

ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

CAP. LVI.

An Act to amend the Laws in reſpect to forfeited Recognizances in *Ireland*. [30th *June* 1817.]

WHEREAS the ſeveral Acts of Parliament paſſed from Time to Time, to regulate and ſecure the Collection of the Sums ariſing from forfeited Recognizances, and from Fines impoſed at Aſſizes, Seſſions of Oyer and Terminer and General Gaol Delivery, and Seſſions of the Peace in *Ireland*, have been found inſufficient for that Purpoſe; and it is therefore expedient that the ſaid Acts ſhould be repealed, and that more effectual Proviſion ſhould be made for the Recovery and Payment of ſuch Sums and Fines; be it therefore enacted by the King's moſt Excellent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the ſame, That from and after the Commencement of this Act, the ſeveral Acts of Parliament hereafter recited ſhall be repealed; that is to ſay, An Act paſſed in the Parliament of *Ireland* in the Twenty-ſeventh Year of His preſent Majeſty's Reign, intituled *An Act for the better Collection of His Majeſty's Revenue ariſing from forfeited Recognizances*; an Act paſſed in the ſaid Parliament, in the Twenty-ninth Year of His ſaid Majeſty's Reign, to amend the ſaid recited Act of the Twenty-ſeventh Year; an Act paſſed in the ſaid Parliament, in the Thirty-firſt Year of His ſaid Majeſty's Reign, intituled *An Act to diſcharge ſuch Recognizances entered into for the Appearance and Proſecution of Offenders, as were forfeited before the Eighteenth Day of* January *in the Year One thouſand ſeven hundred and eighty-ſeven, and for more effectually executing the*

Iriſh Acts relating to Fines and forfeited Recognizances repealed; viz.
27 G. 3. c. 32.
29 G. 3. c. 28.
31 G. 3. c. 25.

the Green Wax Proceſs, ſo far as the ſaid Act of the Thirty-firſt Year of His
32 G. 3. c. 25. *ſaid Majeſty's Reign relates to ſuch Proceſs;* an Act paſſed in the ſaid Parliament in the Thirty-ſecond Year of His ſaid Majeſty's Reign, to explain, amend, and render more effectual the ſaid recited Acts of the Twenty-ſeventh and Twenty-ninth Years of His Majeſty's Reign, and to extend the Provisions thereof, and for enlarging the Time for *John Howard Kyan* Eſquire to account purſuant to his Recognizance, ſo far as the ſaid Act of the Thirty-ſecond Year relates to the Collection of forfeited Recognizances; an Act paſſed in the ſaid Parliament, in the Thirty-eighth Year of
38 G. 3. c. 50. His ſaid Majeſty's Reign, intituled *An Act for the better Collection of Sums ariſing from forfeited Recognizances, and from Fines impoſed at Aſſizes, Commiſſions of Oyer and Terminer and General Gaol Delivery, and Seſſions of*
39 G. 3. c. 67. *the Peace, and for the future Application of the ſame*; an Act paſſed in the ſaid Parliament, in the Thirty-ninth Year of His ſaid Majeſty's Reign, to
40 G. 3. c. 30. amend the ſaid Act of the Thirty-eighth Year; an Act paſſed in the ſaid Parliament, in the Fortieth Year of His ſaid Majeſty's Reign, to continue the ſaid recited Act of the Thirty-eighth Year of His ſaid Majeſty's Reign, and to repeal and amend Part of the ſaid recited Act of the Thirty-ninth Year of His Majeſty's Reign; and an Act paſſed in the Parliament of the United Kingdom, in the Forty-ninth Year of His Majeſty's Reign, inti-
49 G. 3. c. 83. tuled *An Act for the Amendment of the Laws now in force in* Ireland, *relative to Perſons entering into Recognizances in Criminal Caſes, in Cuſtody under any Fine, or under ſuch Recognizances*; and the ſaid recited Acts are hereby repealed accordingly; ſave ſo far as the ſame reſpectively repeal any former Act or Acts of Parliament, or any Clauſe, Matter, or Thing therein; and ſave as to any Proceeding in any Caſe wherein any Proceſs of the Pipe ſhall have actually iſſued under the ſaid Acts, or any of them, previous to the Commencement of this Act, and the Collection and Application of the Fines and forfeited Recognizances in any ſuch Caſe; and ſave ſo far as any of the ſaid Acts purport to diſcharge any Recognizance theretofore forfeited.

All Recognizances ſhall ſpecify the Names, Addition, and Reſidence of the Parties bound.

II. And be it further enacted, That from and after the Commencement of this Act, every Recognizance taken in *Ireland* by or before His Majeſty's Court of King's Bench there, or by or before His Majeſty's Chief Juſtice of the ſaid Court of King's Bench, or by or before any of the Juſtices of the ſaid Court of King's Bench, or by or before any Juſtice or Juſtices of Oyer and Terminer or Gaol Delivery, or by or before any Juſtice or Juſtices of the Peace, either at their Seſſions of the Peace or otherwiſe, or by any Magiſtrate or other Perſon lawfully authorized to take the ſame, ſhall contain the Name and Addition of the Perſon or Perſons reſpectively thereby acknowledging himſelf, herſelf, or themſelves reſpectively to be bound, and the Name of the Townland, Pariſh, and Barony or Half Barony, or Town or City, and Street therein, (if in a County of a Town or City), in which the uſual or actual Place or Places of Reſidence of ſuch Perſon or Perſons is or are reſpectively ſituated; and all and every Perſons or Perſon who ſhall hereafter come before His Majeſty's ſaid Court of King's Bench, or before any of His Majeſty's Juſtices of the ſaid Court, or before any ſuch Juſtice or Juſtices of Oyer and Terminer or Gaol Delivery, or before any Juſtice or Juſtices of the Peace, either at their Seſſions of the Peace or otherwiſe, or before any Magiſtrate or other Perſon lawfully authorized to admit to Bail, in order to give Bail or be bound for the

Perſons becoming Bail or giving Surety for keeping the Peace, ſhall make Oath of their Reſidence and Sufficiency.

