ANNO DECIMO QUARTO & DECIMO QUINTO

# VICTORIÆ REGINÆ.

**************************************************

## CAP. XC.

## An Act for the better Collection of Fines, Penalties, Issues, Amerciaments, and forfeited Recognizances in *Ireland*. [7th *August* 1851.]

WHEREAS it is expedient to make Provision for the better Collection and Application of Fines, Penalties, Issues, Amerciaments, and forfeited Recognizances in *Ireland*: Be it therefore declared and enacted by the Queen'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 —

Officers who shall enter and account for Fines, &c.

I. The proper Officers to make Entries and render Accounts of all such Penal Sums as aforesaid for the several Courts by which such Penal Sums shall be ordered to be paid shall be the several Officers or Persons herein-after mentioned; *viz.*

1. The Clerk of the Crown for the Crown Side of the Court of Queen's Bench and for the Crown Court at Assizes;
2. The Clerk of the Rules for the Courts of Common Pleas and Exchequer, and for the Civil Side of the Court of Queen's Bench, and for the Civil Court at Assizes;
3. The Clerk of the Peace for Quarter Sessions;

4. The Chief Clerk or such other Clerk as shall be deputed by the Justices for that Purpose for each Divisional Police Office of *Dublin* Metropolis;
5. The Clerk of Petty Sessions for each Petty Sessions;
6. And the Person at any other Court whose Duty it shall be to attend and make Entries of the Proceedings:

And the Provisions herein-after contained shall severally apply to such respective Officers and Persons, or their legally authorized Deputies (if any), as fully as if the more particular Designation of each of such Officers, Persons, or Deputies was repeated in each Provision.

*Entry of Fines.*

II. Whenever an Order shall be made by any Court or other authorized Person for the Imposition or Levy of any such Penal Sum as aforesaid, the said Officer of the Court shall proceed as follows:

All Fines, &c. to be entered in a Book.

1. He shall forthwith enter the Particulars of the said Order in a Book (Form A.) to be by him kept for that Purpose, and shall afterwards from Time to Time make such further Entries in the said Book as may be necessary for the Purpose of accounting for the said Sums:

In case of Fines upon Jurors, Officer to send Notice.

2. In every Case where a Fine shall be imposed upon any Person for Non-attendance as a Juror, he shall, within Fourteen Days after the End of the Term, Assizes, Quarter Sessions, or Sittings of the Court at which such Fine shall have been imposed, send a Notice by Post to such Person, addressed to his usual Place of Residence, informing him of the Imposition of such Fine, and that if not paid within Thirty Days from the Date of such Notice a Warrant will be issued for the Levy of the same:

Judge's Register to certify Fines to Clerk of Rules for Entry.

And in order to enable the Clerk of the Rules of the Superior Courts the better to discharge the Duty required of him under this Act, the Judge's Register or other Person who shall act as Clerk at Nisi Prius at the Nisi Prius Sittings of any of the said Superior Courts, or in the Civil Court at Assizes, shall, within Seven Days after the Termination of the said Nisi Prius Sittings or of the said Assizes, as the Case may be, certify under his Hand to the Clerk of the Rules of the Superior Courts in which the Proceedings in the Case shall have been had, the Particulars of any Penal Sum which shall have been imposed or ordered to be levied by the said Court in such Case, and said Certificate shall be a sufficient Authority to the said Clerk of the Rules to do all Acts for the Entry and Levy of the same which he could or ought to do in case such Penal Sum had been imposed or ordered to be levied by such Superior Court.

III. In

*Issue of Warrants.*

Warrants for the Execution of Orders to be issued at certain Periods.

