Anno tricesimo secundo

Georgii II. Regis.

An Act for the more regular and easy collecting, accounting for, and paying, of Post Fines, which shall be due to the Crown, or to Grantees thereof under the Crown; and for the Ease of Sheriffs in respect to the same.



WHEREAS great Trouble and Expence arise in the Execution of the Office of Sheriff, by the present Method of collecting, accounting for, and paying, of Post Fines, which become due to the Crown, or to Grantees or Proprietors thereof under the Crown, by reason that the Persons from whom such Post Fines are due, are frequently unknown to the Sheriff, and reside out of his County; and the Parishes, Towns, Precincts, or Places, in which the Lands lie, whereof the Fine was levied, Preamble.

levied, are frequently miſnamed, whereby the Sheriff is unable to find out the ſame: And foraſmuch as the Sheriff of every County, on the paſſing his Accounts, is obliged to pay to the Crown, before he can obtain his Quietus, the ſeveral and reſpective Poſt Fines charged upon him, many of which he is never able to collect in and receive, to his manifeſt Loſs and Detriment; For Remedy whereof, and for the Eaſe of Sheriffs in the Execution of their Office, May it 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 on all and every Writ or Writs of Covenant which, from and after the Firſt Day of Trinity Term, One thouſand ſeven hundred and fifty nine, ſhall be ſued out for the paſſing of Fines in his Majeſty's Court of Common Pleas at Weſtminſter, the Officer or Officers, whoſe Duty it is to ſet and indorſe the Preſine payable thereon, ſhall alſo at the ſame Time, ſet the uſual Poſt Fine, and indorſe the ſame on the Back of the ſaid Writ or Writs, together with his or their Name or Names, or Mark of Office, thereto, in the like Manner as the ſame are now indorſed or ſtampt at the Office called The King's Silver Office; which ſaid Poſt Fine or Poſt Fines ſhall be forthwith paid to the Receiver of Preſines at the Alienation Office, for the time being, together with the Sum of Four Pence, as his Fee for receiving the ſame, inſtead, and in lieu, of the Fee of Four Pence charged on Lands, Tenements, and Hereditaments, and payable to Sheriffs, Bailiffs, and others, on diſcharging the ſame, by virtue of the Act of the Third Year of his late Majeſty King George the Firſt, intituled, An Act for the better regulating the Office of Sheriffs; and for aſcertaining their Fees, and the Fees for ſuing out their Patents and paſſing their Accounts; which ſaid Fee of Four Pence, by the ſaid Act granted, from and after the ſaid Firſt Day of Trinity Term, One thouſand ſeven hundred and fifty nine, ſhall ceaſe and determine; and ſuch Receiver ſhall indorſe upon the Back of every ſuch Writ or Writs of Covenant, One particular or certain Mark of Office, in like Manner as is now uſed by him on the Receipt of Preſines at the Alienation Office, together with the Name of ſuch Receiver, and the Sum of Money which

The Poſt Fine to be indorſed on the Back of the Writ, by the Officer who is to ſet the Preſine, together with his Name, or Mark of Office;

both Fines to be paid together to the Receiver of the Preſines at the Alienation Office, with 4*d.* for his Fee, inſtead of the Fine granted by Act 3 *Geo.* I.

Receiver to indorſe on the Back of the Writ, his Mark of Office, Name, and Sum received.

which shall be by him received as the Post Fine due thereon; which Mark and Indorsement of such Receiver, shall discharge the Manors, Lands, Tenements, Rents, Commons, and Hereditaments, comprised in the said Writ or Writs of Covenant, and the Cognizee or Cognizees named therein.

Clerk of the Silver Office to enter and mark the Fines.

And be it further enacted by the Authority aforesaid, That the Officer or Clerk of the King's Silver Office, or his Deputy, from and after the said First Day of Trinity Term, One thousand seven hundred and fifty nine, shall continue to enter every such Fine or Fines upon Record, in the Way hitherto used in the passing of Fines, and make thereof the same Entries, and shall put thereon the same Indorsements, with the same Stamp or Mark, and in the like Manner, as has hitherto been the constant Usage and Practice of the said Office in passing of Fines; and that no Fine, until the same shall be stampt and marked with the Sum to which the Post Fine amounts as aforesaid in the said King's Silver Office, shall be deemed a Fine valid and effectual in Law.

Fines not valid until stampt and mark'd with the Post Fine.

And whereas no Prefine is payable on any Writ of Covenant where the Lands and Tenements contained therein are under the yearly Value of Five Marks; but a certain Sum of Six Shillings and Eight Pence hath been antiently set and payable to the Crown on every such Writ of Covenant, as and for the King's Licence being granted to the Parties in such Writ of Covenant named to accord; be it therefore further enacted by the Authority aforesaid, That from and after the said First Day of Trinity Term, in all Cases where no Prefine shall be payable on any Writ of Covenant, the Officer or Officers at the said Alienation Office, whose Duty it is to set and indorse the Prefine on every Writ of Covenant on which a Prefine is payable, shall set on every Writ of Covenant brought to the said Alienation Office, on which no Prefine shall be payable, a Post Fine of Six Shillings and Eight Pence, as hath been antiently usually put, at the said King's Silver Office, on every Writ of Covenant on which no Prefine was payable; and shall indorse such Post Fine of Six Shillings and Eight Pence on every such Writ of Covenant, together with his or their Name or Names, and Mark of Office, in the like Manner as it hath been usual to indorse such Writs of Covenant at the said Alienation Office; and every such Post Fine of Six

Where no Prefine is payable on the Writ, the Officer at the Alienation Office is to put a Post Fine of 6 s. 8 d. thereon,

and indorse the same, with his Name and Mark of Office.

