ANNO QUINTO

GEORGII IV. REGIS.

****

C A P. XVIII.

An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders; and for facilitating the Execution of Warrants by Constables. [31st *March* 1824.]

WHEREAS by several Acts, certain Penalties and Forfeitures are imposed on Persons for Offences committed against the Directions of such Acts, which are directed to be recovered before any Justice or Justices of the Peace, or any Magistrate or Magistrates, within their respective Jurisdictions; and on Non-payment thereof, such Penalties and Forfeitures, together with the reasonable Costs and Charges attending the several Convictions, are directed to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice and Magistrate respectively: And whereas no Power is given to such Justices and Magistrates, on Conviction of such Offenders, to detain him, her, or them in Custody till Return is made to the Warrant of Distress, for the Purpose of ascertaining whether such Offenders have any Goods and Chattels to satisfy such Penalties, Forfeitures, Costs, and Charges, whereby such Offenders frequently escape any Punishment for their Offences: For Remedy whereof, 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 from and after the passing of this Act, whenever any Penalty or Forfeiture is or shall be directed to be recovered before any Justice or Justices of the Peace, or Magistrate or Magistrates, for any County, Riding, Soke, City, Division, or Place, and such Justice or Justices of the Peace, Magistrate or Magistrates, is or are authorized and empowered, on the Conviction of the Offender or Offenders, in Default of Payment of such Penalty or Forfeiture, together with the reasonable Costs and Charges attending such Conviction, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant or Warrants under the Hand and Seal of such Justice or Magistrate, or Hands and Seals of such Justices or Magistrates, together with the reasonable Costs of such Distress and Sale; and in case upon a Valuation being taken of the Goods and Chattels of the Offender or Offenders, sufficient Distress for the Payment of all such Penalties and Forfeitures and other Costs and Charges cannot be found, or in case it shall appear to such Justice or Justices, Magistrate or Magistrates, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders has or have not sufficient Goods or Chattels whereupon the same may be levied, within the Jurisdiction of such Justice or Justices, Magistrate or Magistrates, no Sale shall take place of the Goods and Chattels of such Offender or Offenders, but it shall be lawful for such Justice or Justices, Magistrate or Magistrates, to commit such Offender or Offenders to the Common Gaol or House of Correction, for such Time and in such Manner as in such Acts respectively mentioned and directed, then and in every such case it shall and may be lawful to and for such Justice or Justices, Magistrate or Magistrates, at his or their Discretion, to order the Offender or Offenders so convicted to be kept and detained in safe Custody until Return shall be made to such Warrant or Warrants of Distress, unless such Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, Magistrate or Magistrates, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking such Security; and such Security such Justice or Justices, Magistrate or Magistrates, is and are hereby empowered to take by way of Recognizance or otherwise, as to him or them shall seem right and proper; or in case it shall appear to the Satisfaction of such Justice or Justices, Magistrate or Magistrates, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath not or have not Goods or Chattels within the Jurisdiction of such Justice or Justices, Magistrate or Magistrates, sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice or Justices, Magistrate or Magistrates, may at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders for such Period of Time, and in such and like Manner, as if a Warrant of Distress had been issued and a *Nulla Bona* returned thereon.

When a Penalty is directed to be recovered before a Justice, on Default of Payment Justice may distrain on the Offender's Goods.

In default of sufficient Distress no Sale of Goods shall take place, but Offender may be committed, unless Security be given, &c.

II. And

In Cases where Penalties are directed to be recovered by Distress, but no Remedy provided where sufficient Distress cannot be found, Justices may commit the Offender, &c.

II. And whereas by some Acts certain Penalties or Sums of Money are to be recovered before a Justice or Justices of the Peace, or a Magistrate or Magistrates, and he or they is and are authorized to issue forth his or their Warrant for levying such Penalties or Sums of Money, by Distress and Sale of the Goods and Chattels of the Offender or Defendant; but no further Remedy is provided in case no sufficient Goods and Chattels can be found whereon to levy such Penalties or Sums of Money; for Remedy whereof, be it further enacted, That whenever it shall appear to any such Justice or Justices of the Peace, Magistrate or Magistrates, by whom any Penalty or Sum of Money is adjudged to be paid, upon the Return of any such Warrant of Distress, that no sufficient Goods and Chattels of the Offender or Defendant can be found whereon to levy the Sum adjudged to be paid, and all Costs and Charges, within the Jurisdiction of such Justice or Justices, Magistrate or Magistrates, or in case it shall appear to such Justice or Justices, Magistrate or Magistrates, either by the Confession of the Party or Parties, or otherwise, that he, she, or they have not sufficient Goods and Chattels within the Jurisdiction of such Justice or Justices, Magistrate or Magistrates, sufficient whereon to levy such Sum of Money, Costs, and Charges, such Justice or Justices, Magistrate or Magistrates, at his or their Discretion, and without issuing any Warrant of Distress, may proceed in such and the like Manner as if a Warrant of Distress had been issued and a *Nulla Bona* returned thereon; and it shall be lawful for such Justice or Justices, or Magistrate or Magistrates, to issue forth his or their Warrant for committing such Offender or Defendant to the Common Gaol, for any Term not exceeding Three Calendar Months, unless the Sum adjudged to be paid, and all Costs and Charges of the Proceedings, shall be sooner paid: Provided always, that the Amount of such Costs and Expences shall be specified in such Warrant of Commitment.