Appearance of any Perſon or Perſons charged with any Crime or Crimes (which Perſon ſo charged ſhall by Law be entitled to Bail), or for keeping the Peace, ſhall reſpectively make Oath in one of the Forms here following, or in ſome other Form of Words to the like Import and Effect reſpectively; that is to ſay, if ſuch Perſon ſhall reſide in a County at large, in this Form; (to wit),

'I *A. B.* do ſwear, That I am a Houſeholder, and have a Houſe wherein I uſually reſide, at in the Pariſh of Barony or Half Barony of and County of and that I ſupport and maintain myſelf by and that I am worth the Sum of [*here inſert double the Sum in which he or ſhe is to be bound*] over and above all my juſt Debts.

'So help me GOD.'

And if ſuch Perſon ſhall reſide in a County of a City or Town, the Words 'reſide at' and from thence to 'County of' ſhall be omitted; and inſtead thereof, theſe Words ſhall be inſerted; (to wit) 'reſiding in [*naming the Street, Square, Lane, or Place*] in the Pariſh of and County of the City or Town of;' and every ſuch Oath ſhall be annexed to or be written on the ſame Piece of Paper or Parchment with the Recognizance, and ſhall be ſigned by the Perſon making the ſame, and atteſted by the proper Jurat of the Court, Judge, Juſtice, or other Perſon taking the ſame as aforeſaid, and ſhall be ſufficient in lieu of all and every Oaths and Oath required by any Law in force in *Ireland* to be taken by any ſuch Surety.

Principals charged and bound to appear, or to keep the Peace, or to proſecute Offenders, ſhall be ſworn only to their Reſidence.

III. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend to require the Perſon or Perſons charged with any Crime, and for whoſe Appearance any Recognizance ſhall be about to be entered into, or any Perſon or Perſons who ſhall become perſonally bound to keep the Peace, or any Perſon or Perſons who ſhall or may hereafter become bound for the Proſecution of any Perſon or Perſons charged with any criminal Offence, to take ſuch Part of the ſaid Oath as relates to ſuch Perſon or Perſons being a Houſeholder, or to his, her, or their being reſpectively worth the Sum or Sums of Money for which he, ſhe, or they is and are reſpectively about to be bound, over and above all their juſt Debts; but every ſuch laſt-mentioned Perſon and Perſons ſhall, in like Manner and Form reſpectively, make Oath as to the Place, Pariſh, Barony, or Half Barony, and County, and the Town or City and Street therein, (if in a County of a Town or City,) in which he, ſhe, or they uſually or actually reſide.

Penalty on Juſtices, &c. neglecting to return Recognizances, or to inſert Names, &c. 50l. in addition to any Fine by the Judges at Aſſize.

IV. And be it further enacted, That all and every Juſtice and Juſtices of the Peace, and all and every Magiſtrate and other Perſon lawfully authorized to take Recognizances, who ſhall hereafter neglect or refuſe to return the Recognizances taken before him alone, or before him and any other Magiſtrate or Perſon or Perſons ſo authorized to take the ſame, in Manner herein-after mentioned, or ſhall neglect or refuſe to inſert in any Recognizance taken before him, ſolely or with any other or others as aforeſaid, the proper Name and Names and Addition or Additions of the Perſon or Perſons entering into the ſame, according to the Proviſions of this Act, or ſhall neglect or refuſe to adminiſter the Oaths reſpectively herein-

before

before directed and appointed to be administered in Manner so directed, shall for every such Neglect or Refusal (in addition to such Sum as the Judge or Judges of Assize may think fit at the respective Assizes to impose upon any such Justice and Justices of the Peace, or such Magistrate or other Person aforesaid, by way of Fine for such Neglect or Refusal) forfeit the Sum of Fifty Pounds, to be recovered against him by Bill, Plaint, or Information in any of His Majesty's Courts of Record in *Dublin*, by any Person or Persons who will prosecute or sue for the same; wherein no Essoign, Protection, or Wager of Law shall be allowed, or more than One Imparlance shall be granted.

Clerks of the Crown and Peace shall, on the First Day of Term after every Sessions, &c. return to Comptroller of the Pipe in the Exchequer, Estreats of all Recognizances forfeited and Fines imposed.

V. And be it further enacted, That the several Clerks of the Crown and Peace throughout *Ireland* shall, on the First Day of every Term next ensuing the Time of holding any Commission of Oyer and Terminer and General Gaol Delivery, and Sessions of the Peace respectively, in any County, County of a City, or County of a Town, in *Ireland*, return to the Comptroller of the Pipe in the Court of Exchequer in *Ireland*, distinct Estreats of such Recognizances as aforesaid as shall have been forfeited, and such Fines as shall have been imposed thereat respectively (save only such Fines as shall have been imposed on Persons actually committed to imprisonment by the Court imposing such Fine, and for the same Offence for which such Fine shall have been imposed); and that the several Clerks of Nisi Prius in *Ireland* shall also, on the First Day of every *Easter* and *Michaelmas* Term, in like Manner return to the said Comptroller of the Pipe Estreats of all Fines (save as aforesaid) which shall have been imposed at the several Sittings of Nisi Prius held in and for the City or County of *Dublin*, and at every Assizes in every County and County of a City or Town in *Ireland*; and if in any of the said Cases there shall be no such Estreats, then the said several Persons shall in every such Case make return accordingly.

Clerks of Nisi Prius shall make Returns on the First Day of Easter and Michaelmas Terms.

Return of Effects of forfeited Recognizances and Fines shall specify the Names and the Residence of the Parties.