The said Sum of 6 *s.* 8 *d.* to be paid before the Writ pass the Alienation Office.

Shillings and eight Pence, shall be paid to the said Receiver of the said Alienation Office, before the Writ of Covenant on which no Presine is payable shall be passed at the said Alienation Office; and the said Receiver, on Payment of the said Six Shillings and Eight Pence, shall indorse on and mark every such Writ of Covenant, in like Manner as other Writs of Covenant are by this Act before directed to be indorsed and marked by such said Receiver.

Receiver to indorse his Name, and mark the Writ.

Clerk of the Silver Office to receive no Writ where the Post Fine has not been paid.

And be it further enacted by the Authority aforesaid, That the Officer or Clerk of the King's Silver Office, or his Deputy, from and after the said First Day of Trinity Term, One thousand seven hundred and fifty nine, shall not receive any Writ or Writs of Covenant, unless it shall appear by the Mark and Indorsement of such Receiver as aforesaid, that the Post Fine has been paid thereon.

If the Writ shall be prevented from passing the several Offices, the Receiver to repay the Post Fine to the Cognizee.

Provided nevertheless, That if after the Payment of such Post Fine or Post Fines as aforesaid, the said Writ or Writs of Covenant shall, by the Death of any of the Parties named therein, or for any other Cause whatsoever, be prevented or hindered from passing through the several other Offices, so as the said Fine or Fines is or are not, or cannot be, compleated; that then, and in every such Case, the said Receiver shall repay to the Cognizee or Cognizees, in every such Writ or Writs of Covenant, his, her, or their Attorney or Agent, on their producing and filing with him the said Writ or Writs of Covenant, all and every such Sum and Sums of Money as shall have been before by him received thereon as and for the Post Fine or Post Fines; and such Writ or Writs of Covenant so remaining filed with such Receiver, shall be, and is hereby declared to be a sufficient Discharge to such Receiver, for such Sum or Sums of Money as he shall so repay as aforesaid.

Receiver to enter into Recognizance, with Sureties, for the faithful Discharge of his Office, and making due Payments of the Monies received by him.

And be it further enacted by the Authority aforesaid, That every such Receiver as aforesaid, before he takes upon him the Execution of his said Office, shall enter into a Recognizance before One of the Barons of his Majesty's Court of Exchequer, to his Majesty, his Heirs, and Successors, with One or more Surety or Sureties, as shall be thought proper by such Baron, in the penal Sum of Five thousand Pounds, conditioned for the due and faithful Execution of the said Office, and to pay unto every respective Sheriff of every County, City, and

Town

Town in England, having a Sheriff or Sheriffs, or his under Sheriff or lawful Attorney, on his or their producing to such Receiver, his Clerk or Agent, at his publick Office, the Quietus of the Sheriff for whom Payment is required, the Sum Total of the Post Fines which shall be contained in such respective Quietus, and wherewith such Sheriff shall have been charged in his Account in the Exchequer; and also to pay unto all and every the Lords of Liberties, Proprietors, or Grantees, of Post Fines under the Crown, or to their lawful Bailiffs or Attorney, upon their producing respectively unto the said Receiver, his Clerk or Agent, at his publick Office, the respective Schedules of the Foreign Apposer, or Clerk of the Estreats of the said Court of Exchequer, the several and respective Sums of Money in such Schedules contained, and set over as Post Fines to such Lords, Proprietors, or Grantees respectively; which said Surety or Sureties, shall respectively justify him or herself, before the Baron taking such Recognizance, to be worth the Sum of Two thousand five hundred Pounds, over and besides all just Debts and Incumbrances; and every such Recognizance shall, with all convenient Speed, after the taking thereof, be transmitted by the Baron who shall take the same to the King's Remembrancer of the Court of Exchequer, there to be filed and remain on Record; and such Receiver, and his said Sureties, shall in all Cases be respectively liable to the Amount of such penal Sum, to make Satisfaction to each respective Sheriff, and also to the respective Lords of Liberties, Proprietors, or Grantees, for all and every Post Fine and Post Fines which shall be received by such Receiver, his Deputy or Agent, on any Fine levied of any Lands, Tenements, Rents, or Hereditaments, within their respective Sheriffwicks or Liberties; and in case of the Death or Insolvency of any of the said Sureties, at any Time after the entering into such Recognizance, as aforesaid, then One or more Surety or Sureties in the Room or Place of him, her, or them, so dying or becoming insolvent, as aforesaid, shall, within the Space of One Month then next, enter into such Recognizance as the said Surety or Sureties so dying or becoming insolvent had entered into, and justify himself, herself, or themselves, in like Manner as is before directed in this Act; in Default of which the said Office shall immediately cease, determine, and be utterly void.