III. In all Cases where an Order shall have been made for the Imposition or Levy of any such Penal Sum as aforesaid, the Court, or the Justice, or the Officer competent so to act, as the Case may be, shall (unless where the same shall have been remitted by the Crown or other proper Authority) issue the proper Warrant for the Execution of such Order at the following Periods; *viz.*

1. In case of any Fine imposed upon any Person for Non-attendance as a Juror, within One Week from the Expiration of Thirty Days after Notice of same shall have been sent to such Person by Post as herein-before directed:
2. In case of any Order for the Imposition or Levy of any such Penal Sum by the Justices of the Divisional Offices of Police of *Dublin* Metropolis, within One Week from the making of such Order:
3. In case of any like Order by a Justice at or out of Petty Sessions, at such Time as shall be directed by "The Petty Sessions Act, *Ireland*, 1851:"
4. In all other Cases, within Fourteen Days from the making of the Order:

Form, &c. of Warrant, and Power to imprison in default of Distress, to be as in Petty Sessions Act.

And it shall be lawful for the Court or Officer by whom any such Warrant shall be issued to use the like Form of Warrant as is authorized by the said Petty Sessions Act for any Warrant of Distress issued by a Justice at Petty Sessions, and also to direct by such Warrant that in default of Distress for the Sum therein directed to be levied, the Person against whose Goods such Warrant shall be issued shall be committed to Gaol for the like Period for which any Person might be imprisoned in any like Case in default of Distress under the Provisions of the said Petty Sessions Act: Provided always, that after this Act shall come into operation no Warrant or Process shall be issued to any Sheriff to levy the Amount of any forfeited Recognizance, or of any other Fine or Penalty whatsoever, but only to the Constabulary or *Dublin* Metropolitan Police, as the Case may be; but in every Case where any Court shall impose any Fine upon any Person for Nonattendance as a Juror, or shall direct any Issues to be levied, the Process for levying the same shall be addressed to the Sheriff of the County, and such Sheriff shall account for the same, in like Manner as he shall be by Law bound to account for any other Sums coming into his Hands as Sheriff, before the proper Officer of the Court of Exchequer by whom Sheriffs Accounts shall be audited and declared, and shall from Time to Time, when directed so to do by the Chief or Under Secretary to the Lord Lieutenant, pay over the Amount of any such Jurors Fines so to be levied by him to the Credit of the same Fund, and to be applied to the same Purposes to which any Fines imposed at Petty Sessions, and awarded to the Crown, shall be by Law payable and applicable.

Sheriffs not to levy Fines;

but Issues to be levied by Sheriffs.

IV. The

*Addressing Warrants.*

IV. The Manner in which Warrants issued to the Constabulary or *Dublin* Metropolitan Police for the Levy of any Penal Sums under this Act shall be addressed shall be subject to the following Provisions:

To whom Warrants shall be addressed:

From Courts in Dublin to the Commissioners of Police:

1. All such Warrants for the Levy of any such Penal Sums as aforesaid (not being Issues), ordered to be levied by any of the Superior or other Courts within the Police District of *Dublin* Metropolis (other than the Divisional Police Offices), shall be addressed to the Commissioners of Metropolitan Police:

From Divisional Offices to Office Sergeant:

2. All such Warrants issued from the said Divisional Police Offices shall be addressed to the Office Sergeant, or such other Member of the said Police Force as the said Commissioners shall appoint for that Purpose:

From other Courts to Sub-Inspector of Constabulary.

3. All such Warrants issued from any Court in *Ireland* not being within the Police District of *Dublin* Metropolis, shall be addressed to the Sub-Inspector of Constabulary who shall act for the Place in which such Court shall be situated:

4. All such Warrants issued by any Justice or Justices out of Quarter Sessions shall be addressed as required by the said Petty Sessions Act:

Warrants to be executed, certified, and backed as under Petty Sessions Act.

