ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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C A P. XCIX.

An Act for facilitating the Appointment of Sheriffs, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Issues, forfeited Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer.

[29th *August* 1833.]

WHEREAS the Appointment of Sheriffs, and the Audit and passing of their Accounts in the Court of Exchequer, are attended with unnecessary Expence, Delay, and Trouble: For Remedy whereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Third Year of the Reign of His Majesty King *George* the First, intituled *An Act for the better regulating the Office of Sheriffs, and for ascertaining their Fees, and the Fees for suing out their Patents and passing their Accounts*, as entitles and authorizes certain Officers therein and in the Schedule thereto mentioned to demand, take, and receive the Fees named in the said Schedule, and also the said Schedule, and also an Act passed in the said Third Year of the Reign of His Majesty King *George* the First, intituled *An Act for better enabling Sheriffs to sue out their Patents and pass their Accounts*, be and the same are hereby repealed,

Repeal of Part of 3 G. 1. c. 15. and of 3 G. 1. c. 16.

Sheriffs not to sue out Patent or pass Accounts in Exchequer.

II. And be it further enacted, That from and after the passing of this Act it shall not be necessary for any Sheriff or Sheriffs of any County, City, or Town in *England* or *Wales* to sue out any Patent or Writ of Assistance, or to make or pay Proffers, nor shall any Bailiff or Bailiffs of Liberties in *England* or *Wales* be required to make or pay any Proffers, nor shall he or they have any Day of Prefixion, or be apposed, or take any Oath or Oaths before the Cursitor Baron to account, or account, or be cast out of Court, as now or heretofore in use in His Majesty's Court of Exchequer, any Law, Statute, or Usage to the contrary notwithstanding.

Appointment of Sheriff.

III. And be it further enacted, That whenever any Person shall be duly pricked or nominated by His Majesty for and to be Sheriff of any County in *England* or *Wales*, except the County Palatine of *Lancaster*, the same shall be forthwith notified in the *London Gazette*, and a Warrant in the Form set forth in the Schedule to this Act shall be forthwith made out and signed by the Clerk of the Privy Council, and transmitted by him to the Person so nominated and appointed Sheriff as aforesaid; and the Appointment of Sheriff thereby made shall be as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if the same had been made by Patent under the Great Seal of *Great Britain*, or by any Ways and Means heretofore in use; and the Sheriff and Sheriffs so appointed as aforesaid shall thereupon, and upon taking the Oath of Office hereafter mentioned, have and exercise all Powers, Privileges, and Authorities whatsoever usually exercised and enjoyed by Sheriffs of Counties in *England* and *Wales*, without any Patent Writ of Assistance or other Writ whatsoever, or entering into any Recognizance by himself or Sureties, and without Payment of or being liable to pay any Fees whatsoever for the same.

Clerk of Peace to enrol Duplicate.

IV. Provided always, and be it further enacted, That a Duplicate of the said Warrant shall, within Ten Days next after the Date of the same Warrant, be transmitted by the said Clerk of the Privy Council to the Clerk of the Peace of the County for which such Person shall be nominated and appointed Sheriff, to be by the said Clerk of the Peace enrolled, and which he is hereby required to enrol and keep without Fee or Reward.

Sheriff to appoint an Under Sheriff, and transmit a Duplicate thereof to the Clerk of the Peace for the County.

V. And be it further enacted, That from and after the passing of this Act every Person so appointed Sheriff as aforesaid shall, within One Calendar Month next after the Notification of his Appointment in the *London Gazette*, by Writing under his Hand, nominate and appoint some fit and proper Person to be his Under Sheriff, and shall transmit a Duplicate thereof to the Clerk of the Peace for the County, to be by him filed, and which he is hereby required to file, among the Records of his Office, and for which he shall be entitled to demand and have from such Under Sheriff the Sum of Five Shillings, and no more; and such Appointment and Duplicate shall not be liable to any Stamp Duty whatever.

Oaths of Sheriff and Under Sheriff.

VI. And be it further enacted, That each and every Person so appointed Sheriff and Under Sheriff as aforesaid, except the Sheriffs

of *London* and *Middlesex* and their Under Sheriffs, shall, before he enter upon the Execution of his Office, take the Oath of Office heretofore and now required by Law, which Oath shall be fairly written on Parchment (without being subject to any Stamp Duty) and signed by him, and shall and may be sworn before the Barons of His Majesty's Exchequer or any of them, or any One of His Majesty's Justices of the Peace for the County of which he shall be appointed Sheriff or Under Sheriff; and the same shall be thereupon transmitted to the Clerk of the Peace for the same County, who is hereby required to file the same among the Records of his Office, and for which he shall be entitled to demand and have from such Sheriff or Under Sheriff the Sum of Five Shillings, and no more.

Prisoners and Writs to be turned over by Sheriffs at the Expiration of their Office to the incoming Sheriff.

