performance of the duties of the sheriff during such interval.]

S.VII rep. by SLR (I) 1878; SLR (NI) 1953; 1968 c.28 (NI) s.16 sch.4

Appointment of under and deputy sheriff.

[[2]VIII. The High Sheriff shall not have any power to appoint an ~~under-sheriff or~~ deputy sheriff in his stead ~~and the under-sheriff in case under the foregoing section he shall act as High Sheriff shall not be entitled to constitute or appoint~~ a deputy ~~to perform any of the duties of~~

the High Sheriff but the Lord Lieutenant may if he shall think fit in the case of the death or incapacity of a sheriff or under-sheriff appoint another person to execute all or any of the duties of his office until a sheriff or under-sheriff shall be duly appointed to succeed the person so dying or becoming incapable or during the period of such incapacity as the case may require and the person so appointed shall have the powers and duties of the sheriff or under-sheriff in whose place he shall be appointed subject nevertheless to any limitations or restrictions which the Lord Lieutenant may impose and the Lord Lieutenant may also declare that such part as he may think equitable of the salary fees or other emoluments of any under-sheriff shall be payable to the person who shall be appointed to act during his incapacity and the same shall be paid to such person accordingly but save as aforesaid nothing in the Principal Act[4] or in any existing Act relating to sheriffs or under-sheriffs shall hinder or prevent any under-sheriff from demanding taking or receiving the just and lawful salary fees or other emoluments or perquisites of the office of under-sheriff or any place or employment pertaining thereunto or from nominating a deputy as he is by the Debtors (Ireland) Act, 1840, 3 & 4 Vict., c.105, as adapted by this Order[5] required to do or from nominating or appointing persons to any office or place in accordance with such powers of nomination or appointment as are now by law vested in the under-sheriff or for taking security for the due answering the same; or shall discharge hinder or prevent any person having or executing any place or office under such under-sheriff from accounting to him for all such lawful fees and perquisites as shall by such person be taken or received in his office place or employment or from giving security so to do and nothing in the Principal Act[4] or in any existing Act relating to sheriffs or under-sheriffs shall prevent the under-sheriff from allowing or securing the salary or recompense to any officer or person lawfully employed by him for his office place or employment as to him shall seem meet or shall hinder or prevent any such officer or person from taking or receiving such salary or recompense for his pains and services therein.]

1840 c.105

Ss. IX–XII rep. by 1969 c.30 (NI) s.132 sch.6

Declaration by sheriff.

XIII. AND instead of the oath usually administred to the sheriffs of this kingdom at the entring upon their offices the following oath shall be taken by them, and each of them respectively,

[6DECLARATION OF SHERIFF.

I A.B. of do solemnly sincerely and truly declare and affirm that I will well and truly serve the King's Majesty in the office of Sheriff of the County (Borough) of and promote His Majesty's profit in all things, that belong to my office, as far as I legally can or may; I will truly preserve the King's rights, and all that belongeth to the Crown, I will not assent to lessen or conceal the King's rights, or the rights of His franchise and whensoever I shall know that the rights of the Crown are concealed or withdrawn, be it in lands, rents, franchises,

suits, or services, or in any other matter or thing, I will do my utmost to have them restored to the Crown again; and if I may not do it myself, I will certify and inform the King thereof, or some of His Judges, or of His officers charged with the maintenance of such rights; I will do right as well to poor as to rich in all things belonging to my office; I will do no wrong to any man for any gift, reward or promise, nor for favour or hatred; I will disturb no man's right, and will truly and faithfully acquit at the Exchequer all those of whom I shall receive any debts or duties belonging to the Crown; I will take nothing whereby the King may lose, or whereby His right may be disturbed, injured, or delayed; I will truly set and return reasonable and due issues of them, that be within my bailiwick, according to their estate and circumstances; and make due panels of persons able and sufficient and not suspected or procured as is appointed by the statutes of this realm; I have not sold nor let to farm, nor contracted for, nor have I granted or promised for reward or benefit nor will I sell or let to farm, nor contract for, or grant for reward or benefit by myself, or any other person for me, or for my use, directly or indirectly, my sheriffwick, or any bailiwick thereof, or any office belonging thereunto, or the profits of the same, to any person or persons whomsoever; I will truly and diligently execute the good laws and statutes of this realm; and in all things well and truly behave myself in my office for the honour of the King, and the good of His subjects, and discharge the same according to the best of my skill and power.