VI. And be it further enacted, That from and after the Commencement of this Act all Clerks of the Court of King's Bench, Clerks of the Court of Common Pleas, Clerks of the Crown, Clerks of the Peace, Clerks of the Nisi Prius, and others to whom it belongs to make Returns of Estreats into the Exchequer, shall make the said Returns to the Comptroller of the Pipe; and that every Return of any Estreat or Estreats shall be made so that the same shall contain as well the Name and Addition of the particular Person or Persons respectively who are thereby returned as having their Recognizances forfeited and estreated, or having had Fines imposed upon them in the respective Courts from whence the said Returns are or shall be respectively made and estreated, as also the Name of the Place where such Person or Persons usually reside, together with the Name of the Townland, Parish, and Barony or Half Barony, and County or Town, or City and Street therein (if in a County of a Town or City), in which such Place or Places of Residence is or are respectively situated.

Form of the Oath of the several Clerks returning Estreats.

VII. And be it further enacted, That from and after the Commencement of this Act, all Clerks of the Court of King's Bench, Clerks of the Court of Common Pleas, Clerks of Assize or of Nisi Prius, Clerks of the Crown, Clerks of the Peace, and others to whom it belongs, or shall or may belong, to make Returns of Estreats into the Exchequer, shall, upon Delivery of such Estreats to the Comptroller of the Pipe, when the same shall be so delivered

delivered by them in Perſon reſpectively, take the Oath following; (that is to ſay),

'I do ſwear, That theſe Eſtreats now by me delivered are truly and carefully made up and examined, and that all Fines, Iſſues and Amerciaments, Recognizances and Forfeitures, which were ſet, loſt, impoſed, or forfeited, and in right and due Courſe of Law ought to be eſtreated into the Court of Exchequer, are, to the beſt of my Knowledge, Underſtanding, and Belief, therein contained; and that in the ſame Eſtreats are alſo contained and expreſſed all ſuch Fines as have been paid into the Court from which the ſaid Eſtreats have been made, without any fraudulent or wilful Diſcharge, Omiſſion, Miſnomer, or Defect whatſoever; and that, in theſe Eſtreats now by me delivered, the Names and Additions of the ſeveral Perſons reſpectively mentioned therein, together with their reſpective Places of Reſidence, and the Pariſhes, Baronies, Half Baronies, and Counties, and Town, and City, and Street therein, in which ſuch Places of Reſidence are reſpectively ſituated, are truly and faithfully ſet forth according to the beſt of my Knowledge, Underſtanding, and Belief.

'So help me GOD.'

Which ſaid Oath the Barons of the Court of Exchequer, or any One of them, are and is hereby required and empowered to adminiſter from Time to Time accordingly.

VIII. And be it further enacted, That the Clerks of the Crown and Clerks of the Peace, to whom it belongs to make Returns of Eſtreats into the Exchequer, if it ſhall not be convenient to them to deliver ſuch Eſtreats into the Court of Exchequer in Perſon, ſhall and may, in the Place of the ſaid Oath, take and ſubſcribe the Oath following; (that is to ſay),

Form of Oath of Clerks of the Crown and Clerks of the Peace, where they cannot deliver the Eſtreats into the Exchequer in Perſon.

'I do ſwear, That theſe Eſtreats now by me ſubſcribed are truly and carefully made up and examined, and that all Fines, Iſſues, and Amerciaments, Recognizances and Forfeitures, which were ſet, loſt, impoſed, or forfeited, and in right and due Courſe of Law ought to be eſtreated into the Court of Exchequer, are, to the beſt of my Knowledge, Underſtanding, and Belief, therein contained; and that in the ſame Eſtreats are alſo contained and expreſſed all ſuch Fines as have been paid into the Court from which the ſaid Eſtreats have been made, without any fraudulent or wilful Diſcharge, Omiſſion, Miſnomer, or Defect whatſoever; and that I will not eraſe or alter, or cauſe or conſent to be eraſed or altered theſe Eſtreats or any Part thereof; and that, in theſe Eſtreats now by me ſubſcribed, the Names and Additions of the ſeveral Perſons therein mentioned reſpectively, together with their reſpective Places of Reſidence, and the Pariſhes, Baronies, Half Baronies, and Counties, or Town, or City, and Street therein, in which ſuch Places of Reſidence are reſpectively ſituate, are truly and faithfully ſet forth according to the beſt of my Knowledge, Underſtanding, and Belief.

'So help me GOD.'

Which ſaid Oath a Commiſſioner for taking Affidavits in the ſaid Court of Exchequer is hereby empowered to adminiſter from Time to Time in

the Preſence of Two Juſtices of the Peace for the County or Place where ſuch Oath ſhall be taken; and the ſaid Commiſſioner and Juſtices ſhall ſubſcribe the ſaid Oath, and the ſaid Clerk of the Crown or Clerk of the Peace ſhall, in the Preſence of the ſaid Commiſſioner and Juſtices, carefully ſeal up the ſaid Eſtreats in a Paper Cover, and ſhall affix his Seal thereto, and the ſaid Commiſſioner and Juſtices ſhall alſo affix their Seals thereto; and the ſaid Clerk of the Crown or Clerk of the Peace ſhall cauſe the ſaid Eſtreats, ſo ſealed up, to be carefully delivered to the Comptroller of the Pipe in the ſaid Court of Exchequer.

After ſuch Oaths, Fines ſhall not be reduced except by the Commiſſioners for that Purpoſe.

IX. And be it further enacted, That from and after the taking of the ſaid Oaths reſpectively, the Fines and Recognizances therein referred to reſpectively ſhall not be reduced, mitigated, or altered by any Court or Judge, or by any Perſon or Perſons whatſoever, ſave only by the Commiſſioners of Reducements, or in the Manner herein-after mentioned.

On Delivery of Eſtreats tranſmitted from the Clerk of the Crown or Clerk of the Peace, Oath ſhall be made that they have not been opened or altered.

