

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. LXX.

An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland*, with respect to Summary Convictions and Orders. [28th *July* 1849.]

WHEREAS it would conduce much to the Improvement of the Administration of Justice in *Ireland*, so far as respects Summary Convictions, and Orders to be made by Her Majesty's Justices of the Peace therein, if the several Statutes and Parts of Statutes relating to the Duties of such Justices in respect of such Summary Convictions and Orders were consolidated, with such Additions and Alterations as may be deemed necessary, and that such Duties should be clearly defined by such positive Enactment: Be it therefore declared and enacted by the Queen'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 in all Cases where an Information shall be laid before One or more of Her Majesty's Justices of the Peace for any County, Division, Liberty, City, Borough, or Place within *Ireland*, that any Person has committed or is suspected to have committed any Offence or Act within the Jurisdiction of such Justice or Justices for which he is liable

In all Cases where Information shall be laid or Complaint made of Offences committed, Justices may

issue Summons to Persons to answer the same.

liable by Law, upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished, and also in all Cases where a Complaint shall be made to any such Justice or Justices upon which he or they have or shall have Authority by Law to make any Order for the Payment of Money or otherwise, then and in every such Case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A.) directed to such Person, stating shortly the Matter of such Information or Complaint, and requiring him to appear at a certain Time and Place before the same Justice or Justices, or before such other Justice or Justices of the same County, Division, Liberty, City, Borough, or Place as shall then be there, to answer to the said Information or Complaint, and to be further dealt with according to Law; and every such Summons shall be served upon the Person to whom it is so directed by delivering the same to the Party personally, or by leaving the same with some Person for him at his last or most usual Place of Abode; and the Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of the said Summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any Case where the Application for any Order of Justices is by Law to be made *ex parte*: Provided also, that no Objection shall be taken or allowed to any Information, Complaint, or Summons, for any alleged Defect therein in Substance or in Form, or for any Variance between such Information, Complaint, or Summons and the Evidence adduced on the Part of the Informant or Complainant at the Hearing of such Information or Complaint as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day.

How Summons to be served.

Justices not obliged to issue Summonses in certain Cases.

No Objection allowed for Want of Form.

If Summons be not obeyed, Justices may issue Warrant;

II. And be it enacted, That if the Person so served with a Summons as aforesaid shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by Oath or Affirmation, that such Summons was so served what shall be deemed by such Justice or Justices to be a reasonable Time before the Time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information or Complaint to his or their Satisfaction, to issue his

his or their Warrant (B.) to apprehend the Party so summoned, and to bring him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Division, Liberty, City, Borough or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; or upon such Information being laid as aforesaid for any Offence punishable on Conviction the Justice or Justices before whom such Information shall have been laid may, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information to his or their Satisfaction, instead of issuing such Summons as aforesaid, issue in the first instance his or their Warrant (C.) for apprehending the Person against whom such Information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Division, Liberty, City, Borough, or Place, to answer to the said Information, and to be further dealt with according to Law; or if, where a Summons shall be so issued as aforesaid, and upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justice or Justices then present that such Summons was duly served upon such Party a reasonable Time before the Time so appointed for his Appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed *ex parte* to the Hearing of such Information or Complaint, and to adjudicate thereon, as fully and effectually, to all Intents and Purposes, as if such Party had personally appeared before him or them in obedience to the said Summons.

or may issue Warrant in the first instance;

or if Summons, having been duly served, be not obeyed, the Justices may proceed ex parte.

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to any such Information or Complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constables of the District within which the same is to be executed, or any of them, without naming them, or to such Constables and all other Constables within the County or other District within which the Justice or Justices issuing such Warrant hath or have Jurisdiction, or generally to all the Constables within such last-mentioned County or District, and it shall state shortly the Matter of the Information or Complaint on which it is founded, and shall name or otherwise describe the Person against whom it has been issued, and it shall order the Constables or other Person to whom it is directed to apprehend the said Defendant, and to bring him before One or more Justice or Justices of the Peace

Form of Warrant.

Peace (as the Case may require) of the same County, Division, Liberty, City, Borough, or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; and that it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in full Force until it shall be executed; and such Warrant may be executed by apprehending the Defendant at any Place within the County, Division, Liberty, City, Borough, or Place within which the Justices issuing the same shall have Jurisdiction, or, in case of fresh Pursuit, at any Place in the next adjoining County or Place within Seven Miles of the Border of such first-mentioned County, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction, it shall be lawful for any Constable or other Peace Officer for any District or Place situate within the Limits of the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant to execute such Warrant in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding that the Place in which such Warrant shall be executed shall not be within the District or Place for which he shall be such Constable or other Peace Officer; and such of the Provisions and Enactments contained in a certain Act of Parliament made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, as to the backing of any Warrant, and the Endorsement thereon by a Justice of the Peace or other Officer, authorizing the Person bringing such Warrant, and all other Persons to whom the same was originally directed, to execute the same within the Jurisdiction of the Justice or Officer so making such Endorsement, as are applicable to the Provisions of this Act, shall extend to all such Warrants, and to all Warrants of Commitment issued under and by virtue of this Act, in as full and ample a Manner as if the said several Provisions and Enactments were here repeated and made Parts of this Act: Provided always, that no Objection shall be taken or allowed to any such Warrant to apprehend a Defendant so issued upon any such Information or Complaint as aforesaid under or by virtue of this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Informant or Complainant as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so apprehended under such

Where and how Warrant may be executed.

Certain Provisions of 12 & 13 Vict. c. 69. as to backing of Warrants to extend to Warrants issued under this Act.

No Objection allowed for Want of Form in the Warrant, or for any Variance between it and Evidence adduced;

but if the Party charged

Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant,

is deceived by the Variation, he may be committed or discharged upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

IV. And be it enacted, That in any Information or Complaint, or the Proceedings thereon, in which it shall be necessary to state the Ownership of any Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name one of such Persons, and to state the Property to belong to the Person so named and another or others, as the Case may be, and whenever in any Information or Complaint, or the Proceedings thereon, it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to describe them in manner aforesaid; and whenever in any such Information or Complaint, or the Proceedings thereon, it shall be necessary to describe the Ownership of any Work or Building made, maintained, or repaired at the Expense of any County, Division, Liberty, City, Borough, or Place, or of any Materials for the making, altering, or repairing of the same, they may be therein described as the Property of the Inhabitants of such County, Division, Liberty, City, Borough, or Place respectively; and all Goods provided by Guardians of the Poor or their Officers respectively for the Use of the Poor may in any such Information or Complaint, or the Proceedings thereon, be described as the Goods of the Guardians of the Poor of the Union to which the same belong, without naming any of them; and all Materials and Tools provided for the Repair of Highways at the Expense of Baronies

Description of the Property of Partners, &c.;

of the Property of Counties;

of the Property in Goods provided for the Poor;

of the Property in Materials for Roads;

Baronies or other Districts in which such Highways may be situate may be therein described as the Property of the County Surveyor or Surveyors respectively, without naming him or them; and all Materials or Tools provided for making or repairing any Turnpike Road, and Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, may be described as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them; and all Property of any Persons described in any Act of Parliament now made or hereafter to be made, or in any Charter or Letters of Incorporation now in existence or hereafter to be granted, as Commissioners, Directors, Trustees, or by any other general Designation whatsoever may be described as the Property of such Commissioners, Directors, Trustees, or Persons described by such other general Designation, without naming them.

of the Property in Materials for Turnpike Roads, &c.;

of the Property of Commissioners, &c.

Prosecution and Punishment of Aiders and Abettors in the Commission of Offences.

V. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or hereafter shall be punishable on summary Conviction shall be liable to be proceeded against and convicted for the same, either together with the principal Offender, or before or after his Conviction, and shall be liable on Conviction to the same Forfeiture and Punishment as such principal Offender is or shall be by Law liable, and may be proceeded against and convicted either in the County, Riding, Division, Liberty, City, Borough, or Place where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

Provisions of 12 & 13 Vict. c. 69. as to Justices in one County, &c. acting for another to extend to this Act.