VII. And be it further enacted, That every Sheriff of any County, City, Liberty, Division, Town Corporate, or Place shall at the Expiration of his Office make out and deliver to the new or incoming Sheriff a true and correct List and Account under his Hand of all Prisoners in his Custody, and of all Writs and other Process in his Hands not wholly executed by him, with all such Particulars as shall be necessary to explain to the said incoming Sheriff the several Matters intended to be transferred to him, and shall thereupon turn over and transfer to the Care and Custody of the said incoming Sheriff all such Prisoners, Writs, and Process, and all Records, Books, and Matters appertaining to the said Office of Sheriff; and the said incoming Sheriff shall thereupon sign and give a Duplicate of such List and Account to the Sheriff going out of Office, to whom the same shall be a good and sufficient Discharge of and from all the Prisoners therein mentioned and transferred to the said incoming Sheriff, and the further Charge of the Execution of the Writs, Process, and other Matters therein contained, without any Writ of Discharge, or other Writ whatsoever; and the said incoming Sheriff shall thereupon stand and be charged with the said Prisoners, and also with the Execution and Care of the said Writs, Process, and other Matters, contained in the said List and Account, as fully and effectually as if the same Writs and Process had been turned over by Indenture and Schedule; and in case any Sheriff shall refuse or neglect at the Expiration of his Office to make out, sign, and deliver such List and Account as aforesaid, and to turn over the Process aforesaid in manner aforesaid, every such Sheriff so neglecting or refusing shall be liable to make such Satisfaction by Damages and Costs to the Party aggrieved as he, she, or they shall sustain by such Neglect or Refusal.

Sheriffs Accounts to be audited by Commissioners for auditing Public Accounts.

VIII. And be it further enacted, That the Accounts of the present and future Sheriffs of Counties, Cities, and Towns within *England* (except the Counties Palatine of *Chester*, *Lancaster*, and *Durham*) shall from and after the passing of this Act be examined and audited by the Commissioners appointed or to be appointed for auditing Public Accounts under and by virtue of the Three several Acts herein-after next mentioned; (that is to say,) an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better examining and auditing the Public Accounts of this Kingdom;* an Act passed in the Forty-sixth Year of

25 G. 3. c. 52.

of the Reign of His said late Majesty King *George* the Third, intituled *An Act for making more effectual Provision for the more speedy and regular Examination and Audit of the Public Accounts of this Kingdom;* and an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to alter and abolish certain Forms of Proceedings in the Exchequer and Audit Office relative to Public Accountants, and for making further Provisions for the Purpose of facilitating and expediting the passing of Public Accounts in* Great Britain; *and to render perpetual and amend an Act passed in the Fifty-fourth Year of His late Majesty, for the effectual Examination of the Accounts of certain Colonial Revenues;* and all the Powers and Provisions now in force of the same Acts shall extend and be applicable to the Examination, Audit, and Discharge of the Accounts of such Sheriffs by the said Commissioners (so far as those Powers and Provisions are applicable thereto, and are not varied by this Act).

46G.3.c.141.

1 & 2 G. 4. c.121.

Sheriffs going out of Office (except those of Chester, Lancaster, and Durham) to transmit Accounts to Commissioners.

IX. And be it further enacted, That every Person and Persons who now are or who hereafter shall be Sheriff or Sheriffs of any County, City, or Town within *England* (except the said Counties Palatine of *Chester*, *Lancaster*, and *Durham*,) shall within Two Calendar Months next after the Expiration of his or their Office, or in case of the Death of any Sheriff or Sheriffs the Under Sheriff by him or them appointed shall within Two Calendar Months next after the Death of such Sheriff or Sheriffs, transmit to the said Commissioners for auditing Public Accounts a just and true Account, under his or their Hand or Hands, of all Sums received by such Sheriff or Sheriffs to or for the Use of His Majesty, and of all Sums paid or claimed by him or them, or on his or their Behalf (save such Sums as are or have been usually inserted and allowed in the Bill of Cravings), with all such Particulars as shall be needful to explain the same: Provided always, that such Under Sheriff shall not be personally responsible for any Sum or Sums received by such deceased Sheriff, but that the same shall be answered by the Representatives of the said deceased Sheriff, or otherwise in due Course of Law: Provided always, that the Sheriff of *Westmoreland* shall yearly, within Two Calendar Months next after the First Day of *January* in every Year, transmit or cause to be transmitted to the said Commissioners for auditing the Public Accounts a like Account under his Hand, or the Hand of his Under Sheriff, of all Sums paid by him to or for the Use of His Majesty within or during the Year of our Lord next preceding, and of all Sums paid or claimed by him or on his Behalf during the same Period (save such Sums as are or have been usually inserted in the Bill of Cravings), with all such Particulars as shall be needful to explain the same.

Sheriff of Westmoreland to transmit like Accounts yearly.