X. And be it further enacted, That the Eſtreats ſo to be delivered from the ſaid Clerks of the Crown and Clerks of the Peace in Manner laſt mentioned ſhall not be received by the Comptroller of the Pipe, unleſs, at the Time of delivering the ſame, Oath ſhall be made in the ſaid Court, or before One of the Barons thereof (which Oath the Barons of the ſaid Court, or One of them, are and is hereby authorized and required to adminiſter), by the Perſon who ſhall have received the ſame from the ſaid Clerk of the Crown or Clerk of the Peace, for the Purpoſe of delivering the ſame to the ſaid Comptroller of the Pipe, that the Eſtreats or any of them have not been opened or altered ſince the ſame were ſo received for the Purpoſe aforeſaid.

On the laſt Day of every Term, Comptroller of the Pipe ſhall lay before the Court of Exchequer a Liſt of all Perſons bound to return any Eſtreats, &c.

XI. And be it further enacted, That on the laſt Day of every Term the Comptroller of the Pipe ſhall at the ſitting of the Court of Exchequer deliver in open Court to the Chief Baron, or in his Abſence to the ſenior Puiſne Baron preſent, a Statement in Writing of all the ſeveral Officers and Perſons by whom any ſuch Eſtreats ought to have been returned in the ſaid Term as aforeſaid, and ſhall therein ſpecify particularly which of ſuch Perſons have or hath duly made ſuch Returns, and which of them have or hath neglected or omitted to make ſuch Return, and ſhall, if required by the ſaid Court, verify ſuch Statement on Oath in open Court; and ſuch Comptroller of the Pipe ſhall on the ſame Court Day of each Term deliver a Copy thereof to the Solicitor for the caſual Revenue, who ſhall enter, as of courſe, a Rule for a Fine of Twenty Pounds againſt every Perſon mentioned in ſuch Statement as having neglected or omitted to make ſuch Return, unleſs ſuch Perſon ſhall make ſuch Return within Four Days if in the County or County of the City of *Dublin*, and within Ten Days if in any other Part of *Ireland*; and the ſaid Solicitor for the caſual Revenue ſhall at the Expiration of ſuch Time reſpectively make ſuch Rule abſolute as of courſe, and ſhall thereupon iſſue an Attachment againſt ſuch Perſon as of courſe, and without further Notice; and if any ſuch Comptroller ſhall neglect or omit to deliver in ſuch Statement as aforeſaid, or ſhall omit therefrom the Names of any Perſon who ought to be included therein, or ſhall make any falſe Statement therein, not being required to verify the ſame on Oath, or ſhall omit to furniſh ſuch Copy as aforeſaid to the

Penalty on Comptroller and Solicitor for Neglect, Attachment and Fine of 50l.

the Solicitor of the caſual Revenue; or if the Solicitor for the caſual Revenue ſhall omit to enter or make abſolute ſuch Rule, or to iſſue ſuch Attachment, ſuch Comptroller and Solicitor for the caſual Revenue reſpectively ſhall be puniſhed for ſuch Omiſſion or Neglect by Fine and Attachment at the Diſcretion of the ſaid Court, and ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds, to be recovered and levied by and under the ſummary Order of the Court, by any Perſon who ſhall duly apply for the ſame.

Comptroller of the Pipe ſhall iſſue to the Sheriff Second Summons for levying Fines, &c.

XII. And be it further enacted, That the Comptroller of the Pipe ſhall, on every ſuch Return of Eſtreats, iſſue the Second Summons of the Pipe for the levying of all Sums of Money contained in ſuch Eſtreats, ſave as aforeſaid, out of the Goods, Bodies, and Lands of the reſpective Debtors named in ſuch Proceſs; and ſuch Proceſs ſhall be directed to the ſeveral Sheriffs of Counties, Counties of Cities, Counties of Towns and Diſtricts reſpectively, in which the ſeveral Debtors appear reſpectively to reſide.

All Eſtreats which no Proceſs of the Pipe ſhall have iſſued, ſhall be delivered to the Comptroller, &c.

XIII. And be it further enacted, That all and every Eſtreat and Eſtreats which at the Commencement of this Act ſhall remain or be in any Office of or in the ſaid Court of Exchequer, other than the Office of the Comptroller of the Pipe, and on which no Proceſs of the Pipe ſhall have actually iſſued, ſhall be then forthwith delivered over to the Comptroller of the Pipe, who ſhall cauſe the Proceſs of the Pipe, and all ſubſequent Proceedings, according to the Manner and Form and for the Purpoſes preſcribed by this Act, to be iſſued and had on all ſuch Eſtreats ſo delivered over to him, and alſo on all Eſtreats which ſhall then remain or be in his Office, and whereon no Proceſs of the Pipe ſhall have previouſly iſſued.

Such Proceſs ſhall be iſſued Ten Days after every Hilary and Trinity Term.

XIV. And be it further enacted, That ſuch Proceſs ſhall be iſſued by the Comptroller of the Pipe within Ten Days after the End of every *Hilary* and *Trinity* Term, and ſhall be returnable on the firſt Return Day of the next *Hilary* Term, and ſuch Proceſs ſhall and may from Time to Time be renewed and iſſued as often as Occaſion ſhall require; and ſuch Comptroller ſhall cauſe every ſuch Proceſs to be delivered to the Sheriffs reſpectively to whom the ſame ſhall be directed, without any unneceſſary Delay.

Sheriffs ſhall have the uſual Powers of levying.

XV. And be it further enacted, That the ſeveral Sheriffs, to whom ſuch Proceſs ſhall be directed, ſhall have the ſame Powers to levy the Debts therein to be compriſed, and in executing ſuch Proceſs, whether by ſummoning and empannelling Juries, or holding Inquiries upon the ſeveral Matters aforeſaid, or in any other way, as Sheriffs in *Ireland* had by Law in ſuch Caſes previous to the paſſing of the ſaid Acts ſo hereby repealed reſpectively.