VI. And be it enacted, That such of the Provisions and Enactments in the Act aforesaid passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, whereby a Justice of the Peace for one County, Division, Liberty, City, Borough, or Place may act for the same whilst residing or being in an adjoining County, Division, Liberty, City, Borough, or Place of which he is also a Justice of the Peace, or whereby a Justice of the Peace for any County at large, Division, or Liberty may act as such within any City, Town, or Precinct next adjoining thereto or surrounded thereby, being a County of itself or otherwise having exclusive Jurisdiction, as are applicable to the Provisions of this Act, shall be deemed to be incorporated into this Act, and to extend to all Acts required of or to be performed by Justices of the Peace under or by virtue of this Act, in as full and ample a Manner as if the said Provisions and Enactments were here repeated and made Parts of this Act.

VII. And

Power to Justice to summon Witnesses to attend and give Evidence;

VII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence in behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the Hearing of such Information or Complaint, such Justice may and is hereby required to issue his Summons (G. 1.) to such Person under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Matter of the said Information or Complaint; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and that a reasonable Sum was paid or tendered to him for his Costs and Expenses in that Behalf,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (G. 2.) under his or their Hands and Seals to bring and have such Person, at a Time and Place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation, that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (G. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having there Jurisdiction, may by Warrant (G. 4.) under his Hand and Seal commit

If Summons be not obeyed, Justices may issue Warrant;

In certain Cases may issue Warrant in the first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

commit the Person so refusing to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

Complaints for an Order need not be in Writing.

VIII. And be it enacted, That in all Cases of Complaints upon which a Justice or Justices of the Peace may make an Order for the Payment of Money or otherwise it shall not be necessary that such Complaint shall be in Writing, unless it shall be required to be so by some particular Act of Parliament upon which such Complaint shall be framed.

As to Proceedings upon Informations for Offences punishable on summary Convictions.

IX. And be it declared and enacted, That in all Cases of Informations for any Offences or Acts punishable upon summary Conviction any Variance between such Information and the Evidence adduced in support thereof as to the Time at which such Offence or Act shall be alleged to have been committed shall not be deemed material, if it be proved that such Information was in fact laid within the Time limited by Law for laying the same; and any Variance between such Information and the Evidence adduced in support thereof as to the Parish or Place in which the Offence or Act shall be alleged to have been committed shall not be deemed material, provided that the Offence or Act be proved to have been committed within the Jurisdiction of the Justice or Justices by whom such Information shall be heard and determined; and if any such Variance, or any Variance in any other respect between such Information and the Evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the Hearing to be such that the Party charged by such Information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the

The Party charged, if deceived by Variation between Information and Evidence, may be committed or discharged upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

Manner of making Complaint or laying Information.

X. And be it declared and enacted, That every such Complaint upon which a Justice or Justices of the Peace is or are or shall be authorized by Law to make an Order, and that every Information for any Offence or Act punishable upon Summary Conviction, unless some particular Act of Parliament shall otherwise require, may respectively be made or laid without any Oath or Affirmation being made of the Truth thereof; except in Cases of Informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance to apprehend the Defendant as aforesaid, and in every such Case where the Justice or Justices shall issue his or their Warrant in the first instance the Matter of such Information shall be substantiated by the Oath or Affirmation of the Informant, or by some Witness or Witnesses on his Behalf, before any such Warrant shall be issued; and every such Complaint shall be for One Matter of Complaint only, and not for Two or more Matters of Complaint; and every such Information shall be for One Offence only, and not for Two or more Offences; and every such Complaint or Information may be laid or made by the Complainant or Informant in Person, or by his Counsel or Attorney or other Person authorized in that Behalf.

When Warrant issued in the first instance, Information to be upon Oath, &c.

Time limited for such Complaint or Information.

XI. And be it enacted, That in all Cases where no Time is already or shall hereafter be specially limited for making any such Complaint or laying any such Information in the Act or Acts of Parliament relating to each particular Case, such Complaint shall be made and such Information shall be laid within Six Calendar Months from the Time when the Matter of such Complaint or Information respectively arose.

As to the Hearing of Complaints and Informations. 7 & 8 G. 4. c. 67. and 6 & 7 W. 4. c. 34.

XII. And be it enacted, That, subject to the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, and an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth amending the same, every such Complaint and Information shall be heard, tried, determined, and adjudged by One or Two or more Justice or Justices of the Peace, as shall be directed by the Act of Parliament upon which such Complaint or

Information shall be framed, or such other Act or Acts of Parliament as there may be in that Behalf; and if there be no such Direction in any such Act of Parliament, then such Complaint or Information may be heard, tried, determined, and adjudged by One or more Justice or Justices of the Peace for the County, Division, Liberty, City, Borough, or Place where the Matter of such Information shall have arisen; and the Room or Place in which such Justice or Justices shall sit to hear and try any such Complaint or Information shall be deemed an open and public Court, to which the Public generally may have Access, so far as the same can conveniently contain them; and the Party against whom such Complaint is made or Information laid shall be admitted to make his full Answer and Defence thereto, and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf; and every Complainant or Informant in any such Case shall be at liberty to conduct such Complaint or Information respectively and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf; and if any Person shall wilfully insult any Justice or Justices sitting in such Court, or any Justice or Justices sitting in any Court of Petty Sessions, or shall commit any Contempt of any such Court, it shall be lawful for such Justice or Justices, by any verbal Order, to direct such Person to be taken into Custody, and at any Time before the rising of such Court, by Warrant under his or their Hand and Seal, to commit such Person to any Gaol or Bridewell of the County for any Period not exceeding Seven Days, or to fine such Person in any Sum not exceeding Forty Shillings, which, in case of Nonpayment, may be levied in like Manner as other Fines or Penalties.

Places in which Justices shall sit to hear Complaints, &c. to be deemed an open Court.

Parties allowed to plead by Counsel or Attorney.

Power to commit for Contempt of Court.

If Defendant does not appear, Justices may proceed to hear and determine, or issue Warrant, and adjourn the Hearing till Defendant is apprehended.

XIII. And be it enacted, That if at the Day and Place appointed in and by the Summons aforesaid for hearing and determining such Complaint or Information the Defendant against whom the same shall have been made or laid shall not appear when called, the Constable or other Person who shall have served him with the Summons in that Behalf shall then declare upon Oath in what Manner he served the said Summons; and if it appear to the Satisfaction of any Justice or Justices that he duly served the said Summons, in that Case such Justice or Justices may proceed to hear and determine the Case in the Absence of such Defendant, or the said Justice or Justices, upon the Nonappearance of such Defendant as aforesaid, may, if he or they think fit, issue his or their Warrant in manner hereinbefore directed, and shall adjourn the Hearing of the said Complaint or Information until the said Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant he shall be brought before the same Justice or Justices, or some other Justice or Justices of the same County, Division,

Liberty, City, Borough, or Place, who shall thereupon, either by his or their Warrant (H.), commit such Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or, if he or they think fit, verbally to the Custody of the Constable or other Person who shall have apprehended him, or to such other safe Custody as he or they shall deem fit, and order the said Defendant to be brought up at a certain Time and Place before such Justice or Justices of the Peace as shall then be there, of which said Order the Complainant or Informant shall have due Notice; or if upon the Day and at the Place so appointed as aforesaid such Defendant shall attend voluntarily in obedience to the Summons in that Behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any Warrant, then, if the Complainant or Informant, having had such Notice as aforesaid, do not appear, by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such Complaint or Information, unless for some Reason he or they shall think proper to adjourn the Hearing of the same unto some other Day, upon such Terms as he or they shall think fit, in which Case such Justice or Justices may commit (D.) the Defendant in the meantime to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant; but if both Parties appear, either personally or by their respective Counsel or Attornies, before the Justice or Justices who are to hear and determine such Complaint or Information, then the said Justice or Justices shall proceed to hear and determine the same.

