ANNO TERTIO

GEORGII IV. REGIS.

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C A P. XLVI.

An Act for the more speedy Return and Levying of Fines, Penalties, and Forfeitures, and Recognizances estreated. [24th *June* 1822.]

WHEREAS an Act was passed in the Twenty-second and Twenty-third Years 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*, which Act was made perpetual by an Act passed in the Fourth and Fifth Years of the Reign of Their late Majesties *William* and *Mary*, intituled *An Act for reviving, continuing, and explaining several Laws therein mentioned, which are expired and near expiring:* And whereas an Act was passed in the Forty-first Year of His late Majesty *George* the Third, intituled *An Act for better Payment of Fines and Forfeitures imposed by Justices out of Sessions in* England: And whereas great Delays occur in the Return of Fines, Issues, Amerciaments, forfeited Recognizances, Sum and Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, by or before any Justices of the Peace, or at any General or Quarter Sessions of the Peace in that Part of the United Kingdom called *England:* And whereas such Delays impede the due Administration of Justice, as well as the Recovery of the Fines and Forfeitures due to the Crown thereupon, and it is therefore expedient that further Provision should be made for the speedy and regular Return of all such Fines, Issues, Amerciaments, forfeited Recognizances, and Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the

22 & 23 C. 2, c. 22.

4 & 5 W. & M. c. 24.

41 G. 3. c. 85.

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of *September* One thousand eight hundred and twenty-two, 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 relates to Fines, Issues, and Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, imposed and adjudged at any Quarter Sessions of the Peace; and also that such Part of the aforesaid Act of Their late Majesties *William* and *Mary*, as makes perpetual the aforesaid Provisions contained in the said Act passed in the Twenty-second and Twenty-third Year of the Reign of His late Majesty King *Charles* the Second; and likewise so much of the said Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, as relates to the annual Payment of all Fines, Forfeitures, and Penalties, or such Parts thereof as shall be due to the King, imposed and received by any Justice out of Sessions, and not made payable to any Body or Bodies Corporate, or any Commissioners of any Public Board, or any other Person or Persons, into the Hands of the Sheriff previous to the *Michaelmas* Sessions; and also so much of the said Act of the Forty-first Year of the Reign of His said late Majesty King *George* the Third, as requires such Justices, previous to the *Michaelmas* Sessions yearly, to transmit to the Clerk of the Peace or Town Clerk where such Fine was imposed an Account in Writing of all such Fines, shall be and are hereby repealed.

So much of recited Acts as relates to Fines, &c. repealed.

II. And be it further enacted, That from and after the Twenty-ninth Day of *September* One thousand eight hundred and twenty-two, all Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them (save and except the same shall, by virtue of any Act or Acts of Parliament made, or to be made, be otherwise directed to be levied, recovered, appropriated, or disposed of), which already are or hereafter shall be set, imposed, lost, or forfeited by or before any Justice or Justices of the Peace, in that Part of the United Kingdom called *England*, shall be and are hereby required to be certified by the Justice or Justices of the Peace by or before whom any such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them, or any of them, shall be set, imposed, lost, or forfeited, to the Clerk of the Peace of the County, or Town Clerk of the City, Borough, or Place, in Writing, containing the Names and Residences, Trade, Profession, or Calling of the Parties, the Amount of the Sum forfeited by each respectively, and the Cause of each Forfeiture, signed by such Justice or Justices of the Peace, on or before the ensuing General or Quarter Sessions of such County, City, Borough, or Place respectively; and such Clerk of the Peace or Town Clerk shall copy on a Roll such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, together with all Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them imposed or forfeited at such Court of General or Quarter Sessions, and shall, within such

Statements of Fines, &c. to be forwarded to the Clerk of the Peace by the Justice by whom such Fine, &c. is imposed.

Clerk of the Peace to copy on a Roll such Fines, &c. at Quarter Sessions, and send a Copy of such Roll,

Time as shall be fixed and determined by such Court, not exceeding Twenty-one Days after the Adjournment of such Court, send a Copy of such Roll, with a Writ of *Distringas* and *Capias*, or *Fieri facias* and *Capias*, according to the Form and Effect in the Schedule marked (A.) annexed to this Act, to the Sheriff of such County, or the Sheriff, Bailiff, or Officer of such City, Borough, or Place having Execution of Process therein respectively, as the Case may be, which shall be the Authority to such Sheriff of such County, or the Sheriff, Bailiff, or Officer, as the Case may be, for proceeding to the immediate levying and recovering of such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, on the Goods and Chattels of such several Persons, or for taking into Custody the Bodies of such Persons, in case sufficient Goods and Chattels shall not be found whereon Distress can be made for Recovery thereof; and every Person so taken shall be lodged in the Common Gaol until the next General or Quarter Sessions of the Peace, there to abide the Judgment of the said Court.

with Writ of Distringas, &c. to the Sheriff, &c.