The Oath or Affidavit of Sheriff, may be taken before a Judge, Commissioner, or Magistrate.

X. And be it further enacted, That in case it shall be necessary for any such Sheriff or Sheriffs, or his or their Under Sheriff, to make Oath or Affidavit to any such Account, or any Article, Matter, or Thing relating thereto, such Oath or Affidavit, except when the said Commissioners shall require his or their personal Examination before them, shall and may be sworn before any of the Judges of His Majesty's Superior Courts of Record at *Westminster*, or before any

any Commissioner for taking Affidavits in any of the same Courts, or before any Master or Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace.

Bill of Cravings to be settled by the Treasury.

XI. And be it further enacted, That the Claim of every Sheriff or Sheriffs for certain Allowances usually called the Bill of Cravings shall, from and after the passing of this Act, be preferred to the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, who, or any Three or more of whom, shall and may grant a Warrant for the Allowance of the same in the Account of such Sheriff or Sheriffs, or for the Payment of such Sum or Sums of Money in respect thereof as they shall think reasonable in that Behalf.

Quit Rents, &c. to be received by Commissioners of Woods, Forests, and Land Revenues.

XII. And whereas the present Mode of managing and collecting certain Quit Rents and Vicecomital or Viscontiel Rents due to His Majesty, and the present Mode of accounting for and paying Post-fines on Alienation of Lands and other Hereditaments, have been found disadvantageous to the Public Service, and inconvenient and troublesome to Sheriffs; for Remedy whereof be it enacted, That from and after the Tenth Day of *October* next no Sheriff or Sheriffs shall receive or shall be chargeable with the Collection and Receipt of Quit Rents, Vicecomital or Viscontiel Rents, and other Rents or Payments issuing out of or payable to His Majesty in respect of any Honors, Manors, Lands, Tenements, or Hereditaments in *England* or *Wales*, but the same (except such as shall be released pursuant to the Provision next herein-after contained) shall hereafter be considered as Part and Parcel of the Land Revenue of the Crown, and shall be under the Care, Management, and Direction of His Majesty's Commissioners of Woods, Forests, and Land Revenue, who shall have and exercise the same Powers and Authorities for collecting and enforcing the Payment thereof as are given to or vested in them for collecting and enforcing Payment of any other Part of His Majesty's Land Revenue by any Act or Acts now in force concerning the same.

Power to Treasury to release certain Rents.

XIII. And whereas many of the said Rents are very ancient, and have become obsolete, and it is not known out of or from what Hereditaments and Premises the same are issuing and payable, so that Payment thereof cannot be enforced; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury, and he and they are hereby empowered, by Warrant under his or their Hands, to remit, release, and discharge all or any of the same Rents, and the Arrears thereof, or any Part thereof.

Certain Parts of 32 G. 2. c. 14. repealed.

XIV. And be it further enacted, That so much of an Act passed in the Thirty-second Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more regular and easy collecting, accounting for, and paying of Post-fines which shall be due to the Crown, and for the Ease of Sheriffs in respect of the same*, as requires the Receiver of Pre-fines at the Alienation Office to become bound by Recognizance to pay, or to pay to any Sheriff on producing his Quietus,

the Sum Total of the Post-fines mentioned in such Quietus, and as requires such Receiver to become in like Manner bound to pay, or to pay unto all and every the Lords of Liberties, Proprietors and Grantees of Post-fines under the Crown, or to their lawful Bailiffs or Attorney, on producing the respective Schedules of the Foreign Apposer or Clerk of the Estreats of the Court of Exchequer, the Sums of Money in such Schedules contained, be and the same is hereby repealed.

Sheriffs not to be chargeable with Pre-fines or Post-fines.

XV. And be it further enacted, That no Sheriff or Sheriffs of any County, City, or Town within *England* and *Wales* shall from henceforth receive or be charged or chargeable with any Fine or Fines usually called Pre-fines and Post-fines, payable on Alienation of Lands or other Hereditaments, but the same Fines shall be received by the said Receiver General of Alienation Fines, who shall pay and apply the same to such Person or Persons, in such Sums, and in such Manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall, by Warrant under his or their Hands, order or direct, except as to any such Fine or Fines, Sum or Sums of Money, as shall or may be ordered to be paid by any Order of His Majesty's Court of Exchequer in pursuance of the Provision hereinafter contained.

Not to extend to the County Palatine of Lancaster.

XVI. Provided always, and be it further enacted, That nothing herein contained shall extend to the Pre-fines and Post-fines arising within the County Palatine of *Lancaster*, which last-mentioned Pre-fines and Post-fines shall be received and accounted for in like Manner as hath heretofore been accustomed.

Receiver General to keep Books, with Liberty of Inspection to Persons entitled to Fines.