Sureties to justify themselves.

Rocognizance to be transmitted to, and filed in, the Court of Exchequer.

Receiver and Sureties liable, in the Penalty of the Recognizance, to the Sheriff, Lords of Liberties, Proprietors, or Grantees, for the Post Fines received.

On the Death, &c. of a Surety, a new One to be provided within One Month.

And

Time of Receiver's Attendance at Office, and Delivery of the Writs.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of Trinity Term, every such Receiver, his Clerk or Agent, shall daily (Sundays and Holidays excepted) attend at the said Alienation Office, from Nine of the Clock in the Morning, till One of the Clock in the Afternoon, and shall deliver back every such Writ of Covenant, as aforesaid, when the same shall be called for at the said Alienation Office, during the Office Hours herein before appointed for such Receiver's Attendance at the said Office, within Two Days after every such Post Fine shall be paid thereon respectively, unless the last of the said Two Days shall happen to be a Sunday or Holiday, and then on the next succeeding Day.

Receiver to pay the Post Fines to the Sheriff, on producing his *Quietus*,

And be it enacted by the Authority aforesaid, That every such Receiver as aforesaid shall pay unto every Sheriff of any of the Counties, Cities, or Towns of England, his Under Sheriff or lawful Attorney, on his producing his Quietus, the several and respective Sums of Money in the said Quietus mentioned to have been by him accounted for in the Receipt of His Majesty's Exchequer, on the passing of his Accounts as and for Post Fines of His Majesty's Court of Common Pleas at Westminster; and also in like Manner pay unto all and every Lords of Liberties, Proprietors, or Grantees, under the Crown, of such Post Fines, or his or their Bailiff or lawful Attorney, upon their producing the Schedules of the Foreign Apposer, or Clerk of the Estreats of the said Court of Exchequer, the several and respective Sums of Money in the said Schedules set and allowed to them as Post Fines; the said Receiver deducting and retaining to himself, out of every Twenty Shillings which he shall so pay, the Sum of Six Pence only, for his Trouble and Attendance on the due Execution of this Act, and so in Proportion for any greater or less Sum, and which he is hereby authorized and impowered to deduct and retain to his own Use; but neither the said Receiver, nor any other Person or Persons whatsoever, for his or their Attendance on such Receiver, shall charge or be allowed any Fee or Reward for or on the Account of doing any thing by this Act directed, except the said Fees to such Receiver in this Act particularly mentioned and expressed.

and to the Lords of Liberties, Proprietors, or Grantees, on producing the Schedules of the Foreign Apposer.

Receiver to deduct 6 *d.* in the Pound, and no more, of the Sums paid by him.

And

And be it further enacted by the Authority aforesaid, That if any Person or Persons from and after the said First Day of Trinity Term One thousand seven hundred and fifty nine, shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, the Mark or Hand of such Receiver as aforesaid, whereby such Receiver, or any other Person or Persons, shall or may be defrauded, or suffer any Loss thereby; every Person or Persons convicted of such Offence, shall be deemed guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy. Penalty of forging the Receiver's Hand or Mark.

And be it also enacted by the Authority aforesaid, That every such Receiver refusing or neglecting to pay such Post Fines to the said respective Sheriffs, Lords of Liberties, Proprietors, or Grantees under the Crown, or their lawful Attornies or Bailiffs, shall be subject to such Order as the Barons of the said Court of Exchequer of the Degree of the Coif shall make for the Payment of the same; and the said Receiver, and every Person or Persons who shall be guilty of any wilful Default, Extortion, or Misdemeanor, contrary to the true Intent and Meaning of this Act, shall forfeit and pay to the Party aggrieved Treble Damages with Full Costs, which shall and may be ordered and awarded by the Barons of the Court of Exchequer, upon Application made to, and on due Proof thereof made before them, in such summary Way and Method as to them shall seem meet; provided every such Application or Prosecution be made within the Space of Two Years next after any such Offence shall have been committed, and not otherwise; and such Orders of the said Court of Exchequer, so to be made as aforesaid, shall have the same Force, Virtue, and Effect, and the Observance thereof shall be inforced by such Ways and Means, as any other Orders of the same Court. Receiver made subject to the Order of the Court, for not paying the Post Fines; and being guilty of any Misdemeanor, to forfeit Treble Damages. Limitation of Prosecutions. Orders of the Court inforced.

Provided always, and be it enacted by the Authority aforesaid, That this Act shall not any Way alter the Operation of any Fine which after the said First Day of Trinity Term, One thousand seven hundred and fifty nine, shall be levied in the Court of Common Pleas at Westminster, or the Course of passing Fines in that Court, otherwise than in and by this Act directed. Operation of Fines in the Court of *Common Pleas*, not altered by this Act.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.