

SHERIFF ORDINANCE 1924-1938.⁽¹⁾

An Ordinance relating to the Appointment, Powers and Functions of a Sheriff for the Territory.

BE it ordained by the Deputy of the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920*, as follows:—

1. This Ordinance may be cited as the *Sheriff Ordinance 1924-1938*.⁽¹⁾ Short title.
Amended by
No. 3 of 1934,
s. 50.
2. This Ordinance shall commence on the twenty-seventh day of August, One thousand nine hundred and twenty-four. Date of
commencement.
3. In this Ordinance, unless the contrary intention appears— Definitions.
“the Court” means the Central Court⁽²⁾ or any one of the District Courts of the Territory;

(1) The *Sheriff Ordinance 1924-1938* comprises the *Sheriff Ordinance 1924*, as amended by the other Ordinances referred to in the following Table:—

TABLE.
PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Governor-General in Council.	Date on which notified in <i>Commonwealth Gazette</i> .	Date on which took effect.
<i>Sheriff Ordinance 1924</i> (No. 29 of 1924)	27.8.1924	28.8.1924	27.8.1924 (Sec. 2, <i>Sheriff Ordinance 1924</i>)
<i>Sheriff Ordinance 1928</i> (No. 13 of 1928)	5.7.1928	12.7.1928	12.7.1928 (<i>Cwth. Gaz.</i> of 12.7.1928)
<i>Sheriff Ordinance 1931</i> (No. 31 of 1931)	19.10.1931	22.10.1931	22.10.1931 (<i>Cwth. Gaz.</i> of 22.10.1931)

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Governor-General in Council.	Date on which came into operation.
<i>Sheriff Ordinance 1938</i> (No. 27 of 1938)	24.8.1938	30.11.1938	24.8.1938 (<i>Laws of T.N.G.</i> , Vol. XIV., p. 149)

(2) See Section 7A of the *Judiciary Ordinance 1921-1938*.

COURTS—

“Sell by auction” means sell any property by outcry, knocking down of hammer, candle, lot, parcel, instrument, machine or any other mode whereby the highest or the lowest bidder is the purchaser, or whereby the first person who claims the property submitted for sale at a certain price named by the person acting as auctioneer is the purchaser, or whereby there is a competition for the purchase of any property in any way commonly known and understood to be by way of auction;

“the Sheriff” means the Sheriff appointed by the Administrator under this Ordinance.

Appointment of Sheriff.

4. The Administrator may appoint a Sheriff to carry out the provisions of this Ordinance.

Appointment of officers of the Sheriff.

5. The Administrator may appoint such officers of the Sheriff as are necessary.

Amended by No. 13 of 1928, s. 2.

Duties of Sheriff in regard to legal process.

6. The Sheriff shall by himself or his officers execute such writs, summonses, rules, orders, warrants, precepts, commands or other process of the Territory as are directed to him by the court and shall, as he is required, make return to the court of any such writ, summons, rule, order, warrant, precept, command or other process together with the manner of execution thereof, and shall receive and detain all persons committed to his custody and shall discharge those persons where directed to do so by the proper authority.

Sheriff to give security.

Amended by No. 31 of 1931, s. 2.

7. If directed by the Administrator, the Sheriff and the officers of the Sheriff or any of them shall give security to His Majesty, his heirs and successors by bond or recognizance of himself or two responsible sureties, or in some other recognized legal manner, in such sum as is fixed by the Administrator, conditioned for the due performance by the Sheriff or the officer (as the case may be) of the duties of his office and for the payment by him as is directed of all money which comes into his hands.

Sheriff may sell by auction property taken in execution.

8. Notwithstanding anything contained in this Ordinance or in any other Ordinance in force in the Territory the Sheriff may, without having an auctioneer's licence issued under the *Auctioneers Ordinance* 1924 or without having any other licence, sell by auction any property which is taken in execution by him.

Deposit for expenses to be made with Sheriff.

9. When any writ or other process is left with the Sheriff for execution by him the person leaving the writ or other process shall, if so required by the Sheriff, deposit with the Sheriff a sufficient sum for the payment of the necessary expenses arising out of the execution of the writ or other process, and, if any dispute arises as

Sheriff Ordinance 1924-1938.

to the amount to be deposited under this section, a reference shall be made to a Judge of the Central Court⁽²⁾ or any of the District Courts of the Territory, whose decision shall be final.

10. Any person aggrieved by any act or default of the Sheriff or officer of the Sheriff shall have the same remedy by action as before the commencement of this Ordinance:

Remedy for
Persons
aggrieved by
acts of Sheriff.

Provided that any action against the Sheriff shall be brought against him in the name of "The Sheriff of the Territory of New Guinea" and not by his own name and any damages or costs adjudged to be recovered by the plaintiff in any such action shall be paid by the Treasurer of the Territory out of revenue received for and on account of the government of the Territory.

11.—(1.) The Administrator in Council may make regulations⁽³⁾ not inconsistent with this Ordinance prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Regulations.
Sub-section (1.)
amended by
No. 27 of 1938,
s. 2.

* * * * *

Sub-sections (2.)
and (3.)
omitted by
No. 27 of 1938,
s. 2.

(2) See Section 7A of the *Judiciary Ordinance 1921-1938.*

(3) No regulations have been made.

COURTS—