



Criminal Law Act 1826

1826 CHAPTER 64

XXXI Recognizances in certain Cases not to be estreated without a Judge's Order.

And whereas the Practice of indiscriminately estreating Recognizances for the Appearance of Persons to prosecute or give Evidence, or to answer for a common Assault, or in the other Cases herein-after specified, has been found in many Instances productive of Hardship to Persons who have entered into the same; be it therefore enacted, That in every Case where any Person bound by Recognizance for his or her Appearance, or for whose Appearance any other Person shall be so bound to prosecute or give Evidence in any Case of Felony or Misdemeanor, or to answer for any common Assault, or to Articles of the Peace, or to abide an Order in Bastardy, shall therein make Default, the Officer of the Court by whom the Estreats are made out shall and is hereby required to prepare a List in Writing, specifying the Name of every Person so making Default, and the Nature of the Offence in respect of which every such Person, or his or her Surety, was so bound, together with the Residence, Trade, Profession, or Calling of every such Person and Surety, and shall in such List distinguish the Principals from the Sureties, and shall state the Cause, if known, why each such Person has not appeared, and whether by reason of the Nonappearance of such Person the Ends of Justice have been defeated or delayed ; and every such Officer shall and is hereby required, before any such Recognizance shall be estreated, to lay such List, if at a Court of Oyer and Terminer or Gaol Delivery in any County besides *Middlesex* and *London*, or at a Court of Great Sessions, or at One of the superior Courts of the Counties Palatine, before One of the Justices of those Courts respectively; if at a Court wherein a Recorder or other Corporate Officer is the Judge or One of the Judges, before such Recorder or other Corporate Officer; and if at a Session of the Peace, before the Chairman or Two other Justices of the Peace who shall have attended such Court, who are respectively authorized and required to examine such List) and to make such Order touching the estreating or putting in Process Of any such Recognizance as shall appear to them respectively to be just; and it shall not be lawful for the Officer of any Court to estreat Or put in Process any such Recognizance without the written Order of the Justice, Recorder, Corporate Officer, Chairman, or Justices of the Peace before whom respectively such List shall have been laid.