If Defendant appear, and Complainant, &c. does not, Justice may dismiss the Complaint, &c., or at Discretion adjourn Hearing and commit or discharge Defendant upon Recognizance;

but if he fail to re-appear the Justice may transmit the Recognizance to the Clerk of the Peace.

If both Parties appear, Justice to hear and determine the Case.

XIV. And be it enacted, That where such Defendant shall be present at such Hearing the Substance of the Information or Complaint shall be stated to him, and he shall be asked if he have any Cause to show why he should not be convicted, or why an Order should not be made against him, as the Case may be, and if he thereupon

Proceedings on the Hearing of Complaints and Informations.

upon admit the Truth of such Information or Complaint, and show no Cause or no sufficient Cause why he should not be convicted, or why an Order should not be made against him, as the Case may be, then the Justice or Justices present at the said Hearing shall (if they see no sufficient Reason to the contrary) convict him or make an Order against him accordingly; but if he do not admit the Truth of such Information or Complaint as aforesaid, then the said Justice or Justices shall proceed to hear the Prosecutor or Complainant, and such Witnesses as he may examine and such other Evidence as he may adduce, in support of his Information or Complaint respectively, and also to hear the Defendant and such Witnesses as he may examine and such other Evidence as he may adduce in his Defence, and also to hear such Witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any Witnesses or given any Evidence other than as to his the Defendant's general Character; but the Prosecutor or Complainant shall not be entitled to make any Observations in reply upon the Evidence given by the Defendant, nor shall the Defendant be entitled to make any Observations in reply upon the Evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justice or Justices, having heard what each Party shall have to say as aforesaid, and the Witnesses and Evidence so adduced, shall consider the whole Matter, and determine the same, and shall convict or make an Order upon the Defendant, or dismiss the Information or Complaint, as the Case may be; and if he or they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no Fee shall be paid, and the Conviction (I. 1–3.) or Order (K. 1–3.) shall afterwards be drawn up by the said Justice or Justices in proper Form, under his or their Hand and Seal or Hands and Seals, and he or they shall cause the same to be lodged with the Clerk of the Peace, to be by him filed among the Records of the General Quarter Sessions of the Peace; or if the said Justice or Justices shall dismiss such Information or Complaint, it shall be lawful for such Justice or Justices, if he or they shall think fit, being required so to do, to make an Order of Dismissal of the same (L.), and shall give the Defendant in that behalf a Certificate thereof (M.), which said Certificate afterwards, upon being produced, without further Proof, shall be a Bar to any subsequent Information or Complaint for the same Matters respectively against the same Party: Provided always, that if the Information or Complaint in any such Case shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that Behalf to prove such Negative, but the Defendant may prove the Affirmative thereof in his Defence, if he would have Advantage of the same.

Proviso.

XV. And

Prosecutors and Complainants in certain Cases to be deemed competent Witnesses, and examined upon Oath, &c.

XV. And be it enacted, That every Prosecutor of any such Information, not having any pecuniary Interest in the Result of the same, and every such Prosecutor having a pecuniary Interest in the Result of the same, who under any Act or Acts is rendered a competent Witness notwithstanding such Interest, and every Complainant in any such Complaint as aforesaid, whatever his Interest may be in the Result of the same, shall be a competent Witness to support such Information or Complaint respectively; and every Witness at any such Hearing as aforesaid shall be examined upon Oath or Affirmation, and the Justice or Justices before whom any such Witness shall appear for the Purpose of being so examined shall have full Power and Authority to administer to every such Witness the usual Oath or Affirmation.

Power to Justices to adjourn the Hearing of Cases, and commit Defendant, or suffer him to go at large, or discharge him upon his own Recognizance;

XVI. And be it enacted, That before or during such Hearing of any such Information or Complaint it shall be lawful for the Justice or Justices present, in his or their Discretion, to adjourn the Hearing of the same to a certain Time and Place to be then appointed and stated in the Presence and Hearing of the Party or Parties, or their respective Attornies or Agents then present, and in the meantime the said Justice or Justices may suffer the Defendant to go at large, or may commit (D.) him (in any Case where a Committal may now be made) to the Common Gaol or House of Correction or other Prison, Lock-up House, or Place of Security in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall be then acting, or to such other safe Custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned; and if at the Time or Place to which such Hearing or further Hearing shall be so adjourned either or both of the Parties shall not appear personally, or by his or their Counsel or Attornies respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such Hearing or further Hearing as if such Party or Parties were present; or if the Prosecutor or Complainant shall not appear, the said Justice or Justices may dismiss such Information or Complaint, with or without Costs, as to such Justices shall seem fit: Provided always, that in all Cases where a Defendant shall be discharged on Recognizance as aforesaid, and shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

(F.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

Form of Convictions and Orders.

XVII. And be it enacted, That in all Cases of Conviction where no particular Form of such Conviction is or shall be given by the Statute creating the Offence or regulating the Prosecution for the same, and in all Cases of Conviction upon Statutes hitherto passed, whether any particular Form of Conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict to draw up his or their Conviction on Parchment or on Paper in such one of the Forms of Conviction (I. 1–3.) in the Schedule to this Act contained as shall be applicable to such Case, or to the like Effect; and where an Order shall be made, and no particular Form of Order is or shall be given by the Statute giving Authority to make such Order, and in all Cases of Orders to be made under the Authority of any Statutes hitherto passed, whether any particular Form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made to draw up the same in such one of the Forms of Orders (K. 1–3.) in the Schedule to this Act contained as may be applicable to such Case, or to the like Effect.

Power to Justice to award Costs, which shall be specified in Conviction or Order of Dismissal, and may be recovered by Distress.

XVIII. And be it enacted, That in all Cases of Summary Conviction or of Orders made by a Justice or Justices of the Peace it shall be lawful for the Justice or Justices making the same, in his or their Discretion, to award and order in and by such Conviction or Order that the Defendant shall pay to the Prosecutor or Complainant respectively such Costs as to such Justice or Justices shall seem just and reasonable in that Behalf; and in Cases where such Justice or Justices, instead of convicting or making an Order as aforesaid, shall dismiss the Information or Complaint, it shall be lawful for him or them, in his or their Discretion, in and by his or their Order of Dismissal to award and order that the Prosecutor or Complainant respectively shall pay to the Defendant such Costs as to such Justice or Justices shall seem just and reasonable, and the Sums so allowed for Costs shall in all Cases be specified in such Conviction or Order or Order of Dismissal aforesaid, and the same shall be recoverable in the same Manner and under the same Warrants as any Penalty or Sum of Money adjudged to be paid in and by such Conviction or Order is to be recoverable; and in Cases where there is no such

Penalty or Sum to be thereby recovered then such Costs shall be recoverable by Distress and Sale of the Goods and Chattels of the Party, and in default of such Distress by Imprisonment, with or without hard Labour, for any Time not exceeding One Calendar Month, unless such Costs shall be sooner paid.

Power to Justice to issue Warrant of Distress.

XIX. And be it enacted, That where a Conviction adjudges a pecuniary Penalty or Compensation to be paid, or where an Order requires the Payment of a Sum of Money, and by the Statute authorizing such Conviction or Order such Penalty, Compensation, or Sum of Money is to be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof, and also in Cases where by the Statute in that Behalf no Mode of raising or levying such Penalty, Compensation, or Sum of Money, or of enforcing the Payment of the same, is stated or provided, it shall be lawful for the Justice or Justices making such Conviction or Order, or for any Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Distress (N. 1. 2.) for the Purpose of levying the same, which said Warrant of Distress shall be in Writing under the Hand and Seal of the Justice making the same; and if after Delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed sufficient Distress shall not be found within the Limits of the Jurisdiction of the Justice granting such Warrant, then, upon Proof alone being made on Oath of the Handwriting of the Justice granting such Warrant before any Justice of any other County or Place, such Justice of such other County or Place shall thereupon make an Endorsement (N. 3.) on such Warrant, signed with his Hand, authorizing the Execution of such Warrant within the Limits of his Jurisdiction, by virtue of which said Warrant and Endorsement the Penalty or Sum aforesaid, and Costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the Person bringing such Warrant, or by the Person or Persons to whom such Warrant was originally directed, or by any Constable or other Peace Officer of such last-mentioned County or Place, by Distress and Sale of the Goods and Chattels of the Defendant in such other County or Place: Provided always, that whenever it shall appear to the Justice or Justices of the Peace to whom Application shall be made for any such Warrant of Distress as aforesaid that the issuing thereof would be ruinous to the Defendant and his Family, or wherever it shall appear to such Justice or Justices, by the Confession of the Defendant or otherwise, that he hath no Goods or Chattels whereon to levy such Distress, then and in every such Case it shall be lawful for such Justice or Justices, if he or they shall deem it fit, instead of issuing such Warrant of Distress,

How Warrant to be backed.