And the several Provisions of the said Petty Sessions Act as to the certifying, indorsing, executing, or returning any Warrant issued by a Justice at Petty Sessions, and as to the selling of any Distress or otherwise acting thereunder, shall also apply to any like Warrant issued by any Court Officer, or Divisional Justice under the Provisions of this Act, and to the selling of any Distress or otherwise acting thereunder; and in the Application of the said Provisions of the said Petty Sessions Act to any such Warrants issued within the said Police District of *Dublin* Metropolis, whatever may be done by any Head or other Constable in executing any Warrant addressed to any Sub-Inspector shall and may be done in any like Case by any Member of the said Police Force (to be named by the said Commissioners or Divisional Justices) in executing any such Warrant, addressed either to the said Commissioners or to any other Member of the said Police Force; and whatever may be done by any Sub-Inspector in certifying any Warrant to the Inspector General of Constabulary may be done by the Office Serjeant or other Member of the said Police Force to whom such Warrant shall be addressed, in certifying the same to the said Commissioners; and whatever may be done by the said Inspector General, or by either of the Deputy Inspectors General of Constabulary, in indorsing any Warrant certified by any Sub-Inspector, may be done by the said Inspector or Deputy Inspector General in indorsing any Warrant, which shall be so certified to the said Commissioners, or which shall be addressed to the said Commissioners in the first instance; provided that such Warrant shall

have been first indorsed by One of the said Commissioners, and then transmitted by them to the said Inspector General.

V. The Manner in which all such Penal Sums as aforesaid shall be collected shall be as follows: *Collection of Fines.*

1. In every Case where any such Sums shall be levied under a Warrant, the Sub-Inspector or the said Commissioners or Office Sergeant, as the Case may be, to whom the said Warrant shall be addressed, transmitted, or indorsed for Execution, as herein-before provided, shall either pay over the Amount direct to the said Officer of the Court from which the said Warrant was issued, or shall transmit the same to the said Officer through the Person to whom the said Warrant was addressed in the first instance, according as he shall be directed by the Chief or Under Secretary to the Lord Lieutenant: *If levied under Warrants, to be paid over to Officer of Court.*
2. In every Case where such Sums shall be paid to the Keeper of any Gaol or Bridewell he shall indorse on the Warrant of Committal the Amount and Date of Payment, and shall within Fourteen Days, or within such other Period as the Chief or Under Secretary shall direct, pay over the Amount to the said Officer of the Court from which the Warrant was issued; and the Board of Superintendence shall at least once in every Month in the Case of each Gaol, and the Justices of the Petty Sessions District shall at least once in every Three Months in the Case of each Bridewell, and any other Person or Persons duly authorized by the said Chief or Under Secretary in that Behalf shall at any other Times, examine the Prison Books, and shall require to see the Receipt of the Officer of the Court from which the Warrant was issued, in each Case in which it shall appear that the Person committed was discharged before the Expiration of the Period for which he was committed, and shall also compare the Sum mentioned in such Receipt with the Amount in the Warrant of Committal, and shall certify in the said Books that such Receipt has been produced to him or them, and that such Sums correspond, or otherwise, as the Case may be: *If paid to Gaoler, to be paid over within certain Period to Officer of Court.* *Board of Superintendence or Justices to compare Receipts and Warrants with the Gaol Books.*
3. In every Case where any such Penal Sums shall be paid in Court or to the said Officer of the Court (before the Issue of a Warrant), or shall be so paid over or transmitted to the said Officer of the Court (after the Issue of a Warrant), he shall receive the same, and shall at the Time deliver or transmit a Receipt for the same in the Form (B. a. or b.) to the Person by whom the same shall be so paid or transmitted: *Officer to receive all Fines.*
4. The said Officer shall out of the Sums so received pay to the several Parties such Portion of the same as shall have been awarded to them by the Court, and which shall be claimed by *Officer to pay Parties.*

them either in Court or at the public Office of the said Officer, taking from each of such Parties a Receipt for the same in the Form (B. c.):

Penalty on any Persons but the proper Officers or their legal Deputies for receiving Fines, &c.