Sheriff ſhall levy on the Goods before reſorting to the Body or Lands of the Debtor.

XVI. Provided always, and be it enacted, That every ſuch Sheriff ſhall, in the firſt Place, reſort to the Goods of every Perſon againſt whom any ſuch Proceſs ſhall be iſſued, for the levying thereout of the Debts due by them reſpectively, or ſo much thereof as ſuch Goods ſhall be ſufficient to anſwer;

anſwer; and ſhall not in any Caſe reſort to the Body or Lands of any ſuch Perſon, if ſuch Debts can be levied out of his or her Goods.

Allowance to the Sheriff on Levy or Arreſt.

XVII. And be it further enacted, That there ſhall be allowed to every ſuch Sheriff the Sum of Six Shillings and Eight-pence on every Twenty Shillings which ſhall have been actually levied by him for or in reſpect of any forfeited Recognizance, in lieu of all other Allowances in that reſpect; and the like Sum on every Twenty Shillings for which any Perſon or Perſons ſhall have been taken by ſuch Sheriff or Sheriffs, for or on account of any Recognizance forfeited; and a Sum of Three Shillings and Four-pence on every Twenty Shillings which ſhall have been actually levied by him for or in reſpect of any Fine in ſuch Proceſs as aforeſaid; and a like Sum for every Twenty Shillings for which any Perſon or Perſons ſhall have been actually taken by ſuch Sheriff or Sheriffs, under ſuch Proceſs as aforeſaid, for or in reſpect of any Fine.

Sheriffs ſhall return to Juſtices of Aſſize &c. a Certificate of the Names of all Priſoners.

XVIII. And be it further enacted, That every Sheriff ſhall, at every Aſſizes within their reſpective Juriſdictions, return to the Juſtices of Aſſize a Certificate containing the Names of the ſeveral Perſons in their Cuſtody reſpectively, under any Proceſs iſſued for or by reaſon of any Fine or Fines impoſed, or any Recognizance or Recognizances forfeited, at any antecedent Court of Oyer and Terminer, Gaol Delivery, Aſſize, or Niſi Prius, within ſuch County, County of a City, or County of a Town, and who were in their Cuſtody at any Time during the then next preceding Aſſizes for ſuch County, County of a City, or County of a Town, or have been ſince committed to them; and ſhall alſo at every General Seſſions of the Peace return to the Court a like Certificate of Perſons committed under any Proceſs iſſued for or by reaſon of any Fine or Fines impoſed, or Recognizance or Recognizances forfeited, at any antecedent Seſſions of the Peace for ſuch County, County of a City, or County of a Town, and who were in their Cuſtody at any Time during the next preceding Seſſions of the Peace, or at any Time ſince; and every ſuch Certificate as aforeſaid ſhall ſet forth the Times when ſuch Perſons were reſpectively committed to Priſon, and the Sums for which they were ſo in Cuſtody, and whether any and which of ſuch Perſons then remain in their Cuſtody, and if ſo, how long ſuch Perſons reſpectively have been in actual Confinement for ſuch Cauſe, and if not then in Cuſtody, then by what Authority and at what Time they were reſpectively diſcharged; and the Gaoler of every ſuch Sheriff ſhall verify the ſaid Certificate by Affidavit, to be ſworn before ſuch Juſtices of Aſſize, or in caſe of a Return to the Seſſions, before any Two Juſtices of the Peace (which any Two Juſtices of the Peace are hereby authorized and required in ſuch Caſe to adminiſter); and ſuch Certificate and Affidavit ſhall be lodged with the Clerk of the Crown of the County, or if at Seſſions, with the Clerk of the Peace, who ſhall annex the ſame to the Eſtreats of all forfeited Recognizances returned by them reſpectively purſuant to this Act.

Gaoler ſhall verify ſuch Certificate on Oath.

Sheriffs chargeable with the Sums for

XIX. And be it further enacted, That all Sheriffs in whoſe Cuſtody any ſuch Perſons as aforeſaid ſhall be as aforeſaid ſhall be chargeable with all Sums for which ſuch Perſons were ſo in Cuſtody reſpectively, in

in the ſame Manner as they are now by Law chargeable for Fines on Perſons convicted of any criminal Offences and committed to them for ſuch Fines, and the Comptroller of the Pipe ſhall iſſue his uſual Proceſs againſt ſuch Sheriffs for the ſame accordingly. which the Priſoners were committed.

Sheriff ſhall be exonerated by Order of Diſcharge from Exchequer, &c.

XX. Provided always, and be it enacted, That where any Perſon for whom any Sheriff or Sheriffs ſhall have become chargeable as aforeſaid ſhall not remain in the Cuſtody of ſuch Sheriff or Sheriffs, then ſuch Sheriff or Sheriffs ſhall, upon his or their producing an Order of the ſaid Court of Exchequer in any Caſe, or of Juſtices of Aſſize, or of a Court of General Seſſions of the Peace in Caſes cognizable by them reſpectively for the Diſcharge of any ſuch Perſon, be exonerated from the Sum for which ſuch Perſon ſo diſcharged was committed.

No Poundage to Sheriff, except on due Payment of all Sums chargeable.

XXI. Provided alſo, and be it enacted, That no Sheriff ſhall have, receive, or be entitled unto any Benefit of Poundage or Allowance under or by virtue of this Act, unleſs ſuch Sheriff ſhall pay into the Receipt of the Exchequer, according to the Courſe of the Court, the Sum with which he ſhall be chargeable.

In caſe of falſe Return to Writs the Court may fine the Sheriff or Under Sheriff.

