



Ordnance Survey Act 1841

1841 CHAPTER 30

XIII Recovery of Penalties before Two Justices of the Peace, Sheriff, Deemsters, &c. Application.

And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act shall and may be recovered in a summary Way by the Order and Adjudication of any Two Justices of the Peace for the County or Place, or of the Sheriff or Court of Deemsters, in which such Penalty shall be incurred, on Complaint to them for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of such Proceedings, in case of Nonpayment, by Distress, Poining, or other legal Process, and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justices and of such Sheriff, or Hand and Seal of the Court of Deemsters, or other legal Process; and such Justices, Sheriff, and Court respectively are hereby authorized and required to summon before them any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath (or Affirmation), of and concerning all Offences, Penalties, and Forfeitures under this Act, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant or other legal Process shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices, Sheriff, or Court respectively to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress or Poining, or other legal Process, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, Sheriff, or Deemsters, for his or their Appearance before such Justices, Sheriff, or other proper Officers, on such Day or Days as shall be appointed for the Return of such Warrant of Distress or Poining, or other legal Process, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices, Sheriff, or Deemsters respectively are hereby empowered to take by way of Recognizance, Caution, or otherwise ; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any Two Justices of the Peace for such County or Place as aforesaid, or for such Sheriff or Deemsters, and they are hereby authorized and required, by Warrant

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under their Hand and Seal, or under the Hand of such Sheriff, or other legal Process, to cause such Offender or Offenders to be committed to the Gaol of such County or Place, there to remain, without Bail or Mainprize, for any Term not exceeding Two Calendar Months, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied ; and such Penalties and Forfeitures, when so levied, shall be paid and applied to the Use of any Infirmary or charitable Institution in the said County in which such Offence shall be committed, in such Manner as such Justices, Sheriff, or Deemsters respectively shall direct and appoint.