And it shall not be lawful for any Person, other than the said Officers herein-before mentioned respectively, or their lawfully authorized Deputies, if any, save the Person to whom any Warrant shall be delivered for Execution, or the Keeper of any Gaol or Bridewell to which the Defendant shall be committed, as the Case may be, to receive any such Penal Sum as aforesaid, or any Part of the same; and if any other Officer or Person than the several Officers or Persons herein-before mentioned respectively shall take or receive any such Sum, or any Part of same, from the Person by whom the same shall be ordered to be paid, he shall, on Conviction thereof before any Two Justices of the County sitting in Petty Sessions, forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

*Accounts of Fines.*

VI. The Manner in which all such Penal Sums as aforesaid shall be accounted for shall be as follows:

Chief or Under Secretary may make general Regulations as to Accounts.

1. It shall be lawful for the said Chief or Under Secretary to make such general Regulations as shall seem expedient for carrying into effect the Provisions of this Act, for the better Collection of all said Sums, and the regular accounting for the same by all Persons into whose Hands the same shall come; and such Persons shall keep and render Account of said Sums in such Forms, and shall pay over said Sums, and transmit for Examination said Warrant or Receipt, at such Times and in such Manner as shall be directed by such general Regulations, or as shall be at any Time specially required by the said Chief or Under Secretary; and it shall also be lawful for the said Chief or Under Secretary to make such general Regulations as shall seem expedient for the Examination, checking, or countersigning of any of such Accounts by any of the Sub-Inspectors, Inspectors, or other Members of the Constabulary or Police Forces, as the Case may be:

Declaration that Accounts are correct.

2. And to every such Account shall be annexed a Declaration in Writing under the Hand of the said Officer, to be made before a Justice, affirming the Truth and Accuracy of such Account; and every such Officer who shall make any such Declaration, knowing the said Account to be false in any Particular, and being thereof convicted, shall, in addition to any Penalty to which he may be liable under the Provisions of this Act herein-after contained, be also liable to the Penalties of wilful and corrupt Perjury:

Mode of enforcing Payment of

And if Default shall at any Time be made by any such Officer or Person in paying over any Balance on such Accounts, or any of such Penal Sums received by him, at such Times as the said Chief

or

or Under Secretary shall direct, it shall be lawful for the said Chief or Under Secretary to certify such Default to any Two Justices of the County, who shall thereupon issue the proper Warrant for the Levy of such Balance or Sums as shall have been so certified to be due by such Officer or Person, by Distress and Sale of his Goods and Chattels. Balances or Sums.

VII. In every Case in which a Fine shall not be imposed by any Court of Justice, but by some public Officer or Person legally authorized in that Behalf, such Officer or Person shall make such Entries and render such Accounts of same, and shall pay over such Fine or Balance of Fines, according to Law, in such Manner and at such Times as the said Chief or Under Secretary shall from Time to Time direct and require. Mode of accounting by Officers not being Officers of Courts of Justice.

*Penal Clause.*

VIII. Any of the Officers or Persons herein-after mentioned who shall commit any of the Offences or Neglects herein-after mentioned, and who shall be convicted thereof before any Two Justices of the County sitting in Petty Sessions, or at One of the said Divisional Police Offices, shall be liable to forfeit for every such Offence or Neglect any Sum not exceeding Twenty Pounds; (that is to say,) Penalties for Non-observance of Provisions of Act.

1. Any such Officer or Person who shall at any Time make default in making true and correct Entries of all such Penal Sums as aforesaid, or in rendering due Accounts of all such Sums passing through his Hands, or in paying over the same, at such Times and in such Manner as shall be required under the Provisions of this Act: Officers of Courts.
2. Any Member of the Constabulary or Metropolitan Police Forces by whom any Warrant shall be executed, who shall neglect to pay over the Amount received or levied thereunder, or to account for such Levies, at such Times and in such Forms and with such Vouchers as shall be required under the Provisions of this Act: Constabulary or Metropolitan Police.
3. Any Keeper of any Gaol or Bridewell who shall neglect or refuse to pay over any Sum so as aforesaid received by him to the Officer of the Court from which the Warrant shall have been issued, or to transmit any such Receipts or Warrants, or to account for the same, at such Time and in such Manner as shall be required under the Provisions of this Act: Keepers of Gaols.
4. Any such Officer or Person as aforesaid, or any other Person, having any Duty to perform under the Provisions of this Act, who shall wilfully neglect or refuse to perform the same: Other Persons.