If Offender, after Committal to Prison, shall pay the Amount of Penalty, &c. to the Keeper, he shall be forthwith discharged.

III. And be it further enacted, That in the case of any Offender or Offenders committed to the Common Gaol or House of Correction for Default of Payment of such Penalty or Forfeiture, together with the reasonable Costs and Charges attending the Conviction, if such Offender or Offenders shall at any Time, during the Period of his, her, or their Imprisonment, pay or cause to be paid to the Governor or Keeper of the Prison, the full Amount of such Penalty, together with the Costs and Charges, it shall be lawful for such Governor or Keeper of such Prison, and he or they are hereby required forthwith to discharge such Offender or Offenders from his or their Custody.

Justices empowered to commit to Prison without issuing Warrant of Distress in certain Cases.

IV. And whereas Cases may occur where the Recovery of such Penalty or Forfeiture by Distress and Sale of the Goods and Chattels of the Offender or Offenders may appear to the Justice or Justices of the Peace, or Magistrate or Magistrates, for any County, Riding, Soke, City, Division, or Place, to be attended with Consequences ruinous, or in an especial Manner injurious to the Offender or Offenders and their Family or Families; be it enacted, That the Justice or Justices, and Magistrate or Magistrates aforesaid, shall be empowered, and they are hereby authorized, in all Cases and upon all

all such Occasions as to them shall seem fit, and where such Consequences are likely to arise, to cause to be withheld the Issue of any Warrant or Warrants of Distress, and to commit the Offender or Offenders aforesaid immediately after Conviction, and in Default of Payment of the Penalty or Forfeiture, with Costs and Charges, to the Common Gaol or House of Correction, for such Time and in such Manner as are in such Acts respectively mentioned and directed: Provided always, that it be by the Desire or with the Consent in Writing of the Party or Parties upon whose Property the Penalty or Forfeiture is to be levied.

Consent of Party.

Act not to extend to Scotland.

V. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*.

Constables may execute Warrants out of their Precincts, provided it be within the Jurisdiction of the Justice granting or backing the same.

VI. And whereas Warrants addressed to Constables, Headboroughs, Tithingmen, Borsholders, or other Peace Officers of Parishes, Townships, Hamlets, or Places, in their Characters of and as Constables, Headboroughs, Tithingmen, Borsholders, or other Peace Officers of such respective Parishes, Townships, Hamlets, or Places, cannot be lawfully executed by them out of the Precincts thereof respectively, whereby Means are afforded to Criminals and others of escaping from Justice: For Remedy whereof, be it further enacted, That it shall and may be lawful to and for each and every Constable, and to and for each and every Headborough, Tithingman, Borsholder, or other Peace Officer, for every Parish, Township, Hamlet, or Place, to execute any Warrant or Warrants of any Justice or Justices of the Peace, or of any Magistrate or Magistrates, within any Parish, Township, Hamlet, or Place, situate, lying, or being within that Jurisdiction for which such Justice or Justices, Magistrate or Magistrates, shall have acted when granting such Warrant or Warrants, or when backing or indorsing any such Warrant or Warrants, in such and the like Manner as if such Warrant or Warrants had been addressed to such Constable, Headborough, Tithingman, Borsholder, or other Peace Officer, specially by his Name or Names, and notwithstanding the Parish, Township, Hamlet, or Place in which such Warrant or Warrants shall be executed, shall not be the Parish, Township, Hamlet, or Place for which he shall be Constable, Headborough, Tithingman, or Borsholder, or other Peace Officer, provided that the same be within the Jurisdiction of the Justice or Justices, Magistrate or Magistrates, so granting such Warrant or Warrants, or within the Jurisdiction of the Justice or Justices, Magistrate or Magistrates, by whom any such Warrant or Warrants shall be backed or indorsed.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1824.