



# Sheriffs Act 1887

## 1887 CHAPTER 55

### *Application of Act in Special Cases*

#### **31 Application of Act to Westmoreland and Wales**

Save as otherwise expressly provided by this or any other Act the law relating to sheriffs, inclusive of this Act and of the law relating to the election of members to serve in Parliament, shall extend to the Counties Palatine, to the county of Westmoreland, and each county in Wales in the same manner in all respects as to other counties in England, and the respective sheriffs of the above-mentioned counties, shall have the like powers, duties, jurisdiction, and liabilities, as the sheriff of any other county in England.

#### **32 Application of Act to Cambridge and Huntingdon**

One sheriff may continue as heretofore to be appointed for the counties of Cambridge and Huntingdon as if they were one county.

#### **33 Saving for privileges of city of London and approval of election of sheriffs of Middlesex and London**

- (1) Nothing in this Act shall affect the privilege of the mayor, commonalty, and citizens of the city of London to elect the sheriff of Middlesex and sheriffs of London.
- (2) Unless otherwise-directed by order of Her Majesty in Council, warrants signifying the approval by Her Majesty of the election of the sheriff of Middlesex and sheriffs of London shall be prepared under the seal of the Chancellor of the Exchequer at the central office of the Supreme Court of Judicature, which warrants may be delivered to the said sheriffs or their duly authorised agents without fee on the thirtieth day of September or between that day and the twelfth day of November in every year, and an entry of the grant of such warrants shall be made on the roll of the court, and unless such warrant be stayed by order of Her Majesty in Council on or before the said thirtieth day of September, the election of such sheriff or sheriffs shall be deemed to be approved by Her Majesty.

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- (3) All warrants and documents relating to the said sheriff or sheriffs which heretofore have been filed and recorded in the central office of the Supreme Court of Judicature shall continue to be so filed and recorded.
- (4) Save as aforesaid and save as regards the maintenance of men servants and the duration of office, this Act shall apply to the sheriff of Middlesex and sheriffs of London in like manner as to any other sheriff.

### **34 Application of Act to franchises**

Where a lord of a franchise or any other person or body corporate has in any franchise, that is to say, any liberty, hundred, franchise, or other part of a county, the return or execution of writs, or any other of the privileges or duties of a sheriff, the following provisions shall apply to such lord, person, or body corporate (in this Act referred to as the bailiff of a franchise) that is to say—

- (a) The bailiff of a franchise shall either hold the office himself, or shall put in bailiffs having land in the bailiwick sufficient to answer the Queen and her people, and shall answer for such bailiffs ; and every such last-mentioned bailiff shall make the like declaration as an under-sheriff;
- (b) The sheriff of the county within which such franchise is situate shall within one month after a request made in that behalf by such lord appoint some sufficient deputy at such cost to be paid by the said lord, and to reside at such convenient place in or near the franchise, as may be appointed from time to time by the Lord High Chancellor of Great Britain and the Lord Chief Justice of England or one of them ;
- (c) Every deputy so appointed shall reside at the said place, and, in the sheriff's name, shall receive and open, when tendered to him, all writs, the execution or return of which belongs to the . bailiff of the franchise, and shall, without delay, issue to the said bailiff under the seal of the sheriff, and in such manner and form as the sheriff himself ought to do, the warrant required by law for the due execution of the said writs ;
- (d) The bailiff of the franchise and not the sheriff shall be liable for the non-execution, mis-execution, or insufficient return of any writs, or for any misconduct in the performance of the said office or for any breach of the provisions of this Act; and any fine imposed on the bailiff of the franchise or his bailiff or officer shall notwithstanding any grant be paid to the Crown; and
- (e) All the provisions of this Act (except as herein-after mentioned) and every such enactment in any other Act as relates to the return of panels or juries, or to the due execution of any writ, or to the taking of fees, or to any extortion by sheriffs or their officers, or otherwise to the office and duties of sheriffs or their officers shall, together with all the liabilities, punishments, and forfeitures thereby imposed, extend to such bailiff of the franchise and his bailiffs and officers in like manner as if he and they were a sheriff or sheriff's bailiffs and officers ; provided that the enactment as to the appointment and duration of office of a sheriff shall not apply, and such bailiff of the franchise and his bailiff shall be entitled to hold his office as long as he would have been entitled if this provision had not been enacted.
- (f) In the case of the non-return of a writ, if the sheriff returns that he has delivered the writ to a bailiff of a franchise the sheriff shall be ordered to execute the writ notwithstanding the said franchise; and further to cause the bailiff of such

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franchise to attend before the High. Court of Justice and answer why he did not execute the said writ.

### **35 Duties of bailiffs of liberties and constables**

Every bailiff of a franchise within the meaning of the foregoing provisions of this Act, who, in times past, has been used or ought by himself or a bailiff to attend upon justices of assize or of gaol delivery and justices of the peace at large in any county shall continue so to attend and execute all writs directed to him for the administration of justice in such franchise, and shall give his attendance upon and assistance to the sheriff at all courts of gaol delivery from time to time for the execution of prisoners.

### **36 Application of Act to sheriffs of counties of cities and counties of towns**

- (1) The sheriff of a county of a city or a county of a town other than London shall continue to be appointed in manner provided by the Municipal Corporations Act, 1882, and shall hold, office for the term in that Act mentioned, and in the event of the death or incapacity of a sheriff so appointed, the council of the said city or town shall forthwith appoint another fit person to execute the office;
- (2) A person may be appointed to be such sheriff if he have sufficient property, whether of land or personalty, to answer the Queen and her people ;
- (3) Every such sheriff shall perform the same duties as heretofore, and may receive such fees and remuneration out of the borough fund or other accustomed fund as have heretofore been accustomed;
- (4) Save as aforesaid this Act shall apply to a sheriff of a county of a city or a county of a town in like manner, as nearly as may be, as it applies to the sheriff of a county, and any jurisdiction by this Act vested in the justices in general or quarter sessions may be exercised, so far as regards constables, by the council, and so far as regards other matters by the recorder of the said city or town.

### **37 Saving for Duchy of Cornwall**

Nothing in this Act shall be prejudicial to the rights of the Crown in right of the Duchy of Cornwall, or to the Duke of Cornwall when there is a Duke of Cornwall.