And the said Justices sitting as aforesaid are hereby authorized to impose the said Penalties; and a Certificate by the said Chief or Under Secretary of such Neglect or Refusal shall be *primâ facie* Evidence of the same in any such Proceeding before such Justices.

IX. It

*Appeals.*

Appeal against Imposition of Fine, &c. may be made to Court of Assize or Quarter Sessions, &c.;

IX. It shall be lawful for any Person against whom any Order shall be made for Payment of any such Penal Sum as aforesaid by any such Court or Officer as aforesaid, exceeding the Sum of Forty Shillings, and in Cases of Fines upon Jurors whatever the Amount may be, to appeal for the Reduction or Remission thereof by Petition to the Court of Assizes which shall be held next after such Order shall be made if the same shall be made at Assizes, or to One of the Superior Courts of Law in *Dublin* at the next Term if the same shall be made by a Superior Court, or to the Court of Quarter Sessions of the County which shall be held next after such Order shall be made if the same shall have been made at Quarter Sessions, or to the Recorder of *Dublin* at his next Sessions if the same shall have been made at any of the Divisional Police Offices of *Dublin* Metropolis, or to the next Quarter Sessions to be held in the same Division of the County where the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder of any Corporate or Borough Town where the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case it may be made to the next succeeding Sessions to be held for such Division or Town); and such Appeal, when made against any Order by the said Divisional Justices or by any other Justice upon Summary Conviction, shall be subject in all respects to the Provisions of the said Petty Sessions Act, but in every other Case it shall be made by Petition to the Court which shall have Power to entertain the Appeal, and shall be subject to the Provisions following:

but subject to following Provisions.

Appellant to enter into Recognizance to appeal.

To lodge Certificate of Justice.

1. The Person so entitled to appeal shall not exercise such Right unless he shall enter into a Recognizance (Form C.), with Two Sureties, in double the Amount of the Sum ordered to be paid, before any Justice, conditioned for the due Prosecution of such Appeal, and unless he shall also lodge with the Officer of the Court a Certificate (Form D.) under the Hand of the Justice by whom such Recognizance shall have been taken, and which Certificate any such Justice is hereby required to give, that such Person has duly entered into such Recognizance:

In such Case no Warrant to be issued;

or, if issued, not to be executed until Decision of Appeal.

2. In every Case where such Certificate shall be so lodged with the said Officer he shall suspend the Issue of any Warrant to execute the said Order until such Appeal shall have been decided, or until the Appellant shall have failed to prosecute the same, as the Case may be, or if such Warrant shall have been issued he shall direct the Person to whom it was addressed to suspend its Execution for the like Period; and in every Case where such Warrant shall have been issued the Person to whom

whom it was addressed shall, either upon being so directed by the said Officer, or upon the said Certificate being produced to him, suspend its Execution for the like Period; and in every Case where the Person against whom any such Warrant shall be issued shall be in Custody, or shall have been committed to Gaol under the same, the Court by which the Order shall have been made, or the Officer by whom the Warrant shall have been signed, shall, upon Application being made to him in that Behalf, forthwith order his Discharge:

Party, if in Custody or Gaol, to be discharged.

3. In every Case where an Appeal shall be so made the Judges of the said Superior Courts, Judge of Assize, or Assistant Barrister, or Recorder, as the Case may be, shall and are hereby severally authorized to hear the Matter of the said Petition, and to make such Order thereon for confirming the original Order, or for reducing or wholly remitting the Fine or other Penal Sum, as may seem fit under all the Circumstances of the Case; and the proper Officer of such Court of Appeal shall thereupon certify the said Order under his Hand to the Officer of the Court by which the original Order shall have been made, who shall forthwith issue a Warrant for the Execution of same, if no Warrant shall have been already issued, or shall indorse the same on the Warrant if a Warrant shall have been already issued, and direct the Person to whom it shall have been addressed to proceed in its Execution, or otherwise according to such Indorsement; and in every Case where such Appeal shall be dismissed, or shall not be duly prosecuted, the said proper Officer of the Court of Appeal shall so certify under his Hand to the Officer of the Court by which the original Order shall have been made, who shall thereupon proceed as if no such Appeal had been made:

Court of Appeal may entertain Appeal.

