ANNO QUARTO

GEORGII IV. REGIS.

****

CAP. XXXVII.

An Act to amend an Act for the more speedy Return and Levying of Fines, Penalties, and Forfeitures, and Recognizances estreated. [27th *June* 1823.]

WHEREAS an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for the more speedy Return and Levying of Fines, Penalties, and Forfeitures, and Recognizances estreated:* And whereas it is expedient that some of the Provisions of the said Act should be amended: 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 Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Justices assembled at any General or Quarter Sessions of the Peace, and they are hereby authorized and required, at the following or any subsequent General or Quarter Sessions held after the Return of the Writ and Roll issued from any preceding General or Quarter Sessions, at the opening of the Court, to insert or cause to be inserted in any following Roll, all such Fines, Issues, Amerciaments, forfeited Recognizances, Sum or Sums of Money to be paid in lieu or satisfaction of them or any of them, which have not been duly levied or recovered or properly accounted for by the Sheriff, Bailiff, or other Officer, or have not been discharged on Appeal before the General or Quarter Sessions, or by Sign Manual, Warrant or Authority of any Three or more of the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and so to continue such Process from Sessions to Sessions, till it shall be duly ascertained, to the Satisfaction of the said Commissioners of

3 G. 4. c. 46.

Justices in Sessions may insert in following Rolls all such Fines, &c. as have not been levied or accounted for by the Sheriff, &c. or that have not been discharged.

His Majesty's Treasury, that the Party in Default has not any Goods or Chattels, Lands or Tenements, in the County, Division, Riding, City, Town, or Place, on which a Levy can be made, nor in any other County, Division, Riding, City, Town, or Place in *Great Britain*, and that he is not to be found, or that his Body cannot be lodged in any of His Majesty's Gaols: Provided always, that the said Sheriff, Bailiff, or other Officer to whom the Writ of Distringas and Capias or Fieri Facias, or other Writ deemed necessary by the Justices at any such General or Quarter Sessions to meet the Exigency of the Case, shall be sent by Order of the said Court, shall keep and detain in his Possession the Writ or Writs so directed to him, and the Roll or Rolls attached to such Writ or Writs, delivering to the said Court of General or Quarter Sessions a Copy of such Roll or Rolls, on the First Day of the Sitting of the said Court, and also a Copy of any former Roll or Rolls, where 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, shall not have been delivered; and such original Writ and Roll, or Writs and Rolls, shall continue in Force and Effect, and shall be sufficient Authority, without any further Writ or Roll; and such Sheriff, Bailiff, or other Officer is hereby authorized and required, on quitting his Office, to deliver over to his Successor all Rolls and Writs in his Possession, particularizing any 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, in order that the Sheriff, Bailiff, or other Officer coming into Office may use every Means in his Power for recovering the Sums so unpaid, and not charged to his Predecessor on the passing of his Accounts at the Exchequer, or before any Auditor or Auditors, or other Person duly authorized to pass the same, the Officer or Officers entrusted with the Execution of the Process in any County, Division, Riding, City, Town, or Place, being first duly and diligently examined on Oath by the Court, at the Delivery of the Roll, on the First Day of each General or Quarter Sessions, and in case such Examination should not then take place, then on the subsequent Day; and every such Examination shall be duly recorded by the Clerk of the Peace or Town Clerk, or other proper Officer, in order that such Sheriff, Bailiff, or other Officer may be chargeable with all Sums not satisfactorily accounted for on the final passing of his Accounts.

Sheriff to detain the original Writs in his Possession, which shall continue in force, and be Authority to act upon.

Sheriff on quitting Office to deliver over to his Successor all Rolls and Writs, particularizing Fines, &c. that Means may be used for Recovery.

II. And whereas it is in and by the said recited Act directed, 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,

Provision of recited Act as to levying Fines, &c. on Goods not in the Jurisdiction in which the Fines, &c. had been imposed, repealed.

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 Handwriting 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: And whereas such Provision has been found ineffectual for the Purposes thereby intended, and it is necessary, that better Provisions should be made for that Purpose; be it therefore enacted, That so much of the said recited Act shall be repealed, and is hereby declared to be null and void, to all Intents and Purposes whatever.