III. And be it further enacted, That the Clerk of the Peace or Town Clerk shall, before he shall deliver the Roll to such Sheriff, Bailiff, or Officer, containing the Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, and is hereby required, to make Oath before any Justice of the Peace for the County, Riding, City, Borough, or Place for which such Clerk of the Peace or Town Clerk shall act; which Oath shall be indorsed on the Back of the Writ, or of the said Roll attached thereto, such Clerk of the Peace or Town Clerk stating therein all such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money, which shall have been paid or otherwise accounted for; and such Oath shall be made in the Form following:

Clerk of the Peace or Town Clerk to make Oath as to all Fines, &c. which shall be paid.

'I make Oath, That this Roll is truly and carefully made up and examined, and that all Fines, Issues, Amerciaments, Recognizances, and Forfeitures, which were set, lost, imposed or forfeited, and in right and due Course of Law ought to be levied and paid, are, to the best of my Knowledge and Understanding, inserted in the said Roll, and that in the said Roll are also contained and expressed, all such Fines as have been paid to, or received by me, either in Court or otherwise, without any wilful or fraudulent Discharge, Omission, Misnomer, or Defect whatever. So help me GOD.'

Form of Oath.

IV. And be it further enacted, That each and every Justice of the Peace before whom any Recognizance shall be entered into or taken shall and is hereby required to give, or cause to be given, at the Time of entering into such Recognizance, to the Person or Persons, Surety or Sureties so entering into the same, and to each of them, a written or printed Paper or Notice, in the Form or to the Effect stated in the Schedule marked (B.) to this Act annexed, adapting the same to the particular Circumstances of the Case; and each and every such Justice shall in such Recognizance state and particularly specify not only the Profession, Art, Mystery, or Trade of every Person so entering into such Recognizance, together with their Christian Name

Notice to be given to the Sureties.

Name and Names and Surnames, but also the Parish, Township, or Place of his or her Residence; and in case such Residence shall be in any City, Town, or Borough, shall also state and particularly specify the Name of the Street and Number of the House (if any) in which such Person shall reside, and also whether Owner or Tenant thereof, or Lodger therein.

Persons may appeal to Quarter Sessions against Fines, &c. upon giving Security.

V. Provided always, and be it enacted, That if any Person on whose Goods and Chattels such Sheriff, Bailiff, or Officer shall be authorized to levy any such forfeited Recognizance, or Sum of Money to be paid in lieu or satisfaction thereof, shall give Security to the said Sheriff, Bailiff, or Officer for his Appearance at the next General or Quarter Sessions, then and there to abide the Decision of the Court, and also to pay such forfeited Recognizance or Sum of Money to be paid in lieu or satisfaction thereof, together with all such Expences as shall be ordered and adjudged by the Court, it shall be lawful for such Sheriff, Bailiff, or Officer, and he is hereby authorized and required, to discharge such Person so giving such Security out of Custody: Provided also, that in case such Party so giving Security shall not appear in pursuance of his Undertaking, it shall be lawful for the Court forthwith to issue a Writ of *Distringas* and *Capias*, or *Fieri facias* and *Capias*, against the Surety or Sureties of the Person so bound as aforesaid.

Justices at Quarter Sessions to hear and determine such Appeals.

VI. And be it further enacted, That the Court of General or Quarter Sessions before whom any Person so committed to Gaol or bound to appear shall be brought, is hereby authorized and required to inquire into the Circumstances of the Case, and shall, at its Discretion, be empowered to order the Discharge of the whole of the forfeited Recognizance, or Sum of Money paid or to be paid in lieu or satisfaction thereof, or any Part thereof; and such Order shall be made in the Form or to the Effect of the Schedule marked (C.) to this Act annexed, and shall be signed by the Clerk of the Peace, which said Order shall be a Discharge to such Sheriff, Bailiff, or Officer, on the passing of his Accounts at the Exchequer, or before any Auditor or other proper Officer duly authorized to pass the same; and in all Cases where the Party shall have been lodged in the Common Gaol by such Sheriff, Bailiff, or other Officer, the Justices of the Peace so assembled are hereby empowered either to remand such Party to the Custody of the Sheriff, Bailiff, or other Officer, or upon the Release of such Party from the whole of such forfeited Recognizance, to order such Party to be discharged from Custody, and such Order shall be a full and sufficient Discharge to the said Sheriff, Bailiff, or Officer on the passing of his Accounts at the Exchequer, or before any Auditor or other proper Officer duly authorized to pass the same; and it shall and may be lawful to and for the said Court of General or Quarter Sessions to award such Costs, Charges, and Expences to be paid by either Party to the other, as to the said Court shall seem just and reasonable.