Order of Court of Appeal to be certified by its Officer.

Execution of Order of Court of Appeal.

Execution when Appeal dismissed or not prosecuted.

4. In every Case where any Fine shall be imposed on any Person for Non-attendance as a Juror, and the Order imposing such Fine shall not be reversed upon any such Appeal, it shall be lawful for such Person in like Manner to make a further Appeal to One of the Superior Courts of Law in *Dublin*, during the Term next after such first-mentioned Appeal shall have been decided, and it shall be lawful for such Court to hear and determine such Appeal; and the several Provisions hereinbefore contained as to the Suspension and subsequent Execution of any Warrant for the Levy of such Fine shall also apply to such last-mentioned Appeal in like Manner as to such first-mentioned Appeal:

In Cases of Jurors Fines, Party may have further Appeal to Superior Courts.

Provided always, that nothing herein contained shall be deemed in any way to limit or restrain the Lord Lieutenant, or the Lords Commissioners of Her Majesty's Treasury, or the Commissioners of Inland

Not to interfere with the Prerogative of Crown, &c.

Inland Revenue, from reducing or remitting any Fine or Sum imposed or ordered to be levied which by Law he or they may be in any way authorized to reduce or remit.

Estreat of Recognizances. On Proof of Nonperformance of Condition Court may order Levy of Recognizance so forfeited.

X. In every Case where any Person who shall enter into a Recognizance to keep the Peace, or to appear to answer to any Complaint as to an Indictable Offence, or to prosecute or give Evidence in any Case of an Indictable Offence, or to perform the Duties of Petty Sessions Clerk, shall in any Manner fail to perform the Condition of such Recognizance, it shall be lawful for the several Assistant Barristers, Recorders of Cities or Boroughs, and for the Chairman of Quarter Sessions of the County of *Dublin*, as the Case may be, upon Conviction of such Person of any Offence that shall be a Breach of the Condition of the said Recognizance, or upon the Production of a Certificate thereof, signed and attested by the proper Officer in that Behalf, that the Person so bound by Recognizance had failed to perform the Condition of the same, to order that such Recognizance shall be forfeited to such Amount as such Assistant Barrister, Recorder, or Chairman shall think fit, and to direct a Warrant to issue to levy such Amount in like Manner as other Penal Sums are directed to be levied by this Act: Provided always, that Proof shall be first made on Oath before such Assistant Barrister, or Recorder, or Chairman, that Notice in Writing has been given to or left at the usual Place of Abode of the Party or each of the Parties, if there be more than One, against whom it shall be sought to put such Recognizance in force, Seven Days at the least before the Commencement of the Sessions at which such Application shall be made, and such Notice shall state in Substance the Cause or Matter on which it is intended to sustain the Application.

Proof of Notice to be first given.

*Forms of Procedure.*

Forms in the Schedule deemed valid. Form of Book may be extended.

XI. The Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law: Provided always, that it shall be lawful for the Chief or Under Secretary to the Lord Lieutenant from Time to Time to alter the said Form of Book (A.) so far as to introduce into it such further Particulars as may be necessary in order to adapt it to any State of Facts either new or not provided for therein.

Receipts not to be subject to Stamps.

XII. No Receipt, Voucher, Document, or Instrument required to be given, made, or provided in pursuance of the Provisions of this Act shall be subject to or chargeable with any Stamp Duty payable to the Crown.