Where Party subject to Fines, &c. resides in another County, or has removed, the Sheriff may issue his Warrant to the Sheriff acting for the Place where the Defaulter resides or where his Goods are found, requiring him to execute the Writ.

III. And be it further enacted, That in all Cases where the Party incurring or subject to 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 or shall have fled or removed from or out of the Jurisdiction of the Sheriff, Bailiff, or other Officer, in which any 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, imposed, or forfeited, or become due, it shall be lawful for such Sheriff, Bailiff, or other Officer, and he is hereby authorized and required to issue his Warrant, together with a Copy of the Writ, directed to the Sheriff, Bailiff, or other Officer acting for the County, Riding, City, Borough, or Place in which such Person shall then reside or be, or in which any Goods or Chattels or other Property shall be found, requiring such Sheriff, Bailiff, or other Officer to execute such Writ, and every such last-mentioned Sheriff, Bailiff, or other Officer, is hereby authorized and required to act in all respects under such Warrant, in the same Manner as if the original Writ had been delivered to him by Order of the Court of the General or Quarter Sessions of the County, Riding, City, Borough, or Place for which such Sheriff, Bailiff, or other Officer shall act; and the said Sheriff, Bailiff, or other Officer is hereby required, within Thirty Days after the Receipt of such Warrant, to return to the Sheriff, Bailiff, or other Officer, from whom he shall have received the same, what he shall have done in the Execution of such Process, and whether the Party shall have given good and sufficient Security to appeal at the ensuing General or Quarter Sessions to be held for the County, Riding, City, Borough, or Place from which the Writ issued, and in case a Levy shall have been made, to pay over all Monies received in pursuance of the Warrant to the Sheriff,

Sheriff, Bailiff, or other Officer from whom he shall have received the same.

Sheriff, &c. to render an Account yearly of all Persons incurring Fines, &c.

IV. And be it further enacted, That every Sheriff, Bailiff, or other Officer acting for any County, Division, Riding, City, Borough, or Place, shall and he is hereby required to make up or cause to be made up annually, and immediately after the Expiration of the Year for which he shall act, or after the usual Period for making up his Account, in case he shall act under any Grant, Appointment, or other Authority for a longer Period than One Year, an Account in Writing, containing the Names and Residences of all Persons incurring 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, which he has been authorized or required to levy by virtue of any Writ or Writs issued to him, or to any Predecessor in Office; and in case any Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, shall not have been levied or paid, the Causes of Non-payment shall be fully and particularly stated; and such Account such Sheriff, Bailiff, or other Officer is hereby required to transmit, within Thirty Days from the Expiration of the Year for which such Account ought to be made up, to the Commissioners of His Majesty's Treasury, or at or within such other Period as such Sheriff, Bailiff, or other Officer shall be required by the said Commissioners of His Majesty's Treasury, or any Three or more of them, in order that such Account may be duly examined, checked, and inspected, under the Direction of the said Commissioners of His Majesty's Treasury, or any Three or more of them; and when so examined and approved, such Account shall be transmitted to the proper Officer in the Court of Exchequer, or to the Auditor or other Officer duly authorized to pass such Account.

Causes of Non-payment to be stated.

Account to be transmitted to the Treasury.

Clerks of the Peace, &c. to send to the Treasury, within 20 Days from the opening of the Quarter Sessions, Copy of the Rolls delivered by the Sheriff.

V. And be it further enacted, That every Clerk of the Peace and Town Clerk, or other proper Officer, is hereby required, within Twenty Days from the opening of the Court of General or Quarter Sessions, to send to the Commissioners of His Majesty's Treasury a Copy or an Extract of the Roll or Rolls delivered by the Sheriff, Bailiff, or other Officer, on the First Day of the opening of such Court of General or Quarter Sessions, in such Form as shall be required by the said Commissioners of His Majesty's Treasury, also the Causes of Discharge in case any Person shall have been relieved on Appeal to the said Court of General or Quarter Sessions, and the Answer given by any Sheriff, Bailiff, or other Officer to such Court, where any Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money paid or to be paid in lieu or satisfaction of them or any of them, has not been received by such Sheriff, Bailiff, or other Officer duly authorized to receive the same.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.