



Execution Act 1844

1844 CHAPTER 96

LXVIII Claims as to Goods taken in Execution to be adjudicated in Court.

And be it enacted, That if any Claim shall be made to or in respect of any Goods or Chattels taken in Execution under the Process of any Court for the Recovery of Small Debts, or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful for the Clerk of the Court out of which such Execution issued, upon Application of the Officer charged with the Execution of such Process, either before or after any Action brought against such Officer, to issue a Summons calling before the Court out of which such Execution issued both the Party issuing such Process and the Party making such Claim, and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts at *Westminster*, or in the Court of Common Pleas at *Lancaster*, or in any local or inferior Court, in respect of such Claim, shall be stayed; and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons; and the Judge of the Court for the Recovery of Small Debts out of which such Execution issued shall adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order made in any Suit brought in such Court.