Appropriation of Fines and Penalties;

XIII. In every Case where the Act under which any Penal Sum shall be ordered to be paid as a Penalty for an Offence (and no Sum

shall be awarded to the Complainant as Compensation for Damage), it shall be lawful for the Court to award any Sum not exceeding One Third of such Penalty to the Prosecutor or Informer, and the Remainder of such Penalty and all other Penalties shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to alter the Appropriation or Application of any Fine or Penalty imposed at any of the Divisional Police Offices of *Dublin* Metropolis or by the Justices in any Corporate Town, and payable to any Borough Fund, but the same shall continue to be appropriated and applied as is now by Law authorized, and shall be paid over to the same Purposes from Time to Time in such Manner and at such Times as the Chief or Under Secretary to the Lord Lieutenant shall direct.

*Application of Fines.*

but not to apply to Fines at Divisional Police Offices.

XIV. All Fines or Penalties payable to the Crown, not being Fines or Penalties imposed at any of the said Divisional Police Offices or by the Justices in any Corporate Town as aforesaid, and the Amount levied under any forfeited Recognizance, shall be from Time to Time lodged in the Bank of *Ireland* by the said several Officers into whose Hands the same shall come, in such Manner as shall be from Time to Time directed by the Chief or Under Secretary to the Lord Lieutenant, to the Credit of the same Fund and for the same Purposes to which all Fines and Penalties payable to the Crown are now by Law directed to be lodged.

Crown Fines, &c. to be lodged in Bank.

XV. It shall be lawful for the Lord Lieutenant to charge the said Fund with the Payment of such Expenses as may be necessarily incurred in the Examination of the Accounts to be rendered under the Provisions of this Act, and in the Supply of Books for the Entry of Orders at Petty Sessions, and in otherwise carrying the Provisions of this Act and of the said Petty Sessions Act into effect.

Lord Lieutenant to charge Expense of Audit on the Fund.

*Miscellaneous Provisions.*

XVI. The several Chief Clerks of the said several Divisional Police Offices, or such other Clerks as may be deputed as aforesaid at the said Divisional Police Offices, shall give such Security for the proper accounting for all Fines or other Monies which may pass through their Hands, under the Provisions of this Act, as the said Chief or Under Secretary shall direct, in like Form and Manner as is required to be given by each Clerk of Petty Sessions under the Provisions of the said Petty Sessions Act.

Clerks of Divisional Offices to give Security.

XVII. An Abstract Account of all Fines and other Penal Sums accounted for under the Provisions of this Act shall be annually laid before both Houses of Parliament as soon as the Accounts for each Year shall have been examined and declared.

Annual Account to be laid before Parliament.

XVIII. In

*Miscellaneous Provisions.*

Interpretation of Terms.

XVIII. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City," "County of a Town," or "Riding of a County;" the Words "Lord Lieutenant" shall include any other "Chief Governor or Governors of *Ireland*;" the Word "Justice" shall mean Justice of the Peace, and include a Justice of the Divisional Police Office of *Dublin* Metropolis; the Word "Gaol" shall include any "House of Correction" or "Bridewell" or other legal Place of Imprisonment of the County; the Words "Keeper of the Gaol" shall include the Governor, Gaoler, or other Keeper of any such Gaol or Bridewell; the Word "Goods" shall include "Chattels;" and the Word "Oath" shall include "Affirmation;" and the Reference to Forms by Letters shall be deemed to be to the Forms in the Schedule to this Act.

Fines and Penalties Act, 6 & 7 Vict. c. 56. repealed.

XIX. From and after the Commencement of this Act a certain Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, shall be and the same is hereby repealed, together with all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act, except as to any Matter which shall have occurred before the passing of this Act, or any Accounts or Proceedings now pending to which the same or any of them are applicable.

Short Title.

XX. In citing this Act in other Acts of Parliament, or in any legal or other Instruments or Proceedings, it shall be sufficient to use the Expression "The Fines Act (*Ireland*), 1851."

Commencement of Act.

XXI. This Act shall commence and take effect upon the First Day of *November* One thousand eight hundred and fifty-one.

Act to extend to Ireland only.

XXII. This Act shall extend to *Ireland* only, except so far as relates to the backing and Execution of Warrants.

Schedule to be Part of Act.

