

# THE STAR



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### GENERAL ASSEMBLY.

#### A BILL to regulate the appointment of Sheriffs.

[AS AMENDED IN COMMITTEE.]

WHEREAS by an Act of the Imperial Parliament passed in the Fifth Year of the Reign of his late Majesty King George the Fourth entitled "An Act for the better administration of Justice in Newfoundland and for other purposes," and which said Act was to continue in force for the period of five years, it was declared and enacted that it should be lawful for his said Majesty by his Charter or Letters Patent under the Great Seal, to institute a Supreme Court of Judicature in Newfoundland, which should be called "the Supreme Court of Newfoundland." And whereas by subsequent Acts of the Imperial Parliament passed respectively in the Tenth Year of the Reign of his said Majesty, and in the Third Year of the Reign of his late Majesty King William the Fourth, the said recited Act was continued in force until the same should be repealed, altered or amended, by any Act or Acts which might for that purpose be made by His Majesty with the advice and consent of any House or Houses of General Assembly which His Majesty might at any time see fit to convoke within the Colony of Newfoundland. And whereas in pursuance of the provisions of the first recited Act his said Majesty King George the Fourth by Letters Patent under the Great Seal and dated at Westminster the Nineteenth day of September, in the Sixth Year of his said Majesty's Reign, did erect and constitute a Supreme Court of Judicature in Newfoundland, and in and by the said Letters Patent did further ordain and declare that the Governor or Acting Governor for the time being of the said Colony of Newfoundland should yearly and on the Monday next following the First day of January in each Year, by Warrant under his hand and seal, nominate and appoint some fit and proper person to act as and be the Sheriff of Newfoundland and its Dependencies, other than the Coast of Labrador, for the Year ensuing; which Sheriff when appointed should as soon as conveniently might be, and before he should enter upon his said office, take, before the Governor or Acting Governor of the said Colony, an Oath faithfully and impartially to execute the duties of his said office; and such Sheriff should continue in his said office for the space of one whole year, and until another Sheriff should be appointed and sworn into the said office, and before entering upon the duties of his office, should enter into a recognizance in the sum of Five Thousand Pounds, with two good and sufficient sureties in the sum of Two Thousand Pounds each, for the due and faithful performance of the duties of his office and for the due payment of all such sums of money as might by him or his lawful deputies be levied or received by virtue of any process, rule, or order of the Supreme and Circuit Courts or of either of them; and further, that it should be lawful for the Governor or Acting Governor of the said Colony, to renew from year to year the appointment of the same person as Sheriff of the said Colony and its Dependencies, and that in selecting the person to be appointed to the said office the said Governor or Acting Governor should conform to such written instructions or commands, as might from time to time be signified by his said Majesty, his Heirs and Successors, to him by one of the principal Secretaries of State. And whereas, by an Act of the Local Legislature, passed in the Sixth Year of the Reign of Her present Majesty, it was provided that the said Sheriff and two Deputies, one for the Northern and one for the Southern Judicial District of the said Island, should receive certain Salaries in lieu of all Fees of office, which Fees were to be paid into the Colonial Treasury. And whereas the amount of Fees received, and paid into the Treasury by the said Sheriff, since the passing of the last mentioned Act, has been found to be considerably under the whole amount of Salaries paid in lieu thereof. And whereas much inconvenience, injury and loss, has arisen in the Administration of Justice, from the want of more numerous Deputies than are provided for by the said last mentioned Act, and it is moreover expedient that the said law with respect to the appointment of Sheriffs in this Colony should be in other particulars amended.

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That from and after the first Monday in January next after the passing of this Act, an Act passed in the Sixth Year of the Reign of Her present Majesty, entitled "An Act to commute the Fees received by the High Sheriff of this Colony, and to provide for the Salaries of the said Sheriff and his Deputies," shall be and the same is hereby repealed; and that from and after such time as aforesaid, the office and functions of Sheriff of Newfoundland and its Dependencies, other than except the coast of Labrador, shall cease and be abolished.