XXII. And be it further enacted, That if any Sheriff ſhall, for want of exerciſing due Diligence, make a falſe Return, not knowing the ſame to be falſe, with reſpect to any of the Perſons mentioned in the ſaid Writs or Proceſs which ſhall be directed and delivered to him, that it ſhall be lawful for the Court of Exchequer, on Application made to the Court in that Behalf, to inquire ſummarily into the Truth of the Charge, and if they ſhall find that the ſame is true, to fine the Sheriff, by or in whoſe Name ſuch Return ſhall have been made, or his Under Sheriff, in a Sum equal to the full Amount of the Sum which the ſaid Sheriff was by the Writ or Proceſs ordered to levy of the Perſon with reſpect to whom ſuch falſe Return ſhall have been made, together with the full Coſts of ſuch Application, and to enforce the ſame by Attachment againſt ſuch Sheriff or his Under Sheriff, as the Court ſhall judge expedient.

Sheriffs, &c. ſhall not receive any Fee for levying or forbearing to levy any Sum.

Penalty on Sheriff nihiling or neglecting to anſwer to the Crown for any Sum actually levied.

XXIII. And be it further enacted, That no Sheriff, Under Sheriff, Bailiff, or other Perſon employed in levying or collecting any of the ſaid Debts or Sums of Money, ſhall aſk or take or receive any Fee, Gift, Gratuity, or Reward whatſoever, of the Perſon or Perſons liable to pay the ſame, nor of any other Perſon, for or upon Pretence of ſuch levying or collecting, or for or upon Pretence of forbearing to levy or collect the ſame, or any Part or Proportion thereof; and in caſe any Sheriff ſhall nihil or not duly anſwer to the Crown any Debt or Sum of Money which ſhall have been levied, collected, or received by him, ſuch Sheriff for every ſuch Offence ſhall forfeit Treble Damages to the Party aggrieved, and double the Sum nihiled and not duly anſwered as aforeſaid, to His Majeſty, His Heirs and Succeſſors; which ſaid Damages and Penalty ſhall be ordered, decreed, and given by the Court of Exchequer, on Complaint and Proof of ſuch Abuſe as aforeſaid, made and exhibited before the Barons of the ſaid Court, in ſuch ſummary Way and Method as to them ſhall ſeem meet; and in caſe any Sheriff, Under Sheriff, Bailiff, or other

Penalty on Sheriff, &c. taking any Fee or Gift on executing or forbearing to execute any Green Wax Proceſs.

Perſon ſo employed as aforeſaid, ſhall demand, take, or receive any Sum or Sums of Money, Gift, Gratuity, or Reward of any Kind whatſoever, or any Security, Promiſe, or Engagement of or for any Sum or Sums of Money, Fee, Gift, Gratuity, or Reward of any Kind whatſoever, be the ſame more or leſs, of any Perſon whomſoever, for or in reſpect or upon Pretence of executing any Green Wax Proceſs of the Court of Exchequer in *Ireland*, or for or in reſpect or upon Pretence of Fees due to them, or any of them, for collecting or receiving the ſame, or for not executing or for delaying to execute any ſuch Proceſs or any Warrant iſſued thereon, or ſhall accept of a leſs Sum upon Account, or in Payment or Diſcharge of any ſuch Proceſs or Warrant than as in ſuch Warrant or Proceſs is mentioned; then and in all and every ſuch Caſe, every Perſon ſo offending, and being thereof lawfully convicted, ſhall be deemed guilty of Extortion; and every Perſon, being thereof lawfully convicted, ſhall forfeit for every ſuch Offence, to the Party aggrieved in ſuch Proceſs or Warrant, the Amount of the Sum ordered to be levied by ſuch Proceſs or Warrant, and double the Sum ſo extorted, together with full Coſts of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of the ſuperior Courts of Record in *Dublin*.

Court of Exchequer may award Damages to Party charged in a ſummary Way.

XXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Court of Exchequer to award and order in a ſummary Way, to every or any Perſon or Perſons charged in ſuch Proceſs, ſuch Damages, Penalties, and Coſts, not exceeding the Amount aforeſaid reſpectively, as ſuch Court ſhall think reaſonable; and thereupon ſuch Offender ſhall not be liable to any Action or Indictment for ſuch Offence; and every ſuch Order and Award ſhall have the ſame Effect and Force, to all Intents and Purpoſes, as any other Order of the ſame Court; and the ſaid Coſts, Damages, and Penalties ſhall be raiſed and levied by ſuch Proceſs, Ways, and Methods as are uſed in the ſaid Court to enforce a Compliance with any other Order of the ſame Court.

Parties aggrieved by Forfeiture of Recognizance, &c. may appeal to Commiſſioners of Reducements, who may remit Penalties.

XXV. And be it further enacted, That it ſhall and may be lawful, from and after the Commencement of this Act, for all and every Perſon and Perſons who ſhall hereafter forfeit any Recognizance or Recognizances, or incur any Fine or Fines, or againſt whom any Eſtreat or Eſtreats ſhall or may hereafter iſſue, by virtue of this Act or otherwiſe, and who ſhall find himſelf, herſelf, or themſelves reſpectively aggrieved thereby, to go before His Majeſty's Commiſſioners of Reducements, who are hereby authorized and empowered to examine into the reſpective Circumſtances of the Caſe in a ſummary Manner; and if they ſhall ſee ſufficient Reaſon ſo to do, it ſhall be lawful for the ſaid Commiſſioners to remit the Whole or any Part of ſuch Recognizance, Fine, or Eſtreat, as they ſhall think fit.

Perſons obtaining Order for Relief from ſuch Commiſſioners ſhall ſerve Notice on Comptroller of the Pipe.

XXVI. Provided always, and be it enacted, That if ſuch Perſon or Perſons ſhall ſo have gone before His Majeſty's ſaid Commiſſioners in Manner aforeſaid, and that they ſhall have thought fit altogether to remit or partially to reduce the Sum or Sums contained in the ſaid Recognizance or Recognizances, Fine or Fines, Eſtreat or Eſtreats, then and in that Caſe the ſaid Perſon or Perſons who ſhall reſpectively have obtained an Order of the ſaid Commiſſioners for that Purpoſe ſhall, within Six Days from the

Time of obtaining the ſame, ſerve the ſaid Order upon the Comptroller of the Pipe, or his known Deputy, at his Office in *Dublin*; and the ſaid Comptroller of the Pipe is thereupon required to file the ſame in his Office, and not to iſſue Proceſs thereon, or to iſſue ſuch Proceſs according to the Terms of the ſaid Order, as the Caſe may require.