Taken, etc.]

XIV.[8] [And the following oath shall be taken by all sub-sheriffs or under-sheriffs of any county of this kingdom, before they enter upon the execution of their offices, viz.

Declaration by under-sheriff.

[6]Declaration of Under-Sheriff.

I A.B. of do solemnly, sincerely, and truly declare and affirm that I will well and truly serve the King's Majesty in the office of Under-Sheriff of the County (Borough) of and promote His Majesty's profit in all things, that belong to the said office, as far as I legally can or may; I will preserve the King's rights, and all that belongs to the Crown; I will not assent to lessen or conceal the King's rights, or the rights of His franchises; and whensoever I shall know that the rights of the Crown are concealed or withdrawn, be it in lands, rents, franchises, suits or services, or in any other matter or thing, I will do my utmost to make them to be restored to the Crown again; and if I may not do it myself I will certify and inform some of His Majesty's judges or of His officers charged with the maintenance of such rights thereof; I will not respite or delay to levy the King's debts for any gift, promise, reward or favour, where I may raise the same without great grievance to the debtors; I will do right as well to poor as to rich in all things belonging to my office; I will do no wrong to any man for any gift, reward or promise, nor for favour or hatred; I will disturb no man's right, and will truly and faithfully acquit at the Exchequer all those of whom I shall receive any debt, duties, or sums of money belonging to

the Crown; I will take nothing whereby the King may lose, or whereby His right may be disturbed, injured, or delayed; I will truly return and truly serve all the King's writs and all other orders and writings committed to me as may be required by law to the best of my skill and knowledge; I will take no bailiffs into my service but such as I will answer for and will cause each of them to take such oaths or make such declarations as they may be holden to by law in what belongeth to their business and occupation; I will truly set and return reasonable and due issues of them that be within my bailiwick, according to their estates and circumstances; and make due panels of persons able and sufficient, and not suspected or procured as is appointed by the statutes of this realm; and will assist the Sheriff in the duties pertaining to his office; I have not bought, purchased, or taken to farm, or contracted for, nor have I promised or given any consideration, nor will I buy, purchase, or take to farm, or contract for, promise or give any consideration whatever by myself, or any other person for me, or for my use, directly or indirectly to any person or persons whatsoever, for the office of under-sheriff of the County (Borough) of which I am now to enter upon and enjoy, nor for the profits of the same; nor for any bailiwick thereof, or any other office or place belonging thereunto; I have not sold or contracted for, or let to farm; nor have I granted or promised for reward or benefit to myself, or any other person for me or for my use directly or indirectly, any bailiwick thereof, or any other place or office belonging thereunto; I will truly and diligently execute the good laws and statutes of this Kingdom; and in all things well and truly behave myself in my said office for His Majesty's advantage, and for the good of His subjects, and discharge my whole duty according to the best of my skill and power.]

Taken, etc.]

S.XV rep. by SLR (I) 1878. S.XVI rep. by 1833 c.91 s.50. Sch. rep. by SLR (I) 1878

References

1. Short title "The Sheriffs Act (Ireland) 1725", 1951 c.1 (NI)
   An under-sheriff is now authorised to discharge his duties in relation to a county ct. division instead of a county or county borough, SR 1979/122
   Refs. to Lord Lieutenant to be construed as refs. to S of S, 1922 c.2 (13 Geo.5 (sess.2)) s.1 sch.1; 1973 c.36 s.40 sch.5
2. Subst., SRO 1922/42 art.7 sch.1 (p.1005)
3. To be construed as NI, SRO 1921/1804 (Rev. vol. XVI p.967)
4. i.e. 1920 c.26
5. i.e. SRO 1922/42 (p.1005)
6. Subst. for oath, SRO 1922/42 art.7 sch.2 (p.1005)
7. Subsc. S.R. 1952 No 192
8. Rep. S.R. 1952 No. 192