XVII. And be it further enacted, That for the better Information of all Persons interested in or who may claim Title to the Fines last before mentioned, or any of them, the Receiver General of Alienation Fines shall provide and keep Books, in which he shall, in the *English* Language, in a common and legible Hand and Character, and as to Sums and Dates in Words at Length, enter and keep a true and full Account of every Pre and Post Fine received by him, and in what Town, Parish, or Place the Premises are situate in respect of which the same Fine or Fines shall have been paid or received; all which Books shall at all seasonable Times be open to the Inspection and Examination of all and every Body Corporate or Politic, Person and Persons, claiming to be entitled to or interested in the same Fines or any of them, and his and their Bailiff or Bailiffs, Agent or Agents.

Treasury may order Payment to Parties entitled.

XVIII. And be it further enacted, That it shall be lawful for the Lord High Treasurer or any Three of the Commissioners of His Majesty's Treasury, by Warrant under his or their Hand, from Time to Time to order and direct the said Receiver General to pay such of the same Fines, or any of them, or any Part thereof, to any Body Politic or Corporate, Person or Persons, entitled to the same, or to his, her, or their Bailiff or Bailiffs, Agent or Agents: Provided always, that, notwithstanding such Payment, any Body Politic or Corporate, Person or Persons, aggrieved thereby, shall and may apply by Petition in the Manner

Manner herein-after mentioned against the Party or Parties to whom such Payment shall have been made, to restore or refund the Sums by him or them so received.

On Refusal of Treasury, Appeal may be made to the Court of Exchequer by Petition.

XIX. Provided always, and be it further enacted, That in case the Commissioners of His Majesty's Treasury shall neglect, refuse, or decline to order the Payment of any Fine or Fines received by the Receiver General of Alienation Fines which shall be claimed by any Body Corporate or Politic, Person or Persons, or if any Party shall be aggrieved by any Order for Payment made by the said Commissioners, it shall be lawful for any such Body Corporate or Politic, Person or Persons, to apply by Petition, in a summary Manner, to the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer, setting forth the Nature of the Claim or Title of the Petitioner or Petitioners; and thereupon the said Barons of His Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper Parties before them, and to hear and determine the Matter of the said Petition, and to give such Costs and to make such Order or Orders therein as they shall consider just; and in case Payment be thereby ordered of any Sum or Sums of Money in respect of such Fines, or any of them, by the said Receiver General of Alienation Fines, he is hereby authorized and required to pay the same according to such Order or Orders.

Accounts of Receiver General to be audited by Commissioners for auditing Public Accounts.

XX. And be it further enacted, That from and after the passing of this Act the Accounts of the said Receiver General of Alienation Fines shall be audited and examined by the said Commissioners appointed or to be appointed for auditing Public Accounts under and by virtue of the said herein-before recited Acts passed in the Twenty-fifth and Forty-sixth Years of the Reign of His late Majesty King *George* the Third, and the said recited Act, passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth; and all the Powers and Provisions now in force of the same Acts, so far as the same are applicable to such Accounts of the said Receiver General, and not varied by this Act, shall extend and be applicable to the Accounts of the said Receiver General in the same Manner and as fully and effectually as if the said Receiver General had been named and included in the said last-mentioned Acts as a Public Accountant.

Accounts when audited to be transmitted to Lords of Treasury.

XXI. Provided always, and be it further enacted, That it shall not be necessary to declare the Accounts by this Act required to be audited by the Commissioners of Public Accounts by or before the Chancellor of the Exchequer, but the said Commissioners of Audit shall transmit a Statement of every Account examined and audited by them under the Authority of this Act to the Lord High Treasurer or the Commissioners of the Treasury for the Time being, who, having considered such Statement, shall return the same to the Commissioners of Audit, together with his or their Warrant, directing them to make up and pass the Account, either conformably to the Statement, or with such Variations as he or they may deem just and reasonable; and the Account having been made up pursuant to such Directions, and signed by Three or more of the said Commissioners for auditing the Public Accounts,

Accounts, shall remain deposited in the Audit Office, and shall have the same Force and Validity, and be as efficient in Law for all Purposes whatsoever, as if the same had been declared according to the usual Course by the Chancellor of the Exchequer; and the said Commissioners shall thereupon, as soon as conveniently may be, cause such or the like Certificate thereof, in the Nature of a Quietus, to be made out and delivered as is now practised by them with regard to declared Accounts, and which shall be equally valid and effectual to discharge the Accountants, and to all other Intents and Purposes.

Part of Stat. 22 & 23 C. 2. c. 22. requiring Fines, &c. to be certified and estreated into the Exchequer Twice a Year repealed.