Poundage on Sums reduced, if levied by Sheriff, ſhall be deducted thereout on Repayment to the Party relieved.

XXVII. Provided alſo, and be it enacted, That in caſe any ſuch Fines and Recognizances which ſhall be ſo reduced or mitigated by His Majeſty's Commiſſioners of Reducements, ſhall have been actually levied by any Sheriff, and not paid by him into the Exchequer, that then and in every ſuch Caſe no Allowance ſhall be made for Poundage on the Debit of any ſuch Sheriff for any ſuch reduced Fines or Recognizances, but that the Poundage or Allowance, provided as aforeſaid, on ſuch Fines and Recognizances reſpectively, ſhall be paid to ſuch Sheriff by the Perſon in whoſe Favour or for whoſe Benefit the Order of Reducement ſhall be made, which ſhall be ſo expreſſed in ſuch Order, and every ſuch Sheriff may accordingly deduct the ſaid Poundage upon repaying the Sums ſo levied.

Court of Exchequer or Aſſize or Seſſions may relieve Parties in Cuſtody.

XXVIII. Provided alſo, and be it enacted, That if any Perſon or Perſons who ſhall hereafter be in the Cuſtody of any Sheriff or Sheriffs under any of the Proviſions of this Act for the Nonpayment of any Sum or Sums, ſhall petition His Majeſty's Court of Exchequer in any Caſe, or the Judges of Aſſize upon the reſpective Circuits, or the Court of General Seſſions of the Peace in the Caſes directed to be certified to them reſpectively as aforeſaid, the ſaid Court of Exchequer, and the ſaid Judges of Aſſize and Court of General Seſſions of the Peace reſpectively ſhall examine into the Facts of the ſaid Petitions reſpectively in a ſummary Manner; and it ſhall be lawful for the ſaid Court of Exchequer and Judges of Aſſize and Court of General Seſſions of the Peace reſpectively to grant an Order or Warrant (as the Caſe may be) under their Hands to diſcharge any Perſon or Perſons ſo in Cuſtody, and petitioning them reſpectively as aforeſaid, if they ſhall reſpectively ſee ſufficient Reaſon ſo to do; which Order or Warrant, upon being filed with the Comptroller of the Pipe, ſhall reſpectively be an Acquittance to the ſaid reſpective Sheriffs for the Sum and Sums for which the Perſon or Perſons ſo diſcharged was or were in Cuſtody.

Orders at Seſſions ſhall be made with Concurrence of Aſſiſtant Barriſter or Recorder.

XXIX. Provided alſo, and be it enacted, That no ſuch Order or Warrant of the Court of General Seſſions of the Peace ſhall be valid unleſs made with the Concurrence and under the Hand of the Aſſiſtant Barriſter of the County in which ſuch Court of General Seſſions ſhall be, or in Counties of Cities, and Counties of Towns, unleſs made with the Concurrence and under the Hand of the Recorder.

Petitioners in the County Gaol may be removed to the Bridewell of any Town where the Seſſions are held.

XXX. And in order that all Perſons who ſhall be entitled to petition any ſuch Court of General Seſſions as aforeſaid may be enabled ſo to do, be it enacted, That whenever the General Seſſions of the Peace for any County in *Ireland* ſhall be held in any City or Town of ſuch County, other than that in or near to which the County Gaol ſhall be, the Sheriff of ſuch County ſhall at any Time, not more than One Week before the Firſt Day of ſuch Seſſions, and he is hereby required to cauſe each and every

every Priſoner in ſuch Gaol, who ſhall be entitled to petition ſuch Court, and ſhall deſire the ſame, to be removed at the Expenſe of ſuch Perſon to the Bridewell of ſuch Town where ſuch Seſſions ſhall be ſo held, and to detain them reſpectively therein ſo long as may be neceſſary for the Purpoſes of ſuch Petition; and, before the End of One Week from the laſt Day of ſuch Seſſions, to cauſe ſuch of them as ſhall not be diſcharged to be removed again to the County Gaol.

In Caſes of alleged Poverty of Petitioner, the Court ſhall inquire if the Petitioner cannot pay Part of the Sum due, &c.

XXXI. And be it further enacted, That if the Petition in any ſuch Caſe ſhall allege the Poverty or Inability of the Petitioner to pay the Amount of the Sum or Sums for which he or ſhe ſhall be ſo in Cuſtody, the Court or Judge, in examining into ſuch Petition, ſhall inquire whether ſuch Petitioner may not be of Ability or have the Power to pay and diſcharge ſome and what Part or Proportion of the Sum or Sums for which he or ſhe ſhall be ſo confined; and ſuch Court or Judge ſhall not on the ſaid Ground of Poverty or Inability order ſuch Petitioner to be ſo diſcharged, except on the Payment of ſuch Part or Proportion of ſuch Sum or Sums as he or ſhe may ſo have the Power to pay and diſcharge; and if ſuch Petitioner ſhall have been a Surety in a forfeited Recognizance, then the Court or Judge ſhall alſo inquire when and by what Means ſuch Perſon became unable to pay ſuch Amount; and unleſs ſuch Court or Judge ſhall be ſatisfied that ſuch Inability aroſe without Fraud, Contrivance, or wilful Default, after the Time of entering into ſuch Recognizance, ſuch Court or Judge ſhall not order that ſuch Perſon be diſcharged until after the End of Four Calendar Months at the leaſt from the Commencement of his or her Impriſonment under ſuch Proceſs.

