



Sheriffs Act 1887

1887 CHAPTER 55

Application of Act in Special Cases

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

Status: This is the original version (as it was originally enacted).

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