XXII. And whereas an Act was passed in the Twenty-second and Twenty-third Years of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for the better and more certain Recovery of Fines and Forfeitures due to His Majesty*, and which Act was made perpetual by an Act made in the Fourth and Fifth Years of the Reign of Their late Majesties King *William* and Queen *Mary*: And whereas it is expedient that further Provision should be made for the speedy and regular Return of Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, and Deodands, in certain Cases; be it therefore further enacted, That from and after the Tenth Day of *October* next so much of the aforesaid Act passed in the Twenty-second and Twenty-third Years of the Reign of His late Majesty King *Charles* the Second as requires all Fines, Forfeitures, Issues, Amerciaments, forfeited Recognizances, Sum and Sums of Money paid in lieu and satisfaction of them or any of them, and all other Forfeitures whatsoever, set, imposed, lost, or forfeited in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, or by or before any Judge or Judges of Assize, Clerk of the Market, or Commissioners of Sewers, throughout the Kingdom of *England*, to be certified and estreated into the Court of Exchequer twice in every Year yearly, at the Times thereby appointed, and also such Part of the aforesaid Act of Their late Majesties King *William* and Queen *Mary* as makes perpetual the aforesaid Provisions contained in the said Act passed in the Twenty-second and Twenty-third Years of the Reign of King *Charles* the Second, shall be and are hereby repealed.

Clerk of Parliament to return to Treasury or to Commissioners an Account of Fines set in the House of Lords;

XXIII. And be it further enacted, That the Clerk of the Parliament shall, within Fourteen Days next after every Session of Parliament, make out an Account of all and every Fines or Fine which shall or may be set or imposed, and also of all Recognizances ordered to be estreated, by the Lords Spiritual and Temporal in Parliament assembled during such preceding Session of Parliament, with the Names and Residences of the Parties, and distinguishing such of the said Fines as shall have been received, and transmit the same to the Lord High Treasurer or to the Commissioners of His Majesty's Treasury, and also a Duplicate thereof to the said Commissioners for auditing the Public Accounts, and also shall, within the Time aforesaid, certify and estreat all such Fines as shall not have been received by him in and into His Majesty's Court of Exchequer.

and pay Fines received as Treasury shall direct.

XXIV. And be it further enacted, That all Fines which shall be received by the said Clerk of the Parliament shall be paid by him to such Person or Persons, at such Times, and in such Manner as

the Lord High Treasurer, or any Three of the Commissioners of His Majesty's Treasury, shall by Warrant direct.

Clerk of House of Commons to make Return of all Recognizances.

XXV. And be it further enacted, That the Clerk of the House of Commons shall, within Fourteen Days next after every Session of Parliament, make out an Account of all Recognizances certified by the Speaker of the said House or estreated by him into the Exchequer, with the Names and Residences of the Parties, and transmit the same to the Lord High Treasurer, or to the Commissioners of His Majesty's Treasury, and also a Duplicate thereof to the said Commissioners for auditing the Public Accounts.

Account of Fines in King's Bench, Common Pleas, and Exchequer to be transmitted to Treasury and to Commissioners of Audit.

XXVI. And be it further enacted, That the King's Coroner and Attorney of His Majesty's Court of King's Bench, and the Prothonotaries of His Majesty's Court of Common Pleas, and His Majesty's Remembrancer of the Court of Exchequer, and also the Masters and Prothonotaries of the Office of Pleas in the same Court, respectively, shall on the first Day of every Term make out an Account of all Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of His Majesty in the said Courts respectively, and not before estreated, with the Names and Residences of the Parties, and distinguishing such as shall have been paid, and transmit the same to the Commissioners of His Majesty's Treasury, and also a Duplicate thereof to the said Commissioners for auditing the Public Accounts.

Unpaid Fines to be estreated.

XXVII. And be it further enacted, That the said Coroner and Attorney of His Majesty's Court of King's Bench, the Prothonotaries of the Court of Common Pleas, and the Master and Prothonotaries of the Office of Pleas, and King's Remembrancer, respectively, shall on the first Day of every Term, and at such other Time or Times as they shall respectively be ordered or required so to do by any Order of the said Courts respectively, or by the Order of any Judge or Baron thereof, certify and estreat all such Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited as aforesaid, and not received by them respectively, in and into the said Court of Exchequer.

Fines, &c. received to be paid as Treasury shall direct.

XXVIII. And be it further enacted, That all such Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited as aforesaid, which shall be received by any of the said Officers of the said Courts of King's Bench, Common Pleas, or Exchequer, shall be paid by them respectively to such Officer or Officers or to such Person or Persons entitled thereto, and at such Times and in such Manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall by Warrant under his or their Hands direct.

