

CHAPTER 179

THE FORFEITED RECOGNIZANCES ACT

Arrangement of Sections

Section

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3. List to be signed by Judge, and defaulters to be summoned to appear before Court.
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5. If person summoned makes default, case may be determined in his absence.
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8. If person fails to appear, Court may order execution to issue against sureties.

SCHEDULE.

FORFEITED RECOGNIZANCES

(7th December, 1877.)

S.R.O. ^{411877.}
2211956.
1811989.

1. This Act may be cited as the Forfeited Recognizances Act. **Short title.**

2. The Registrar of the High Court shall, before the close of the last day's sitting of the Court, make out a list of all persons bound by recognizance to appear, or who shall have been bound for the appearance of any other person at the said Court, and who shall have made default, or whose

Registrar to make list of forfeited recognizances.

principal, or other person for whom they are so bound, shall have made default to appear at the said Court, and of all persons whose recognizances shall have been certified as forfeited by or before any Magistrate or other proper officer.

List to be signed by Judge, and defaulters to be summoned to appear before Court.

3. The list so made out shall be signed by the presiding Judge and delivered to the Provost-Marshal, who shall forthwith summon all persons whose names appear on such list to appear before the said Court, on a day to be named in the summons, to show cause why the penalty of the recognizances should not be enforced.

Court to hear and determine the merits of each case.

4. The Provost-Marshal shall forthwith make a return thereto of all persons who have been summoned as aforesaid, and the said Court shall proceed to hear and determine the merits of each case; and the said Court shall have power, wholly or in part, to remit the amount in which the party may stand bound, or to enforce the same in manner hereinafter directed.

If person summoned makes default, case may be determined in his absence.

5. In case any person summoned, as aforesaid, to appear before the said Court refuses or neglects so to do, the said Court may, upon proof of the service of summons being made, proceed to hear and determine the merits of the case, and to give judgment therein as if such person were present.

Execution to be issued against defaulter for seizure of goods, &c., or for arrest.
Schedule.

6. When judgment shall have been given against any person in respect of any forfeited recognizances, a writ of execution, in the form in the Schedule shall be issued from the Registrar's office against such person, and delivered to the Provost-Marshal, which shall be the authority of such Provost-Marshal for levying and recovering such forfeited recognizances, and for taking into custody the body of such person in case sufficient goods and chattels, lands and tenements shall not be found whereupon levy may be made.

Persons arrested to be imprisoned, or give bail for appearance at next sitting of Court.

7. Every person who shall be arrested under the provisions of the last preceding section shall be lodged in prison until the next sitting of the said Court, there to abide the judgment of the said Court:

of a certain recognizance forfeited by him; and, in case you cannot find sufficient goods and chattels, lands and tenements and debts of the said **A.B.**, then you are to take the body of the said **A.B.**, and lodge him in the prison at St. John's, there to await the decision of the presiding Judge of the said Court next thereafter to be held in this Circuit, unless the said **A.B.**, shall give sufficient security for his appearance at the said Court, for which you will be answerable, and have you then and there this writ.

Witness The Honourable *(Chief Justice or Judge,*
as the case may be), of our Supreme Court the day of
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