Where the issuing a Warrant would be ruinous to Defendant, or where there are no Goods, Justice may commit him to Prison.

Distress, to commit such Defendant to the House of Correction, or if there be no House of Correction within his or their Jurisdiction then to the Common Gaol, there to be imprisoned, with or without hard Labour, for such Time and in such Manner as by Law such Defendant might be so committed in case such Warrant of Distress had issued, and no Goods or Chattels could be found whereon to levy such Penalty or Sum and Costs aforesaid.

Justice, after issuing Warrant, may suffer Defendant to go at large, or order him into Custody, until Return be made, unless he gives Security by Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

XX. And be it enacted, That in all Cases where a Justice or Justices of the Peace shall issue any such Warrant of Distress it shall be lawful for him or them to suffer the Defendant to go at large, or verbally or by a written Warrant in that Behalf, to order the Defendant to be kept and detained in safe Custody until Return shall be made to such Warrant of Distress, unless such Defendant shall give sufficient Security, by Recognizance or otherwise, to the Satisfaction of such Justice, for his Appearance before him at the Time and Place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same County, Division, Liberty, City, Borough, or Place as may then be there: Provided always, that in all Cases where a Defendant shall give Security by Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

In default of Sufficiency of Distress Justice may commit Defendant to Prison.

XXI. And be it enacted, That if at the Time and Place appointed for the Return of any such Warrant of Distress the Constable who shall have had the Execution of the same shall return (N. 4.) that he could find no Goods or Chattels or no sufficient Goods or Chattels whereon he could levy the Sum or Sums therein mentioned, together with the Costs of or occasioned by the levying of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned to issue his Warrant of Commitment (N. 5.) under his Hand and Seal, directed to the same or any other Constable, reciting the Conviction or Order shortly, the issuing of the Warrant of Distress, and the Return thereto, and requiring such Constable to convey such Defendant to the House of Correction, or if there be no House of Correction then to the Common Gaol of the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall then be acting, and there

there to deliver him to the Keeper thereof, and requiring such Keeper to receive the Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, in such Manner and for such Time as shall have been directed and appointed by the Statute on which the Conviction or Order mentioned in such Warrant of Distress was founded, unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such Justice shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

In all Cases of Penalties, Convictions, or Orders, where the Statute provides no Remedy in default of Distress, Justice may commit Defendant to Prison.

XXII. And whereas by some Acts of Parliament Justices of the Peace are authorized to issue Warrants of Distress to levy Penalties or other Sums recovered before them by Distress and Sale of the Offender's Goods, but no further Remedy is thereby provided in case no sufficient Distress be found whereon to levy such Penalties: Be it therefore enacted, That in all such Cases, and in all Cases of Convictions or Orders where the Statute on which the same are respectively founded provides no Remedy in case it shall be returned to a Warrant of Distress thereon that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall nevertheless be lawful for the Justice to whom such Return is made, or to any other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, if he or they shall think fit, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol as aforesaid for any Term not exceeding Three Calendar Months, unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Power to Justices to order Commitment in the first instance for Nonpayment of a Penalty or of a Sum ordered to be paid.

XXIII. And be it enacted, That in all Cases where the Statute by virtue of which a Conviction for a Penalty or Compensation, or an Order for the Payment of Money, is made, makes no Provision for such Penalty or Compensation or Sum being levied by Distress, but directs that if the same be not paid forthwith, or within a certain Time therein mentioned, or to be mentioned in such Conviction or Order, the Defendant shall be imprisoned, or imprisoned and kept to hard Labour, for a certain Time, unless such Penalty, Compensation, or Sum shall be sooner paid, in every such Case such Penalty, Compensation, or Sum shall not be levied by Distress; but if the Defendant do not pay the same, together with Costs, if awarded, forthwith, or at the Time specified in such Conviction or Order for the Payment of the same, it shall be lawful for the Justice or Justices making such

Conviction or Order, or for any other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (O. 1. 2.) under his or their Hand and Seal, or Hands and Seals requiring the Constable or Constables to whom the same shall be directed to take and convey such Defendant to the House of Correction or Common Gaol for the County, Riding, Division, Liberty, City, Borough, or Place aforesaid, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct, unless the Sum or Sums adjudged to be paid, and also the Costs and Charges of taking and conveying the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Power to Justices to order Commitment where the Conviction is not for a Penalty, nor the Order for Payment of Money, and the Punishment is by Imprisonment, &c.

XXIV. And be it enacted, That where a Conviction does not order the Payment of any Penalty, but that the Defendant be imprisoned, or imprisoned and kept to hard Labour, for his Offence, or where an Order is not for the Payment of Money, but for the doing of some other Act, and directs that in case of the Defendant's Neglect or Refusal to do such Act he shall be imprisoned, or imprisoned and kept to hard Labour, and the Defendant neglects or refuses to do such Act, in every such Case it shall be lawful for such Justice or Justices making such Conviction or Order, or for some other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (P. 1. 2.) under his or their Hand and Seal or Hands and Seals, and requiring the Constable or Constables to whom the same shall be directed, to take and convey such Defendant to the House of Correction or Common Gaol for the same County, Division, Liberty, City, Borough, or Place, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct; and in all such Cases, where by such Conviction or Order any Sum for Costs shall be adjudged to be paid by the Defendant to the Prosecutor or Complainant, such Sum may, if the Justice or Justices shall think fit, be levied by Warrant of Distress (P. 3. 4.) in manner aforesaid, and in default of Distress the Defendant may, if such Justice or Justices shall think fit, be committed (P. 5.) to the same House of Correction or Common Gaol in manner aforesaid, there to be imprisoned

Costs may be levied by Distress, and in default Defendant may be committed for a further Term.

prisoned for any Time not exceeding One Calendar Month, to commence at the Termination of the Imprisonment he shall then be undergoing, unless such Sum for Costs, and all Costs and Charges of the said Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Imprisonment for a subsequent Offence to commence at Expiration of that for previous Offence.

XXV. And be it enacted, That where a Justice or Justices of the Peace shall upon any such Information or Complaint as aforesaid adjudge the Defendant to be imprisoned, and such Defendant shall then be in Prison undergoing Imprisonment upon a Conviction for any other Offence, the Warrant of Commitment for such subsequent Offence shall in every such Case be forthwith delivered to the Gaoler to whom the same shall be directed; and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby that the Imprisonment for such subsequent Offence shall commence at the Expiration of the Imprisonment to which such Defendant shall have been previously adjudged or sentenced.

If Information be dismissed Costs may be recovered by Distress upon Prosecutor, &c. who in default may be committed.

XXVI. And be it enacted, That where any Information or Complaint shall be dismissed with Costs as aforesaid, the Sum which shall be awarded for Costs in the Order for Dismissal may be levied by Distress (Q. 1.) on the Goods and Chattels of the Prosecutor or Complainant in manner aforesaid; and in default of Distress or Payment such Prosecutor or Complainant may be committed (Q. 2.) to the House of Correction or Common Gaol in manner aforesaid, for any Time not exceeding One Calendar Month, unless such Sum, and all Costs and Charges of the Distress, and of the Commitment and conveying of such Prosecutor or Complainant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

After Appeal against Conviction or Order Justice may issue Warrants of Distress for Execution of the same.