Account of Fines by Clerks of Assize, Commissioners of Sewers,

XXIX. And be it further enacted, That an Account in Writing of all Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of His Majesty by or before any Judge or Judges of Assizes, Clerk of the Market, or Commissioners

Clerks of the Market, and of Deodands, to be transmitted to Treasury and to Commissioners of Audit.

missioners of Sewers, throughout the Kingdom of *England*, and also all Deodands found or forfeited to or for the Use of His Majesty throughout the same Kingdom, shall, within Fourteen Days next after any such Fines, Issues, Amerciaments, Penalties, Recognizances, or Deodands shall respectively be set, lost, imposed, forfeited, found, or accrue, be made out by the Clerk of Assize, Clerk of the Market, Commissioners of Sewers, and Coroners, or other Person or Persons respectively to whom it doth appertain or belong to make Estreat thereof, with the Names and Residences of the Parties liable to make Payment thereof respectively, and distinguishing such as shall have been paid or received; and Two Copies of such Account when so made out shall be signed by the Person or Persons so required to make out the same, who shall, within the Time last aforesaid, transmit one Copy thereof to the Commissioners of His Majesty's Treasury, and another Copy thereof to the Commissioners for auditing the Public Accounts; and the same Fines, Issues, Amerciaments, Penalties, Recognizances, and Deodands shall also within the Time last aforesaid be duly certified and estreated by such Officers and Persons respectively in and into the said Court of Exchequer; and all Sum and Sums of Money which shall have been received for or on account of any such Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, or Deodands shall be paid over by the Parties respectively receiving the same unto the Sheriff or Sheriffs of the County, City, or Town wherein the same shall have been set, lost, imposed, forfeited, found, or accrued, to the Intent that such Sheriff or Sheriffs may be charged therewith, and duly account for the same.

Where Fines, &c. are now estreated upon Oath, such Oath may be taken before a Judge, &c.

XXX. Provided always, and be it enacted, That in all Cases where any Fines, Issues, Recognizances, Penalties, Forfeitures, or Deodands are required by any Act or Acts now in force to be estreated, upon Oath, in or into the Court of Exchequer, such Oath shall and may be sworn and taken before a Judge of any of His Majesty's Superior Courts of Record at *Westminster*, or before any Commissioners for taking Affidavits in the same Courts, or before any Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace; and every such Estreat shall be transmitted to and filed with His Majesty's Remembrancer of the said Court of Exchequer, and received and entered by him without Fee or Reward.

Accounts of Estreats to be transmitted to Treasury and to Commissioners of Audit.

XXXI. And be it further enacted, That His Majesty's Remembrancer do and shall, on or before the first Seal Day next after every Term, make out an Account in Writing of all Fines, Issues, Amerciaments, Penalties, forfeited Recognizances and Deodands, estreated during the preceding Vacation and Term, and also of all Returns within the same Period of Sheriffs to Process issued for the Purpose of levying any estreated Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, and Deodands, and shall, within the Time last aforesaid, transmit and send one Copy of such Account to the Commissioners of His Majesty's Treasury, and another Copy thereof to the said Commissioners for auditing the Public Accounts.

XXXII. And

Process to be issued every Term, or oftener, to levy Estreats.

XXXII. And be it further enacted, That His Majesty's said Remembrancer shall, on the first Seal Day next after every Term, and also at any other Time or Times when required by the Court of Exchequer, or by the Fiat or Order of any Baron thereof, make out and issue, or cause to be made out and issued, according to the Practice of the Court of Exchequer, and without Fee or Reward, Process for duly levying and enforcing Payment of all such Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, and Deodands estreated as aforesaid (except as herein-after mentioned), which shall not theretofore have been levied, recovered, vacated, or discharged, and so from Time to Time until the same shall be fully paid or levied, vacated or discharged.

Power to Treasury to stay Process, and discharge the Fines, &c.

XXXIII. And be it further enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury, and he or they are hereby authorized, by Warrant under his or their Hands directed to the proper Officer or Officers, to stay the issuing or Execution of all or any Process touching any of the Matters set, lost, imposed, forfeited, or estreated as aforesaid, and to vacate and discharge such Fines, Issues, Amerciaments, Penalties, forfeited Reognizances, or Deodands, or any of them, or any Part thereof; provided that nothing in this Clause contained shall extend to enable the said Lord High Treasurer or the Commissioners of His Majesty's Treasury to remit or restore any Fine, Issue, Amerciaments, Penalty, forfeited Recognizance, or Deodand to which any Body Corporate or Politic, Person or Persons, shall or may be entitled, which shall have been actually levied by or paid to them.

Power to Persons entitled to any Fines, &c. to inspect Accounts.

XXXIV. And be it further enacted, That all Bodies Corporate and Politic, and all and every other Person and Persons, having or claiming Title to any Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum or Sums of Money contained in any Account transmitted by virtue of this Act to the Commissioners for auditing Public Accounts, shall and may, by themselves, or their, his, or her Bailiff, Steward, or Agent, at all seasonable Times, have access to the said Accounts, and take Minutes or Extracts therefrom.

The Treasury may order Payment of Fines, &c.