Sheriff may recover Fines, &c. out of the County where imposed,

VII. And be it further enacted, That in all Cases where the Party incurring any Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, shall reside in another County, or in any City, Borough,

or Place having peculiar Jurisdiction, or shall have fled into any other County, or into any such City, Borough, or Place, after such Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, shall have been incurred, or shall have removed his Goods and Chattels out of the Jurisdiction in which such Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, shall have been imposed, it shall be lawful for the said Sheriff, Bailiff, or Officer, and he is hereby required, to apply to any Justice of the Peace acting for such County, City, Borough, or Place into which the Party may have fled or removed his Goods and Chattels, and such Justice is hereby required, upon Proof on Oath of the Hand-writing of the Sheriff or Under-sheriff, Bailiff or Officer granting such Warrant, to indorse his Name thereon, which shall be a sufficient Authority to the Person bringing such Warrant, and to all other Persons to whom the same may be directed, to execute the same in such other County, City, Borough, or Place; and in case sufficient Distress shall not be found whereon to levy such Fine, Issue, Amerciament, estreated Recognizance, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, and all Costs and Charges attending the Recovery thereof, then to take the Body of the Party, and lodge him in the Gaol of the County, City, Borough, or Place in which the Forfeiture had been incurred, there to await the Decision of the Court at the ensuing General or Quarter Sessions.

upon getting his Warrant backed by a Justice of the Peace of the Countywhere the Offender is.

VIII. And be it further enacted, That the said Sheriff, Bailiff, or Officer shall, at the Opening of the Court, on the First Day of the ensuing General or Quarter Sessions, return the said Writ, and shall state on the Back of the said Roll what shall have been done in the Execution of such Process; which Return, together with a Duplicate of the Roll of Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, at the preceding Quarter Sessions, and the Certificate of the Court on the Back of the Roll, stating that due Diligence has been exercised on the Part of the Sheriff, shall be transmitted by the Clerk of the Peace to the Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*.

Sheriff to return Writ to Quarter Sessions, and indorse on the Roll what has been done in the Execution of the Process, which Return, &c. shall be forwarded by Clerk of the Peace to the Treasury.

IX. Provided always, and be it further enacted, That none of the Proceedings under this Act shall be liable to or charged with any Stamp Duty.

Proceedings not liable to Stamp Duty.

X. And be it further enacted, That the Clerk of the Peace and other Officers shall be entitled to their usual and legal Fees on the Discharge of any forfeited Recognizance, and the said Clerk of the Peace to an Allowance of Sixpence for every One hundred Words, for all Copies of the Roll sent to the said Lords Commissioners of the Treasury; and in case any such Sheriff, Bailiff, Officer, or Clerk of the Peace shall refuse or neglect to do and perform any Duty, Act, or Thing imposed or required upon or from such Sheriff or Clerk, Bailiff or Officer, in Manner by this Act directed, then and in every such Case, such Sheriff, Bailiff or Officer, or Clerk so refusing or neglecting, shall forfeit and pay the Sum of Fifty Pounds, to be recovered

Allowance to Sheriff and Clerk of the Peace on Sums levied.

Penalty on Sheriff, &c. for Neglect, 50*l*.

recovered by any Person or Persons who will sue for the same, together with full Costs of Suit, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or any more than One Imparlance shall be allowed.

Not to alter the usual Mode of appropriating Fines.

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to prevent or interfere with the Appropriation of any such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money, when so paid or accounted for into the said Court of Exchequer by any such Sheriff, Bailiff, or Officer, but the same shall and may be applied, disposed of, and appropriated in such and the like Manner as such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money paid in lieu or satisfaction of them or any of them, paid into the Exchequer, were applied, disposed of, and appropriated before the passing of this Act.

Compensations to Officers.

XII. Provided also, and be it enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury to make such Compensation as they may think fit, for the Loss of any legal Fees occasioned to the Officers thereof, or to the Officers of the Court of the Duchy of *Lancaster*, by this Act.

Act not to prejudice the Rights, &c. of His Majesty in the Duchy of Lancaster.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be in anyways 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*; but that the same Rights and Privileges shall be enjoyed and used in all Respects, and to all Intents and Purposes whatsoever, in the same Manner and Form as they were before the passing of this Act; any thing herein contained to the contrary notwithstanding.

Clerks of the Peace, &c. to deliver into the Court of Exchequer yearly a Certificate of all Fines, &c. paid, that the Sheriffs may be charged in their Accounts, and that Parties entitled to Fines, &c. may claim the same.