Costs of Appeal, how recovered.

XXVII. And be it enacted, That after an Appeal against any such Conviction or Order as aforesaid shall be decided, if the same shall be decided in favour of the Respondents, the Justice or Justices who made such Conviction or Order, or any other Justice of the Peace of the same County, Division, Liberty, City, Borough, or Place, may issue such Warrant of Distress or Commitment as aforesaid for Execution of the same, as if no such Appeal had been brought; and if upon any such Appeal, the Court of Quarter Sessions shall order either Party to pay Costs, such Order shall direct such Costs to be paid to the Clerk of the Peace of such Court, to be by him paid over to the Party entitled to the same, and shall state within what Time such Costs shall be paid; and if the same shall not be paid within the Time so limited, and the Party ordered to pay the same shall not be bound by any Recognizance conditioned to pay such

such Costs, such Clerk of the Peace or his Deputy, upon Application of the Party entitled to such Costs, or of any Person on his Behalf, and on Payment of a Fee of One Shilling, shall grant to the Party so applying a Certificate (R.) that such Costs have not been paid; and upon Production of such Certificate to any Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, it shall be lawful for him or them to enforce the Payment of such Costs by Warrant of Distress (S. 1.) in manner aforesaid, and in default of Distress he or they may commit (S. 2.) the Party against whom such Warrant shall have issued in manner herein-before mentioned for any Time not exceeding Three Calendar Months, unless the Amount of such Costs, and all Costs and Charges of the Distress, and also the Costs of the Commitment and conveying of the said Party to Prison, if such Justice or Justices shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

On Payment of Penalty, &c. Distress not to be levied, or the Party, if imprisoned for Nonpayment, shall be discharged.

XXVIII. And be it enacted, That in all Cases where any Person against whom a Warrant of Distress shall issue as aforesaid shall pay or tender to the Constable having the Execution of the same the Sum or Sums in such Warrant mentioned, together with the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Constable shall cease to execute the same; and in all Cases in which any Person shall be imprisoned as aforesaid for Nonpayment of any Penalty or other Sum he may pay or cause to be paid to the Keeper of the Prison in which he shall be so imprisoned the Sum in the Warrant of Commitment mentioned, together with the Amount of the Costs, Charges, and Expenses (if any) therein also mentioned, and the said Keeper shall receive the same, and shall thereupon discharge such Person, if he be in his Custody for no other Matter.

In Cases of summary Proceedings One Justice may issue Summons or Warrant, &c. and after Conviction or Order may issue Warrant of Distress, &c.

XXIX. And be it enacted, That in all Cases of summary Proceedings before a Justice or Justices of the Peace out of Sessions upon any Information or Complaint as aforesaid it shall be lawful for One Justice to receive such Information or Complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the Attendance of any Witnesses, and to do all other necessary Acts and Matters preliminary to the Hearing, even in Cases where by the Statute in that Behalf such Information or Complaint must be heard and determined by Two or more Justices; and after the Case shall have been so heard and determined One Justice may issue all Warrants of Distress or Commitment thereon; and it shall not be necessary that the Justice who so acts before or after such Hearing shall be the Justice or One of the Justices by whom the said

Case shall be heard and determined: Provided always, that in all Cases where by Statute it is or shall be required that any such Information or Complaint shall be heard and determined by Two or more Justices, or that a Conviction or Order shall be made by Two or more Justices, such Justices must be present and acting together during the whole of the Hearing and Determination of the Case.

Regulations as to the Payment of Clerks Fees.

XXX. And be it enacted, That it shall be lawful for any Clerk of the Peace, or Clerk of the Petty Sessions, to demand and receive such Fees as they are now by any Act of Parliament authorized to demand and receive: Provided always, that Clerks of the Petty Sessions shall be authorized to receive the same Fee upon a summary Order as is now payable on a Conviction, save in Cases of Orders of Dismissal and Orders for the Recovery of Wages under the Statutes in that Behalf, in which Cases a Fee of Sixpence only shall be payable on each such Order; and such Fees shall be subject to like Provisions as other Fees received by Clerks of Petty Sessions.

Fines and Penalties to be levied subject to Provisions of 6 & 7 Vict. c. 56., 7 & 8 G. 4. c. 67., and 6 & 7 W. 4. c. 34.;

other Sums to be levied as before the passing of this Act.

XXXI. And be it enacted, That all Fines or Penalties imposed by any Justice or Justices as aforesaid shall be levied, paid, and applied under and subject to the Provisions of an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, and subject to the Provisions now in force of the herein-after mentioned Acts of the Seventh and Eighth Years of the Reign of King *George* the Fourth, and of the Sixth and Seventh Years of the Reign of King *William* the Fourth, relating to Petty Sessions in *Ireland;* and all other Sums of Money ordered to be paid under an Order of a Justice or Justices shall be levied, paid, and applied in like Manner as the same might be lawfully levied, paid, and applied immediately before the passing of this Act.

Forms in the Schedule deemed valid.

XXXII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law.

Nothing to affect Powers, &c. contained in 48 G. 3. c. 140., 6 & 7 W. 4. c. 29., 2 & 3 Vict. c. 78., and 5 & 6 Vict. c. 24.

XXXIII. And be it enacted, That nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of* Dublin *Metropolis*, or any Act or Acts amending the

the same, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, or an Act of the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to make further Provisions relating to the Police in the District of* Dublin *Metropolis*, or an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for improving the* Dublin *Police*, or any Act or Acts amending the same or either of them.

To what this Act shall not extend.

XXXIV. And be it enacted, That nothing in this Act shall extend or be construed to extend to any Complaints or Orders made with respect to Lunatics, or any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office; nor shall anything in this Act extend to any Proceedings under the Acts of Parliament regulating or otherwise relating to the Labour of Children and young Persons in Mills or Factories.

After Commencement of this Act the following Statutes and Parts of Statutes repealed:

2 G. 1. c. 20. s. 3.

3 G. 4. c. 23.

5 G. 4. c. 18.

6 & 7 W. 4. c. 114. s. 2.

XXXV. And be it enacted, That the following Statutes and Parts of Statutes, so far as the same relate to *Ireland*, shall, from and after the Day on which this Act shall commence and take effect, be and the same are hereby repealed; (that is to say,) so much of an Act of Parliament passed in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the First, intituled *An Act to limit the Time for Criminal Prosecutions for Words spoken*, as relates to the Time limited for exhibiting an Information for a Forfeiture upon any Penal Statute; and an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others;* and another Act made in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *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;* and so much of another Act made in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the Right of Persons accused, in Cases of Summary Convictions, to make their Defence, and to have all Witnesses examined and cross-examined, by Counsel or Attorney; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.

XXXVI. And

Act to extend to Ireland only, except as to backing of Warrants under 12 & 13 Vict. c. 69.

XXXVI. And be it enacted, That this Act shall extend and be construed to extend to *Ireland* only, save and except the several Provisions respecting the backing of Warrants contained in an Act of Parliament passed in this present Session, intituled *An Act to facilitate the Performance of the Duties of Justices out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, and incorporated into this Act, as aforesaid.

Act not to affect or alter the Provisions of 7 & 8 G. 4. c. 67. and 6 & 7 W. 4. c. 34.

XXXVII. And be it enacted, That nothing in this Act contained shall be deemed to alter or affect the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth amending the same, or any Act for amending the said Acts, or either of them.

Interpretation Clause.

XXXVIII. And be it enacted, That in the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City" or "County of a Town," Words denoting the Masculine Gender shall include Females as well as Males, and Words denoting the Singular Number shall include Two or more Persons or Things as well as One Person or Thing.

Commencement of Act.

XXXIX. And be it enacted, That this Act shall commence and take effect from the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-nine.

Act may be amended,&c.

XL. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

(A.)

Summons to the Defendant upon an Information or Complaint.