XXXV. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, from Time to Time to order and direct Payment, by Warrant under his or their Hand, of the said Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum and Sums of Money, or any of them, to any Body Corporate or Politic, Person or Persons, entitled to the same, or to their, his, or her Bailiff, Steward, or Agent: Provided always, that notwithstanding such Payment any Body Politic or Corporate, Person or Persons, aggrieved thereby, shall and may apply by Petition in the Manner herein-after mentioned against the Party or Parties to whom such Payment shall have been made, to restore or refund the Sum or Sums by him or them so received.

XXXVI. Pro-

If Treasury reject Claims, the Party may appeal to the Court of Exchequer.

XXXVI. Provided always, and be it further enacted, That in case the Commissioners of His Majesty's Treasury shall neglect, refuse, or decline to order the Payment of any Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum or Sums of Money so claimed as aforesaid, or if any Party shall be aggrieved by any Order made by the said Commissioners, it shall be lawful for any such Body or Bodies Corporate or Politic, Person or Persons, to apply, in a summary Way, by Petition to the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer, setting forth the Nature of the Claim or Title of the Petitioners or Petitioner; and thereupon the said Barons of His Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper Parties before them, and to hear and determine the Matter of the said Petition, and to give such Costs and to make such Order and Orders therein as they shall deem just.

Act not to prejudice Rights of Corporate Bodies, &c.

XXXVII. Provided also, and be it further enacted, That nothing herein contained shall extend or be prejudicial to the Rights, Privileges, and Remedies of any Bodies Politic or Corporate, or of any Lord of any Manor, Liberty, or Franchise whatsoever, or of any Person or Persons, claiming Title under or by virtue of any Grant from the Crown, any thing herein contained to the contrary notwithstanding.

This Act not to affect Jurisdiction of Court of Exchequer.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Power, Jurisdiction, or Authority of the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer as to the said Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, and Estreats, or any Process or Proceedings thereon.

Act not to affect Rights of County Palatines or of City of London.

XXXIX. Provided always, and be it enacted, That nothing herein contained shall extend or be prejudicial to the Rights, Liberties, or Privileges of the King's most Excellent Majesty, His Heirs and Successors, in Right of His Duchy or County Palatine of *Lancaster* or Duchy of *Cornwall*, or the Duke of *Cornwall* when there shall be a Duke of *Cornwall*, or to the Rights, Liberties, or Privileges of the Prince Bishop of *Durham* and the County Palatinate of *Durham*, or to the Rights, Customs, Liberties, Privileges, Charter or Charters of the City of *London*, but that the same Rights and Privileges shall be enjoyed and used as fully to all Intents and Purposes as before the passing of this Act.

Rights of the City of Chester saved.

XL. Provided also, and be it further enacted, That nothing herein contained shall extend to or prejudice the Rights, Liberties, and Privileges of the City and County of the City of *Chester*, but that the Sheriffs thereof shall and may account and obtain their Quietus in like Manner as hath heretofore been accustomed.

Lord Treasurer's Remembrancer and other Offices in

XLI. And whereas many of the Duties and much of the Business of the Lord Treasurer's Remembrancer and Clerk of the Pipe, and the Offices connected therewith, in His Majesty's Court of Exchequer, have been transferred to other Offices, or have ceased, or on the

passing of this Act will cease; and other Duties have become obsolete; and it is expedient that the said Offices and other Offices connected therewith should be abolished, and the Duties thereof remaining hereafter to be performed be transferred to and performed by His Majesty's Remembrancer of the said Court; be it therefore enacted, That from and after the Tenth Day of *October* next the several Offices in His Majesty's Court of Exchequer hereafter mentioned; namely, of Lord Treasurer's Remembrancer, together with the Filacer, Secondaries, Deputy Remembrancer, and Sworn and other Clerks and Bagbearer belonging thereto; of Clerk of the Pipe, Deputy Clerk of the Pipe, Controller and Deputy Controller of the Pipe, Secondaries, Attornies, or Sworn and other Clerks and Bagbearer in the said Office of the Pipe; of Clerk of the Estreats; of Surveyor of the Green Wax; of the Foreign Apposer and Deputy Foreign Apposer, and of Clerk of the Nichills, shall wholly cease and determine. Exchequer abolished.

XLII. And whereas it may be reasonable and fit that Compensation should be made to the Persons now holding the Offices hereinbefore mentioned and hereby abolished, and to the other Officers of the said Court whose lawful Fees and Emoluments shall be taken away or diminished by this Act, for the Loss thereof; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Warrant under their Hands, to order and direct that such annual or other Compensation shall be made to the Persons now holding the Offices hereby abolished, and to the other Officers of the said Court of Exchequer whose lawful Fees and Emoluments are diminished by this Act, for any Loss thereof which they will respectively sustain by reason of the Provisions of this Act, as to the said Commissioners of the Treasury in their Discretion shall seem just and reasonable; and all such Compensations, whether annual or in gross, shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of all such Compensations shall within Fourteen Days next after the same shall be so granted be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following. Compensation to Officers.