XIV. Provided always, and be it further enacted, That all and every the Clerk and Clerks of the Peace, and all Town Clerks, within that Part of the United Kingdom called *England*, do and shall, on or before the Second *Monday* after the Morrow of *All Souls* yearly in every Year, make and deliver into the Court of Exchequer a true and perfect Duplicate on Certificate of all such Fines, Issues, Amerciaments, forfeited Recognizances, and Sum and Sums of Money, and other Forfeitures whatsoever paid in lieu or satisfaction of them or any of them, as shall be contained in the several Rolls or Copies which shall be so sent out to the Sheriff for the Purpose of levying as aforesaid, and which shall have been set, lost, imposed, or forfeited in any of the said Sessions of the Peace which shall be held before *Michaelmas* in each Year, to the Intent that the Sheriffs, on their Apposals in the said Court of Exchequer, may be charged in their Accounts with the Monies levied and received by him or them respectively upon such Writs or otherwise, and that all Parties entitled to any such Fines, Recognizances or other Forfeitures, or any Portion or Portions thereof, may be at liberty to claim the same before the Foreign Apposer of the said Court of Exchequer, according to the ancient Course and Practice of the said Court.

XV. Pro-

XV. Provided always, and be it further enacted, That nothing in this Act contained shall in any sort extend or be construed to extend to the prejudicing the Rights and Privileges of any Bodies Politic or Corporate, or their Successors, or of any Lord or Lords of any Manor, Liberty, or Franchise whatsoever; any thing herein to the contrary thereof in anywise notwithstanding. Saving Rights of Bodies Corporate, &c.

XVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to or be in any ways prejudicial to the Rights, Customs, Privileges, Liberties, Charter or Charters of the City of *London*; but that the said City may enjoy the same accordingly, as they formerly have enjoyed the same, in all Respects and to all Intents and Purposes whatsoever, in the same and in as full and ample a Manner as they before this Act had enjoyed the same; any thing herein contained to the contrary thereof in anywise notwithstanding. Saving the Privileges of the City of London.

SCHEDULE (A.)

GEORGE the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith;

To the Sheriff or Bailiff or Officer (*as the Case may be*) for the County of [*or*, City, Borough, or Place, *as the Case may be*] greeting.

YOU are hereby required and commanded, as you regard yourself and all yours, That you omit not by reason of any Liberty in your County, City, Borough, or Place, as the Case may be, but that you enter the same, and of all the Goods and Chattels, Lands and Tenements of all and singular the Persons in the several Extracts of this Writ annexed, you cause to be levied all and singular the Debts and Sums of Money upon them in the same Extracts severally imposed and charged, so that the Money may be ready for Payment at the next General or Quarter Sessions of the Peace, to be paid over in such Manner as any Two or more of the Lords Commissioners of His Majesty's Treasury may direct; and if any of the said several Debts cannot be levied by reason of no Goods or Chattels being to be found belonging to the Parties, then in all Cases that you take the Bodies of the Parties refusing to pay the aforesaid Debts, and lodge them in the Gaol (of the County, City, &c.) there to await the Decision of the Justices assembled at the next General or Quarter Sessions, unless the Parties shall have given sufficient Security for their Appearance at such Sessions, for which you will be held answerable, and have you there then this Writ. Witness Keeper of the Rolls of the County, at in the County of the Day of in the Year of Our Reign.

Clerk of the Peace

SCHEDULE (B.)

} TAKE Notice, That you , of
to wit. } are bound in the Sum of Pounds, and your Sureties in the Sums of Pounds each, to appear at the Quarter or General Sessions of the Peace for the County of to be holden at on the Day of next, and unless you personally make your Appearance accordingly, the Recognizances entered into by yourself and Securities will be forthwith levied on you and your Bail. Dated this Day of One thousand eight hundred and twenty .

Justice of the Peace.

SCHEDULE (C.)

To the Sheriff, [Bailiff, or Officer, *as the Case may be*] of the County, City, Borough, or Place, *as the Case may be*, of

WHEREAS hath appeared before the Justices assembled at the General or Quarter Sessions [*as the Case may be*], held at the on the Day of has forfeited the Sum of [*here describe the Nature of the Fine or Forfeiture*], and having made it appear to the Satisfaction of the Justices so assembled, that he should be relieved from the Payment of the said Sum of [*or if the Penalty is mitigated, state from what Part thereof*], you are therefore hereby required to discharge the said Sum of from the Estreat Roll delivered to you after the Quarter Sessions held at for which Discharge this Warrant shall be your Authority, and shall exonerate you from the said Charge on the final passing of your Accounts at the Exchequer, or before any other Officer duly authorized to pass such Account.

By Order of the Court.

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