To *A.B.* of [*Labourer.*]

WHEREAS Information hath this Day been laid [*or* Complaint hath this Day been made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that you [*here state shortly the Matter of the Information or Complaint*]: These are therefore to command you, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my Hand, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S.

(B.)

Warrant where the Summons is disobeyed.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*&c., as in the Snmmons*]: And whereas [*I*] then issued [*my*] Summons unto the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as might then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place so appointed in and by the said Summons, although it hath now been proved to [*me*] upon Oath that the said Summons

Summons hath been duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(C.)

Warrant in the first instance.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS Information hath this Day been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*here state shortly the Matter of the Information*]; and Oath being now made before [*me*] substantiating the Matter of such Information, These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Information, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(D.)

Warrant of Committal for safe Custody during an Adjournment of the Hearing.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas the Hearing of the same is adjourned to the Day of instant at o'Clock in the Forenoon at and it is necessary that the said *A.B.* should in the meantime be kept in safe Custody: These

These are therefore to command you the said Constables, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at , and there deliver him into the Custody of the Keeper thereof, together with this Precept; and [*I*] hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until the Day of instant, when you are hereby required to convey and have him the said *A.B.*, at the Time and Place to which the said Hearing is so adjourned as aforesaid, before such Justices of the Peace for the said [*County*] as may then be there, to answer further to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(E.)

Recognizance for the Appearance of the Defendant where the Case is adjourned, or not at once proceeded with.

BE it remembered, That on *A.B.* of [*Labourer*], and *L.M.* of [*Grocer*], personally came before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* the Sum of of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* shall fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before me, *J.S.*

The Condition of the within-written Recognizance is such, that if the said *A.B.* shall personally appear on the Day of instant at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to answer further to the Information [*or* Complaint] of *C.D.* exhibited against the said *A.B.*, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full force and virtue.

Notice

Notice of such Recognizance to be given to the Defendant and his Surety.

TAKE notice, That you *A.B.* are bound in the Sum of and you *L.M.* in the Sum of that you *A.B.* appear personally on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as shall then be there, to answer further to a certain Information [*or* Complaint] of *C.D.*, the further Hearing of which was adjourned to the said Time and Place, and unless you appear accordingly the Recognizance entered into by you *A.B.*, and by *L.M.* as your Surety, will forthwith be levied on you and him.

Dated this Day of 184 .

J.S.

(F.)

Certificate of Nonappearance to be endorsed on the Defendant's Recognizance.

I HEREBY certify, That the said *A.B.* hath not appeared at the Time and Place in the said Condition mentioned, but therein hath made default, by reason whereof the within-written Recognizance is forfeited.

J.S.

(G. 1.)

Summons of a Witness.

To *E.F.* of in the said [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it hath been made to appear to me upon [*Oath*] that you are likely to give material Evidence on behalf of the [Prosecutor, *or* Complainant, *or* Defendant] in this Behalf: These are therefore to require you to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to testify what you shall know concerning the Matter of the said Information [*or* Complaint].

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(G. 2.)

Warrant where a Witness has not obeyed a Summons.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it having been made to appear to me upon Oath that *E.F.* of in the said [*County, Labourer*], was likely to give material Evidence on behalf of the [*Prosecutor*], I did duly issue my Summons to the said *E.F.*, requiring him to be and appear on at o'Clock in the Forenoon of the same Day at before such Justices of the Peace for the said [*County*] as might then be there, to testify what he should know concerning the said *A.B.*, or the Matter of the said Information [*or* Complaint]: And whereas Proof hath this Day been made before [*me*] upon Oath of such Summons having been duly served upon the said *E.F.*, and of a reasonable Sum having been paid [*or* tendered] to him for his Costs and Expenses in that Behalf: And whereas the said *E.F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse hath been offered for such Neglect: These are therefore to command you to take the said *E.F.*, and to bring and have him on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to testify what he shall know concerning the Matter of the said Information [*or* Complaint].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(G. 3.)

Warrant for a Witness in the first instance.

To the Constables of or any of them, and to all other Peace Officers in the [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it being made to appear before me upon Oath that *E.F.* of [*Labourer*] is likely to give material Evidence on behalf of the [*Prosecutor*] in this Matter, and it is probable that the

said *E F.* will not attend to give Evidence without being compelled so to do, These are therefore to command you to bring and have the said *E. F.* before me on at o'Clock in the Forenoon at or before such other Justices of the Peace for the said County as may then be there, to testify what he shall know concerning the Matter of the said Information [*or* Complaint].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(G. 4.)

Commitment of a Witness for refusing to be sworn or to give Evidence.

To the Constables of or any of them, in the said [*County*] of and to the Keeper of the [*House of Correction*] at

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and one *E.F.* now appearing before me such Justice as aforesaid on at and being required by me to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [*or* being now here duly sworn as a Witness in the Matter of the said Information or Complaint doth refuse to answer certain Questions concerning the Premises which are now here put to him], without offering any just Excuse for such his Refusal: These are therefore to command you the said Constable to take the said *E.F.*, and him safely convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E. F.* into your Custody in the said [*House of Correction*], and there imprison him for such his Contempt for the Space of Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J S. (L.S.)

(H.)

Warrant to remand a Defendant when apprehended.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., as in the Summons or Warrant*]: And whereas the said *A.B.* hath been apprehended under and by virtue of a Warrant upon such Information [*or* Complaint], and is now brought before me as such Justice as aforesaid: These are therefore to command you the said Constables, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at and there to deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until next the Day of instant, when you are hereby commanded to convey and have him at at o'Clock in the Forenoon of the same Day, before such Justices of the Peace of the said [*County*] as may then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(I. 1.)

Conviction for a Penalty to be levied by Distress, and in default of sufficient Distress Imprisonment.

} BE it remembered, That on the Day
to wit. } of in the Year of our Lord
at in the said [*County*], *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B.*, *&c*, *stating the Offence, and the Time and Place when and where committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to forfeit and pay the Sum of [*stating the Penalty, and also the Compensation, if any,*] to be paid and applied according to Law, and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] * [*I*] order that the same be levied by Distress and

Sale

Sale of the Goods and Chattels of the said *A.B.*, and in default of sufficient Distress* [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*] shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "then, inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sums by Distress], [*I*] adjudge," *&c., as above, to the End.*

(I. 2.)

Conviction for a Penalty, and in default of Payment Imprisonment.

to wit. } Be it remembered, That on the Day of in the Year of our Lord at in the said [*County*] *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B. &c., stating the Offence, and the Time and Place when and where it was committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to forfeit and pay the Sum of [*stating the Penalty, and the Compensation, if any*], to be paid and applied according to Law, and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said [*County*], [and there to be kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *House of Correction*,] shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)

(I. 3.)

Conviction when the Punishment is by Imprisonment, &c.

} Be it remembered, That on the Day of
to wit. } in the Year of our Lord in the said [*County*]
A.B. is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B.*, *&c., stating the Offence, and the Time and Place when and where committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of and [*I*] also adjudge the said *A.B.* to pay the said *C.D.* the Sum of for his Costs in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before next] then *[*I*] order that the said Sum be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf* [*I*] adjudge the said *A.B.* to be imprisoned in the said *House of Correction* [and there kept to hard Labour] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned, at in the *County* aforesaid.

J.S. (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sum for Costs by Distress], [*I*] adjudge," *&c.*

(K. I.)

Order for Payment of Money to be levied by Distress, and in default of Distress Imprisonment.

} Be it remembered, That on Complaint was
to wit. } made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of ,
for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*]; and now at this Day, to wit, on at the Parties aforesaid

aforesaid appear before [*me*] the said Justice, [*or* the said *C.D.* appears before [*me*] the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] on Oath that the said *A.B.* has been duly served with the Summons in this Behalf which required him to be and appear here at this Day before such Justices of the Peace for this said County as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, [*I*] do adjudge the said *A.B.* [to pay to the said *C.D.* the Sum of forthwith, *or* on or before next, *or as the Statute may require*], and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] *[*I*] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf* [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said [*County*], [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*], shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "then, inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sums by Distress], [*I*] adjudge," *&c.*

(K. 2.)

