

It is usually directed to a particular constable by name, as is also the warrant of commitment; but what has been said in respect to the direction of warrants generally, and where, and by whom they may be executed, will apply to the distress warrant, and warrant of commitment. The distress warrant is in the nature of an execution, and everything under the head of goods and chattels, (except defendant's wearing apparel) such as cattle, furniture, grain, &c., may be seized and sold under it. The warrant usually specifies the time to be allowed between seizure and sale. [By Statute 27, Geo. II., chap. 20, sec. 1, it is enacted, that in all cases where any Justice of the Peace is, or shall be required or empowered by any Act of Parliament, to issue a warrant of distress for the levying of any penalty inflicted, or any sum of money directed to be paid by or in consequence of such Act, it shall be lawful for the Justice granting such warrant therein to order and direct the goods and chattels so to be distrained to be sold and disposed of within a certain time to be limited in such warrant, so as such time be not less than four days, nor more than eight days, unless the penalty or sum of money for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, be sooner paid.

And by 27 Geo. II., chap. 20, sec. 2, it is enacted, that the officer making such distress shall and may deduct the reasonable charges of taking, keeping, and selling such distress out of the money arising by such sale; and the overplus (if any, after such charges, and also the said penalty or sum of money, shall be satisfied and paid,) shall be returned on demand to the owner of the goods and chattels so distrained; and the officer executing such warrant, if required, shall show the same to the person whose goods and chattels are distrained, and shall suffer a copy thereof to be taken.

A warrant of distress should be under the hand and seal of the Justice. In returning the warrant the constable should set down in writing, what he has made thereon, and what overplus, if any remains in his hands, and if he finds no goods should state the fact. To authorize a warrant of commitment, it is in some cases necessary that there should first be a return of "no goods" under the Distress warrant; this return should be proved by affidavit of the constable.

The following Form will answer :

Personally appeared before me ———, one of Her Majesty's Justices of the Peace, in and for the County of ———, on the ——— day of ——— A. D. 18— at ——— in the said County, ———, Constable of ——— within named, who being duly sworn, upon his oath saith, that he has made diligent