II.—And be it enacted, That the Governor or Administrator of the Government for the time being, shall, on the first Monday in July, next after the passing of this Act, and on the first Monday in July in each ensuing year, by Warrant under his hand and seal, nominate and appoint in each of the Judicial Districts of the Colony, some fit and proper person to act as and be the Sheriff of such District, which Sheriff, when appointed, shall, as soon as conveniently may be, and before he shall enter upon his said office, take, before the Governor or Administrator of the Government for the time being, an Oath faithfully and impartially to execute the duties of such his office, and such Sheriff shall continue in office during the space of one whole year, or until another Sheriff shall be appointed and sworn into office; and in case such Sheriff shall die in his said office or depart from the Colony of Newfoundland and its Dependencies, then and in such case another person shall, as soon as conveniently may be after the death or departure of such Sheriff, be in like manner appointed and sworn in as aforesaid for the remainder of the year, and until another Sheriff shall be duly appointed and sworn into office. Provided that it shall be lawful for the Governor or Administrator of the Government for the time being, to renew, from year to year, the appointment of the same persons as Sheriff in each of the said Districts. And Provided also, that before entering upon the duties of his office, each of such Sheriffs shall enter into a recognizance before the Supreme Court of Newfoundland to Her Majesty, Her Heirs and Successors, in the sum of One Thousand Pounds, with sufficient Sureties in the sum of One Thousand Pounds, for the due and faithful performance of the duties of his office, and for the due and punctual payment of all such sums of money as may be by him received by virtue of any process, rule or order of the Supreme Court or of any of the Circuit Courts of Newfoundland.

III.—And be it enacted, that the Sheriffs so to be from time to time appointed as aforesaid, shall within the Districts to which they shall be respectively appointed, have, use, exercise and perform the like powers and duties, and in like manner, and under and subject to the like conditions, limitations, restrictions and provisions, to all intents and purposes, as are declared and provided with respect to the Sheriff of Newfoundland and its dependencies, under and by virtue of the Royal Charter for establishing the Supreme and Central Circuit Courts of Newfoundland.

IV.—And be it enacted, That the said Sheriffs so to be appointed as aforesaid, shall respectively have and receive the following Salaries, that is to say, the Sheriff of the Central District, *Five Hundred Pounds per annum*; the Sheriff of the Northern District, *Three Hundred Pounds per annum*; the Sheriff of the Southern District, *Two Hundred Pounds per annum*; which Salaries shall be paid quarterly, by Warrant of the Governor or Administrator of the Government for the time being, upon the Colonial Treasurer, and shall be in lieu of all expenses incident to the offices of such Sheriffs respectively, and in lieu of all Fees and Costs whatsoever, which by virtue of any law, or general rule or order of the Supreme Court, now or hereafter to be in force, have been before the commencement of the operation of this Act, taken or received by the Sheriff of Newfoundland, by virtue of or as incident to his office, or which after the commencement of this Act as aforesaid, might be taken by either of the Sheriffs to be appointed under this Act.

V.—And be it enacted, That the said Sheriffs shall respectively make full and true annual returns of all such Fees and Costs whatsoever which may have been received or taken by them, and shall pay over the same to the Treasurer for the uses of the Colony.

VI.—And be it enacted, That it shall be lawful for the Governor or Administrator of the Government for the time being, at the expiration of each year after the commencement of the operation of this Act, and during the incumbency of the present Sheriff of Newfoundland, to issue his Warrant to the Treasurer of the Colony for the payment to him of the sum of Two Hundred Pounds, as compensation for any loss or injury occasioned to the said Sheriff by the passing of this Act. Provided always, that the said Sheriff shall annually make a full and just return of and pay into the Colonial Treasury all fees, costs, and emoluments whatsoever, which have been received by him by virtue of or under colour of his said office, or by or under any law or rule of Court whatsoever pertaining or relating thereto.

VII.—And be it enacted, That the said Sheriff of the Central District shall have full power and authority to execute, in any part of Newfoundland and its dependencies, all process whatsoever issuing out of the Supreme Court in like manner as the Sheriff of Newfoundland might or could execute such process before the passing of this Act; but under and subject to the like provisions nevertheless, as are in that behalf declared and contained in and by the Royal Charter aforesaid.