



ANNO UNDECIMO

VICTORIÆ REGINÆ,

*p. sec. 3 v No. 4*

No. 3.



*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,  
Lieutenant-Governor of the Island of Van Diemen's Land and  
its Dependencies, with the Advice of the Legislative Council.*

**AN ACT for the better Protection of the Sheriff of  
Van Diemen's Land.**

**W**HEREAS by an Act of the Imperial Parliament made and passed in the first and second year of the reign of Her present Majesty Queen Victoria intituled amongst other things *An Act to extend the Jurisdiction of the Judges of the Supreme Courts of Common Law* after reciting amongst other things that by an Act passed in the second year of the reign of His late Majesty King William the Fourth intituled *An Act to enable the Courts of Law to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims* provision was made for the relief of Sheriffs and other officers concerned in the execution of Process issued out of any of His Majesty's Courts of Law at Westminster against goods and chattels by reason of claims made to such goods and chattels but such relief could only be given by Rule of Court and after also reciting that it was expedient that a single Judge should possess the power of giving relief in that respect it was amongst other things enacted that it should be lawful for any Judge of the said Courts of Queen's Bench Common Pleas or Exchequer with respect to any such Process issued out of any of those Courts to exercise such powers and authorities for the relief and protection of the Sheriff or other Officer as might by virtue of the said last-mentioned Act be exercised by the said several Courts respectively and to make such order therein as should appear to be just and that the costs of such pro-

PREAMBLE.

1 & 2 Vict. c. 45.

1 & 2 W. 4, c. 58.

*b-1. 5 W 4 10 2*

*f. 10*

ceeding should be in the discretion of such Judge—AND WHEREAS the provisions in that behalf of the said recited Act passed in the second year of the reign of His said late Majesty King William the Fourth have been extended to and now are in force in this Colony and it is expedient that the provisions of the said firstly recited Act of the first and second year of Her said present Majesty should also be extended to this Colony in manner hereinafter provided and that provision should also be made for the better security of the said Sheriff of Van Diemen's Land in all cases of escapes by debtors out of the legal custody of the said Sheriff--BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council of the said Island that from and after the time when this Act shall come into operation it shall be lawful for any Judge of the Supreme Court of Van Diemen's Land with respect to any Process issued out of the said Court to exercise such powers and authorities for the relief and protection of the Sheriff or other officer as may by virtue of the said provisions of the said recited Act as the same is extended to and in force in this Colony as aforesaid be exercised by the said Supreme Court only and to make such Order therein as shall appear to be just and the Costs of such proceedings shall be in the discretion of such Judge.

Any Judge of the Supreme Court may give the same relief and protection to the Sheriff in cases of adverse claims as under 1 & 2 W. 4, c. 58, the Supreme Court may.

Debtor in execution escaping Sheriff liable to action upon the case only.

II. AND BE IT FURTHER ENACTED that if after this Act shall come into operation any debtor in execution shall escape out of legal custody the Sheriff Bailiff or other person having such custody of the said debtor shall be liable only to an action upon the case for the damages actually sustained by reason of such escape by the person or persons at whose suit such debtor was taken or imprisoned and the said Sheriff Bailiff or other person having such legal custody as aforesaid shall not be liable to any action of debt in consequence of such escape.

W. T. DENISON.

Passed the Legislative Council this sixteenth day of March, one thousand eight hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council.*