Order for Payment of Money, and in default of Payment Imprisonment.

to wit. } Be it remembered, That on Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*]; and now at this Day, to wit, on at the Parties

Parties aforesaid appear before [*me*] the said Justice [*or* the said *C. D.* appears before [*me*] the said Justice, but the said *A. B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] on Oath that the said *A. B.* has been duly served with the Summons in this Behalf which required him to be and appear here on this Day before such Justices of the Peace for the said County as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, [*I*] do adjudge the said *A. B.* [to pay to the said *C. D.* the Sum of forthwith, *or* on or before next, *or as the Statute may require*], and also to pay to the said *C. D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next], [*I*] adjudge the said *A. B.* to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A. B.* to the said *House of Correction*] shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(K. 3.)

Order for any other Matter where the disobeying of it is punishable with Imprisonment.

} Be it remembered, That on Complaint was
to wit. } made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*], and now at this Day, to wit, on at the Parties aforesaid appear before [*me*] the said Justice, [*or* the said *C. D.* appears before [*me*] the said Justice, but the said *A. B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] upon Oath that the said *A. B.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day, before such Justices of the Peace for the said County as should now be here, to answer to the said Complaint, and to be further dealt with according to Law,] and now, having heard the Matter of the said Complaint, [*I*] do therefore adjudge the said *A. B.* to [*here state the Matter required to be done*], and

and if upon a Copy of a Minute of this Order being served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Place of Abode, he shall neglect or refuse to obey the same, in that Case [*I*] adjudge the said *A.B.* for such his Disobedience to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of [unless the said Order be sooner obeyed, *if the Statute authorize this*]; and [*I*] do also adjudge the said *A.B.* to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before next], [*I*] order the same to be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*, [and in default of sufficient Distress in that Behalf, [*I*] adjudge the said *A.B.* to be imprisoned in the said *House of Correction* [and there kept to hard Labour] for the Space of , to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs shall be sooner paid].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(L.)

Order of Dismissal of an Information or Complaint.

to wit. } Be it remembered, That on Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons to the Defendant*], and now at this Day, to wit, on at both the said Parties appear before [*me*] in order that [*I*] should hear and determine the said Information [*or* Complaint], [*or* the said *A.B.* appeareth before [*me*], but the said *C.D.*, although duly called, doth not appear]; whereupon the Matter of the said Information [*or* Complaint] being by [*me*] duly considered, [it manifestly appears to [*me*] that the said Information [*or* Complaint] is not proved, and*] [*I*] do therefore dismiss the same, [and do adjudge that the said *C.D.* do pay to the said *A.B.* the Sum of for his Costs incurred by him in his Defence in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before], [*I*] order that the same be levied by Distress and Sale of the Goods and Chattels of the said *C.D.*, and in default of sufficient Distress in that Behalf [*I*] adjudge the said *C.D.* to be imprisoned in the [*House of Correction*] at in the said County [and

[and there kept to hard Labour] for the Space of unless the said Sum for Costs, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *C.D.* to the said *House of Correction*], shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

* *If the Informant or Complainant do not appear these Words may be omitted.*

(M.)

Certificate of Dismissal.

I HEREBY certify, That an Information [*or* Complaint] preferred by *C.D.* against *A.B.*, for that [*&c. as in the Summons*], was this Day considered by *me*, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] of and was by [*me*] dismissed [with Costs].

Dated this Day of 184 .

J.S.

(N. 1.)

Warrant of Distress upon a Conviction for a Penalty.

To the Constables of and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was on this Day [*or* on last past] duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.* should for such his Offence forfeit and pay [*&c., as in the Conviction*], and should also pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby ordered that if the said several Sums should not be paid [*forthwith*] the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and it was thereby also adjudged that in default of sufficient Distress the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said County [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said [*House*

of Correction], should be sooner paid*: And whereas the said *A.B.* being so convicted as aforesaid, and being [*now*] required to pay the said Sums of and hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days next after the making of such Distress the said Sums, together with the reasonable Charges of taking and keeping the Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising by such Sale unto in the said [*County*] that he may pay and apply the same as by Law is directed, and may render the Overplus, if any, on Demand, to the said *A.B.*; and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such further Proceedings may be had thereon as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(N. 2.)

Warrant of Distress upon an Order for the Payment of Money.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on last past a Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the said Parties appeared before [*me*] [*or as in the Order*], and thereupon having considered the Matter of the said Complaint, [*I*] adjudged the said *A.B.* to [pay to the said *C.D.* the Sum of on or before the then next], and also to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] thereby ordered that if the said several Sums should not be paid on or before the said then next, the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and it was adjudged that in default of sufficient Distress in that Behalf, the said *A.B.* should be imprisoned in the [*House of Correction*] at in

in the said County [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*,] should be sooner paid *: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of and hath elapsed, but the said *C.D.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale unto in the said [*County*] that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A.B.*; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(N. 3.)

Endorsement in backing a Warrant of Distress.

to wit: WHEREAS Proof upon Oath hath this Day been made before [*me*] [*One*] of Her Majesty's Justices of the Peace in and for the said County of that the Name of *J.S.* to the within Warrant subscribed is of the Handwriting of the Justice of the Peace within mentioned: [*I*] do therefore authorize *W.T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers of the said [*County*] of to execute the same within the said County of

Given under [*my*] Hand, this Day of 184 .

J.B.

(N. 4.)

Constable's Return to a Warrant of Distress.

I, *W.T.*, Constable of in the [*County*] of do hereby certify to *J.S.*, Esquire, One of Her Majesty's Justices of the Peace for the said County, that by virtue of this Warrant I have made diligent Search for the Goods and Chattels of the within-mentioned *A.B.*, and that I can find no sufficient Goods or Chattels of the said *A.B.* whereon to levy the Sums within mentioned.

Witness my Hand, this Day of 184 .

W.T.

(N. 5.)

Warrant of Commitment for Want of Distress.

To the Constables of or any of them, and to the Keeper of the [*Gaol*] at in the said [*County*] of

WHEREAS [*&c., as in either of the foregoing Distress Warrants, N. 1, 2, to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said Justice issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sums of and by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it appears to [*me*], as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *A.B.*, but that no sufficient Distress whereon to levy the Sums above mentioned could be found: These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely to convey to the [*Gaol*] at aforesaid, and there deliver him to the said Keeper, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*Gaol*] to receive the said *A.B.* into your Custody in the said [*Gaol*] there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums, and all the Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A.B.* to the said *Gaol*] amounting to the further Sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L. S.)

(O. 1.)

Warrant of Commitment upon a Conviction for a Penalty in the first instance.

To the Constables of or any of them, and to the Keeper of the [*Gaol*] at in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was on this Day duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*stating the Offence as in the Conviction*]; and it was thereby adjudged that the said *A.B.* for his said Offence should forfeit and pay the Sum of [*&c., as in the Conviction*], and should pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby further adjudged that if the said several Sums should not be paid [*forthwith*], the said *A.B.* should be imprisoned in the [*Gaol*] at in the said [*County*] [and there kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *Gaol*] should be sooner paid: And whereas the Time in and by the said Conviction appointed for the Payment of the said several Sums hath elapsed, but the said *A.B.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely to convey to the [*Gaol*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*Gaol*] to receive the said *A.B.* into your Custody in the said [*Gaol*], there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying him to the said [*Gaol*] amounting to the further Sum of] shall be sooner paid; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(O. 2.)

Warrant of Commitment on an Order in the first instance.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and

for the said *County* of for that [*&c., as in the Order*], and afterwards, to wit, on at the Parties appeared before [*me*] the said Justice [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint [*I*] adjudged the said *A.B.* to pay to the said *C.D.* the Sum of on or before the Day of then next, and also to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] also thereby adjudged, that if the said several Sums should not be paid on or before the Day of then next, the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *House of Correction*] should be sooner paid: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of Money hath elapsed, but the said *A.B.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely convey to the said *House of Correction* at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction,*] there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying him to the said [*House of Correction,*] amounting to the further Sum of ,] shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(P. 1.)

