



Common Law Procedure Act 1852

1852 CHAPTER 76

Execution

And with respect to Execution, be it enacted as follows :
Execution after Trial.

CXX A Plaintiff or Defendant, having obtained a Verdict in a Cause tried out of Term, shall be entitled to issue Execution in Fourteen Days, unless the Judge who tries the Cause, or some other Judge, or the Court, shall order Execution to issue at an earlier or later Period, with or without Terms.

Ground Writs abolished.

CXXI It shall not be necessary to issue any Writ directed to the Sheriff of the County in which the Venue is laid, but Writs of Execution may issue at once into any County, and be directed to and executed by the Sheriff of any County, whether a County Palatine or not, without Reference to the County in which the Venue is laid, and without any Suggestion of the issuing of a prior Writ into such County.

Writs in Counties Palatine to be directed to the Sheriff.

CXXII All Writs of every Description issuing out of the Superior Courts of Common Law at Westminster, to be executed in the Counties Palatine, shall be directed and delivered to the Sheriffs of such Counties, and executed and returned by them to the Courts out of which such Writs are issued, in the same Manner in all respects as Writs are executed and returned by the Sheriffs of other Counties.

Expenses of Execution.

CXXIII In every Case of Execution, the Party entitled to Execution may levy the Poundage Fees and Expenses of the Execution, over and above the Sum recovered.

Writs of Execution to remain in force for One Year and to be renewed if necessary.

CXXIV A Writ of Execution issued after the Commencement of this Act, if unexecuted, shall not remain in force for more than One Year from the Teste of such Writ, unless renewed in the Manner herein-after provided; hut such Writ may, at any Time before its Expiration, be renewed, by the Party issuing it, for One Year from the Date of such Renewal, and so on from Time to Time during the Continuance of the renewed Writ, either by being marked with a Seal bearing the Date of the Day, Month, and Year of such Renewal, (such Seal to be provided and kept for that Purpose at the Office of the Masters of the Court out of which such Writ issued,) or by such Party giving a written

Notice of Renewal to such Sheriff, signed by the Party or his Attorney, and bearing the like Seal of the Court; and a Writ of Execution so renewed shall have effect, and be entitled to Priority, according to the Time of the original Delivery thereof.

Production of renewed Writ, Evidence of Renewal.

CXXV The Production of a Writ of Execution, or of the Notice renewing the same, purporting to be marked with such Seal, showing the same to have been renewed according to this Act, shall be sufficient Evidence of its having been so renewed.

Sheriff or Gaoler may discharge Prisoner by Authority of Attorney in the Cause.

CXXVI A written Order under the Hand of the Attorney in the Cause, by whom any Writ of Capias ad satisfaciendum shall have been issued, shall justify the Sheriff, Gaoler, or Person in whose Custody the Party may be under such Writ, in discharging such Party, unless the Party for whom such Attorney professes to act shall have given written Notice to the contrary to such Sheriff, Gaoler, or Person in whose Custody the opposite Party may be; but such Discharge shall not be a Satisfaction of the Debt, unless made by the Authority of the Creditor; and nothing herein contained shall justify any Attorney in giving such Order for Discharge without the Consent of his Client.

Proceedings for charging in Execution a Person already in Prison of the Court.

CXXVII It shall not be necessary in any Case to sue out a Writ of Habeas corpus ad satisfaciendum to charge in Execution a Person already in the Prison of the Court, but such Person may be so charged in Execution by a Judge's Order made upon Affidavit that Judgment has been signed and is not satisfied; and the Service of such Order upon the Keeper of the Prison for the Time being shall have the Effect of a Detainer.