Where Petitioner is the Party fined, or is the Principal in any forfeited Recognizance, the Court ſhall inquire into all the Circumſtances of the Caſe before granting Relief.

XXXII. And be it further enacted, That in any Caſe in which ſuch Petitioner ſhall have been fined, or ſhall have been the Principal in any Recognizance on which he or ſhe ſhall be ſo in Cuſtody, ſuch Court or Judge ſhall alſo inquire into the Nature of the Offence for which ſuch Fine ſhall have been impoſed, or of the Charge in conſequence of which ſuch Recognizance ſhall have been entered into, and under what Circumſtances the ſame was forfeited; and in caſe ſuch Petitioner ſhall be ſo in Cuſtody under any Recognizance to anſwer or appear to any Charge, and ſhall after the Forfeiture of ſuch Recognizance have been tried and acquitted of ſuch Charge, ſuch Court or Judge ſhall inquire whether on ſuch Trial all the Witneſſes for the Proſecution attended and were examined; and if not, then whether by the Forfeiture of ſuch Recognizance the Attendance of any ſuch Witneſs was in any reſpect prevented; and if ſuch Petitioner ſhall be a Surety, then ſuch Court or Judge ſhall inquire whether ſuch Surety uſed due Diligence to make the Principal amenable to the Law; and in all and every of ſuch Caſes the ſaid Court or Judges or Judge of Aſſize ſhall have full Power and Authority, if they or he ſhall think proper, to order the Diſcharge of ſuch Petitioner, either generally or after ſuch Length of Time as ſuch Court or Judges or Judge in his or their Diſcretion ſhall think fit, having Reſpect to the Circumſtances of the Caſe, and the Length of Time that ſuch Petitioner ſhall have been in Cuſtody previous to the making of ſuch Order, and to the Object and Purpoſes of this Act; and ſuch Order in ſuch Form ſhall be good and valid to all Intents and Purpoſes whatſoever.

XXXIII. And

Clerks of the Crown and Clerks of the Peace, at the Termination of the Aſſizes or Seſſions, to poſt on the Doors of the Court Houſe, &c. a Liſt of all the Recognizances forfeited, &c.

XXXIII. And be it further enacted, That the ſeveral Clerks of the Crown and Clerks of the Peace throughout *Ireland* ſhall, within Three Days after the Termination of the ſeveral Aſſizes or Seſſions of the Peace reſpectively in every County, County of a City, and County of a Town, cauſe to be poſted on the Door of the Court Houſe or Seſſions Houſe of ſuch County, County of a City, or County of a Town where ſuch Aſſizes or Seſſions were held, and if ſuch Seſſions were held in any Place other than the County Town, then alſo on the Door of the Court Houſe in ſuch County Town, a true Liſt, ſigned and ſubſcribed by ſuch Clerk of the Crown or Clerk of the Peace, of all the Recognizances forfeited and Fines eſtreated at ſuch Aſſizes or Seſſions reſpectively, ſpecifying the Names, Deſcriptions, and Reſidences of the Perſons againſt whom ſuch Eſtreats ſhall have been made; and ſhall alſo deliver or tranſmit to the Treaſurer of the County, County of a City or Town in which ſuch Aſſizes or Seſſions were holden, a Copy of ſuch Liſt; and ſuch Treaſurer ſhall permit all Perſons to inſpect ſuch Copy who ſhall apply for that Purpoſe at his Office at any reaſonable Time of the Day; and if any Clerk of the Crown or Clerk of the Peace ſhall omit or neglect to cauſe ſuch Liſt to be poſted as aforeſaid, or to deliver or tranſmit a Copy thereof to the Treaſurer of ſuch County, County of a City or Town, ſuch Clerk of the Crown or Clerk of the Peace ſo offending ſhall for every ſuch Offence forfeit the Sum of Five Pounds, to be recovered in a ſummary Manner before any One Juſtice of the Peace of ſuch County, County of a City, or Town reſpectively.

Rights of Corporation to Fines.

XXXIV. Provided always, and be it enacted, That nothing herein contained ſhall extend to deprive any Corporation, or any Perſon or Perſons, of any Rights which they now have under their reſpective Charters or Patents, to any Fines, Amerciaments, or Recognizances whatſoever.

Sheriffs may plead General Iſſue.

XXXV. And be it further enacted, That if any Action upon the Caſe, Treſpaſs, Battery, or falſe Impriſonment, ſhall be brought againſt any ſuch Sheriff as aforeſaid, or any other Perſon or Perſons, who in his Aid or Aſſiſtance, or by his Commandment, ſhall do any Thing touching his aforeſaid Office, or for or concerning any Matter, Cauſe, or Thing by them or any of them done by reaſon thereof, it ſhall be lawful for the Defendant or Defendants in every ſuch Action to plead thereunto the General Iſſue of not guilty, and to give the Special Matter in Evidence to the Jury who ſhall try the ſame; and if upon ſuch Trial a Verdict ſhall be had for ſuch Defendant or Defendants, or if the Defendant or Defendants ſhall have Judgment upon Demurrer, or if the Plaintiff or Plaintiffs therein ſhall be nonſuited or ſuffer any Diſcontinuance thereof, that in every ſuch Caſe the Defendant or Defendants ſhall have his or their Treble Coſts, which he or they ſhall have ſuſtained by reaſon of ſuch Action or Suit, for which the ſaid Defendant or Defendants ſhall have the like Remedy as in other Caſes where Coſts by Law are given to the Defendant.

Treble Coſts.

Act may be amended this Seſſion.

XXXVI. And be it further enacted, That this Act may be amended, altered, or repealed during the preſent Seſſion of Parliament.

XXXVII. And

Commencement of Act.

XXXVII. And be it further enacted, That this Act and every Clauſe and Proviſion therein contained ſhall commence and have Effect on and from the Twenty-fifth Day of *June* One thouſand eight hundred and ſeventeen, and not ſooner.

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