XXIII. The Schedule to this Act annexed shall be deemed and understood to be Part of this Act.

SCHE-

# SCHEDULE.

## FORM (A.)—OFFICERS FINES ACCOUNT BOOK.

County of _____ Court of _____

| Month of | PARTIES. | NATURE OF CASE. | SUMS AWARDED. | | | | COLLECTION OF FINES, &c. | | | | | | | | | | | | ACT UNDER WHICH FINE IMPOSED. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | If Warrant issued. | | | | Account by Officer of Sums paid in Court, or paid over to him by Constabulary, Gaolers, &c. | | | | | | | | | |
| | | | | | | | | | | | Receipts. | | | | Payments. | | | | | |
| No. in Order Book (for the Month). | —— *Pltff.* v. —— *Deft.* | | To whom. | Amount to each. £ | s. | d. | To whom addressed. If committed, to what Gaol. Date when issued. | For what Amount. £ | s. | d. | From whom. | Date. | Amount. £ | s. | d. | To whom. | Date. | Amount. £ | s. | d. | | |
| | | | *Crown* - *Complainant Costs* - | | | | | | | | | | | | | | | | | | |

10 Z

FORM (B.)—RECEIPTS.

(B a.) Receipt for Sums paid to Officer of Court by Parties.

_____ *Plaintiff.* } Court of _____
_____ *Defendant.* } County of _____

I have received from *C. D.* the Sum of under an Order of the above Court, made on the Day of

Sum, £ : :
Costs, £ : :

Signed _____
Officer of said Court of
This Day of 185 .

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(B b.) Receipt for Sums paid to Officer of Court by Gaolers.

_____ *Plaintiff.* } Court of _____
_____ *Defendant.* } County of _____

I have received from Keeper of [Gaol] at the Sum of stated to be the Sum in a Warrant under which *C.D.* was committed on the Day of under the Order of the above Court to the said Gaol.

Sum, £ : :
Costs, £ : :

Signed _____
Officer of said Court.
This Day of 185 .

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(B c.) Receipt for Sums paid to Parties by Officer of Court.

_____ *Plaintiff.* } Court of _____
_____ *Defendant.* } County of _____

I have received from the Officer of the above Court, the Sum of awarded to me on the Day of .

Sum, £ : :
Costs, £ : :

Signed _____
Witness _____
of Constabulary.
This Day of 185 .

FORM (C.)—RECOGNIZANCE.

_____ *Plaintiff.* } Court of _____
_____ *Defendant.* } County of _____

Whereas an Order was made on the Day of by the above Court, That (1)

(1) Order of Court against which Party appeals.

The undersigned principal Party to this Recognizance hereby binds himself to perform the following Obligation; viz.

To attend the (2)

(2) *the Court of Assizes, or Quarter Sessions, or other Court of Appeal.*

to be held at on the Day of at o'Clock in the Forenoon, and there to prosecute his Appeal against the said Order.

And the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following; viz., the said principal Party the Sum of and the said Sureties the Sum of each, in case the said principal Party fails to perform the above Obligation.

Signed { _____ Principal Party. _____ } Sureties. _____

Taken before me, this Day of at
Signed _____ Justice.

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I certify, That the said has not performed the above Obligation. Certificate of Forfeiture.

Signed _____
This Day of 185 .

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I order, That the Sum of be levied off the Goods of the said Order to estreat. principal Party, and the Sum of off the Goods of each of the said Sureties.

Signed _____
This Day of 185 .

FORM (D.)—CERTIFICATE OF RECOGNIZANCE TO APPEAL.

_____ *Plaintiff.* } Court of _____
_____ *Defendant.* } County of _____

Whereas an Order was made by the Court of
on the Day of against
of

(1) Order of Court against which Party appeals.

To the following Effect; viz. (1)

I certify, That he has duly entered into a Recognizance in the Sum of with Two Sureties in the Sum of each, conditioned to prosecute his Appeal against the said Order.

Signed _____ Justice.
This Day of 185 .

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