Warrant of Commitment on a Conviction where the Punishment is by Imprisonment.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was this Day duly convicted before the undersigned, [*One*] of Her Majesty's Justices

Justices of the Peace in and for the said [*County*] of for that [*stating the Offence as in the Conviction*]; and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the [*House of Correction*] at in the said *County* [and there kept to hard Labour] for the Space of : These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of ; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(P. 2.)

Warrant of Commitment on an Order where the disobeying of it is punishable by Imprisonment.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the said Parties appeared before [*me*], [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint [*I*] adjudged the said *A.B.* to [*&c., as in the Order*], and that if, upon a Copy of the Minute of that Order being duly served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Place of Abode, he should neglect or refuse to obey the same, it was adjudged that in such Case the said *A.B.* for such his Disobedience should be imprisoned in the [*House of Correction*] at in the said *County* [and there kept to hard Labour] for the Space of [unless the said Order should be sooner obeyed]: And whereas it is now proved to [*me*] that after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A.B.*, but he then refused [*or* neglected] to obey the same, and hath not

not as yet obeyed the said Order: These are therefore to command you, the said Constables of or any of you, to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of and for so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L S.)

(P. 3.)

Warrant of Distress for Costs upon a Conviction where the Offence is punishable by Imprisonment.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.* of *Labourer*, was on last past duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*stating the Offence, as in the Conviction*], and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of ; and it was also thereby adjudged that the said *A.B.* should pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby ordered that if the said Sum of for Costs should not be paid [*forthwith*] the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; [and it was adjudged that in default of sufficient Distress in that Behalf the said *A.B.* should be imprisoned in the said [*House of Correction*] [and there kept to hard Labour] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said [*House of Correction*], should be sooner paid]: (*) And whereas the said *A.B.*, being so convicted as aforesaid, and being required to pay the said Sum of for Costs, hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the

the Goods and Chattels of the said *A.B.*, and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay the same as by Law directed, and may render the Surplus (if any), on Demand, to the said *A.B.*, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(P. 4.)

Warrant of Distress for Costs upon an Order where the disobeying of the Order is punishable with Imprisonment.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Order*], and afterwards, to wit, on at , the said Parties appeared before [*me*], as such Justice as aforesaid [*or as it may be in the Order*], and thereupon, having considered the Matter of the said Complaint, [*I*] adjudged the said *A.B.* to [*&c., as in the Order*]; and that if upon a Copy of the Minute of that Order being served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Abode, he should neglect or refuse to obey the same, [*I*] adjudged that in such Case the said *A.B.* for such his Disobediences hould be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of [unless the said Order should be sooner obeyed]; and [*I*] thereby also adjudged the said *A.B.* to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *A.B.*; [and in default of sufficient Distress in that Behalf [*I*] thereby adjudged that the said *A.B.* should be imprisoned in the said

said [*House of Correction*] [and there kept to hard Labour] for the Space of , to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A. B.* to the said [*House of Correction*], should be sooner paid]: (*) And whereas after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A. B.*, but the said *A. B.* did not then pay, nor hath he paid, the said Sum of for Costs or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A. B.*, and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A. B.*, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(P. 5.)

Warrant of Commitment for Want of Distress in either of the last Two Cases.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Two Forms respectively, to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said *J. S.* issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sum of for Costs, by Distress and Sale of the Goods and Chattels of the said *A. B.*: And whereas it appears to [*me*], as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *A. B.*, but that no sufficient Distress whereon to levy the

Sum above mentioned could be found: These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And [*I*] do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*,] amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 1.)

Warrant of Distress for Costs upon an Order for Dismissal of an Information or Complaint.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*&c., as in the Order of Dismissal*]; and afterwards, to wit, on at both Parties appearing before [*me*] in order that [*I*] should hear and determine the same, and the several Proofs adduced to [*me*] in that Behalf being by [*me*] duly heard and considered, and it manifestly appearing to [*me*] that the said Information [*or* Complaint] was not proved [*I*] therefore dismissed the same, and adjudged that the said *C.D.* should pay to the said *A.B.* the Sum of for his Costs incurred by him in his Defence in that Behalf; and [*I*] ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *C.D.*; [and [*I*] adjudged that in default of sufficient Distress in that Behalf the said *C.D.* should be imprisoned in the *House of Correction* at in the said *County*, and there kept to hard Labour, for the Space of unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said *House of Correction*, should be sooner paid]: (*) And whereas the said *C.D.*, being now required to pay unto the said

said *A.B.* the said Sum for Costs, hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.D.*; and if, within the Space of Days next after the making of such Distress, the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.D.*, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J. S.* (L.S.)

(Q. 2.)

Warrant of Commitment for Want of Distress in the last Case.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS [*&c., as in the last Form to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said Justice issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sum of for Costs by Distress and Sale of the Goods and Chattels of the said *C.D.*: And whereas it appears to [*me*] as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *C.D.*, but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constables of or any of you, to take the said *C.D.*, and him safely convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *C.D.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress, [and of the Commitment

Commitment and conveying of the said *C. D.* to the said *House of Correction,*] amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(R.)

Certificate of Clerk of the Peace that the Costs of an Appeal are not paid.

Office of the Clerk of the Peace for the [*County*] of

(*Title of the Appeal.*)

I HEREBY certify that at a Court of General Quarter Sessions of the Peace holden at in and for the said [*County*] on last past, an Appeal by *A. B.* against a Conviction [*or* Order] of *J. S.*, Esquire, [*One*] of Her Majesty's Justices of the Peace for the said [*County*], came on to be tried, and was then heard and determined, and the said Court of General Quarter Sessions thereupon ordered that the said Conviction [*or* Order] should be confirmed [*or* quashed], and that the said [*Appellant*] should pay to the said [*Respondent*] the Sum of for his Costs incurred by him in the said Appeal, and which Sum was thereby ordered to be paid to the Clerk of the Peace of the said [*County*] on or before the Day of instant, to be by him handed over to the said [*Respondent*]; and I further certify that the said Sum for Costs has not, nor has any Part thereof, been paid in obedience to the said Order. Dated the Day of *1849.*

G. H.

[Deputy] Clerk of the Peace.

(S. 1.)

Warrant of Distress for Costs of an Appeal against a Conviction or Order.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS [*&c., as in the Warrants of Distress,* N. 1, 2, *ante, to the End of the Statement of the Conviction or Order, and then thus*]: And whereas the said *A. B.* appealed to the Court of General Quarter Sessions of the Peace for the said *County* against the said Conviction [*or* Order], in which Appeal the said *A. B.* was the Appellant, and the

the said *C.D.* [*or J.S.*, Esquire, the Justice of the Peace who made the said Conviction, *or* Order] was the Respondent, and which said Appeal came on to be tried, and was heard and determined, at the last General Quarter Sessions of the Peace for the said [*County*] holden at on , and the said Court of General Quarter Sessions thereupon ordered that the said Conviction [*or* Order] should be confirmed [*or* quashed], and that the said [*Appellant*] should pay to the said [*Respondent*] the Sum of for his Costs incurred by him in the said Appeal, which said Sum was to be paid to the Clerk of the Peace of the said [*County*] on or before the Day of *1849*, to be by him handed over to the said [*C.D.*]: And whereas the [Deputy] Clerk of the Peace of the said [*County*] hath, on the Day of instant, duly certified that the said Sum for Costs had not then been paid: (*) These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said [*A.B.*], and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay and apply the same as by Law directed, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.N. (L.S.)

(S. 2.)

Warrant of Commitment for Want of Distress in the last Case.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c. as in the last Form to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the undersigned issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sum of for Costs by Distress and Sale of the

the Goods and Chattels of the said *A.B.*: And whereas it appears to me, as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said [*A.B.*], but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constables of or any of you to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A. B.* to the said *House of Correction*], amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.N. (L.S.)

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