XLIII. And be it further enacted, That for the better enabling the Commissioners of His Majesty's Treasury to form a correct Judgment of the Nature and Amount of the Compensations which it may be reasonable and proper to make to the said Officers whose Fees may be taken away or diminished as aforesaid, for the Loss thereof, it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall see fit, from Time to Time to refer all or any Claims for such Compensation to the Examination and Consideration of the Commissioners appointed or to be appointed under and by virtue of an Act passed in the First Year of His present Majesty's Reign, intituled *An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common* Power to Treasury to refer to the Commissioners for Compensation. 1 W. 4. c. 58.

Common Law, and also by virtue of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to explain and amend an Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law*; and such last-mentioned Commissioners, in all such Cases so referred to them, are hereby authorized and required to inquire and certify, in the Manner directed by the said last-mentioned Acts, the gross and net annual Value of the lawful Fees and Emoluments of every such Officer or Person whose Claim to Compensation shall be referred to them as aforesaid, so that the Account of such Fees and Emoluments be taken in respect of or for Ten Years, or such other Time as the Case may require, next preceding the First Day of *January* One thousand eight hundred and thirty-three, instead of preceding the Twenty-fourth Day of *May* One thousand eight hundred and thirty.

1 & 2 W. 4. c. 35.

Claimants to be liable to Provisions of 1 W. 4. c. 58. and 1 & 2 W. 4. c. 35.

XLIV. And be it enacted, That the Officers and Persons claiming Compensation under and by virtue of this Act shall, for the Purpose of such Inquiry and Certificate as aforesaid, be subject and liable to all such Enactments, Rules, Penalties, Matters, and Things as or to which the Persons claiming Compensation under and by virtue of the said Two last-recited Acts are thereby made subject and liable.

Records, &c. to be transferred to the King's Remembrancer, subject to Order.

XLV. And be it further enacted, That the several Records, Books, and other public Documents of and concerning the Duties and Business of the said Offices so abolished as aforesaid shall upon or immediately after the said Tenth Day of *October* be delivered by the several Officers or Persons having Custody of the same into the Hands and Care of the King's Remembrancer of the said Court of Exchequer, to be by him preserved and kept; subject nevertheless to such Rules, Orders, and Regulations as the Lord Chief Baron and the other Barons of the Court of Exchequer, and the Lord High Treasurer, or any Three of the Commissioners of His Majesty's Treasury, shall or may from Time to Time ordain or make touching the same.

Process and future Proceedings by King's Remembrancer.

XLVI. And be it further enacted, That from and after the said Tenth Day of *October* all Process and other Proceedings, Charges, Discharges, Estreats, Matters, and Things usually issued, done, had, received, filed, recorded, or taken by the Officers whose Offices are hereby abolished, or any of them, which shall from thenceforth be by Law required or needful to be issued, done, had, received, filed, recorded, or taken, shall and may be issued, done, had, received, filed, recorded and taken by His Majesty's Remembrancer of the said Court of Exchequer, or by the Officers in his Office by and under his Direction, according to the Course and Practice thereof, as fully and effectually to all Intents, Constructions, and Purposes as the same might or could have been issued, done, had, or taken by the said Officers whose Offices are hereby abolished before the passing of this Act; subject nevertheless to all such Rules, Orders, and Regulations as shall or may be made from Time to Time for regulating or discontinuing the same by the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer, and which they are hereby

authorized to make and ordain accordingly: Provided always, that the Accounts of His Majesty's Revenue of Excise shall be enrolled once only by or in the said Office of His Majesty's Remembrancer.

Searches may be made and Copies taken, which shall be as available as heretofore.

XLVII. And be it further enacted, That Searches may be made, and Copies or Extracts of and from the said Records, Books, and Documents shall and may be had and taken, at such Times and in such Manner and upon Payment of such Fees as the Lord Chief Baron and the other Barons of the said Court of Exchequer, together with the Lord High Treasurer or the Commissioners of His Majesty's Treasury, shall or may direct; and all such Copies or Extracts signed and authenticated by His Majesty's Remembrancer, or such other Person or Persons as shall or may be appointed by him for that Purpose, shall be as available in Evidence, and as valid and effectual, to all Intents and Purposes, as the same would by Law have been if the same had been signed, authenticated, and given before the passing of this Act by the Officers whose Offices are hereby abolished, or any of them.

SCHEDULE to which this Act refers.

At the Court at the
Day of present, the King's most
Excellent Majesty in Council.

To *A. B.* of, *et cetera.*

WHEREAS His Majesty was this Day pleased, by and with the Advice of His Privy Council, to nominate and appoint you for and to be Sheriff of the County of during His Majesty's Pleasure: These are therefore to require you to take the Custody and Charge of the said County, and duly to perform the Duties of Sheriff thereof during His Majesty's Pleasure; and whereof you are duly to answer according to Law.

Dated this Day of

By His Majesty's Command,
C. D.

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