

No. 23.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to prohibit the payment to Mechanics and others in certain Cities of Upper Canada, of Wages in Goods or by way of Truck.

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MR. BULTON.

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BILL.

An Act to prohibit the payment to Mechanics and others in certain Cities of Upper Canada of Wages in Goods or by way of Truck.

WHEREAS it is necessary to prohibit the payment in certain Trades of Wages in Goods, or otherwise than in the Current Coin of this Province within the Cities of Toronto & Hamilton; Be it therefore enacted, &c.,

Preamble.

5 That in all Contracts hereafter to be made for the hiring of any artificer in any of the trades hereinafter enumerated, or for the performance by any artificer of any labor in any of the said trades, the wages of such artificer shall be made payable in the current coin aforesaid, and that if in any such contract, the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, null and void.

Contracts for hiring of artificers to be made in current coin.

15 II. And be it enacted, That if in any contract hereafter to be made between any artificer in any of the trades hereinafter enumerated, and his employer, any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due or to become due to any such artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null and void.

Or contract to be void.

20 III. And be it enacted, That the entire amount of the wages earned by or payable to any artificer, in any of the trades hereinafter enumerated, in respect of any labor by him done in any such trade, shall be actually paid to such artificer in the current coin of this Province, and not otherwise, and every payment made to any such artificer by his employer, of or in respect of any such wages by the delivering to him of goods or otherwise than in the current coin aforesaid, except as hereinafter mentioned, shall be and is hereby declared illegal, null and void.

Wages to be paid to workmen in coin.

30 IV. And be it enacted, That every artificer in any of the trades hereinafter enumerated shall be entitled to recover from his employer in any such trade in the manner by law provided for the recovery of servants' wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer in such trade as shall not have been actually paid to him by such his employer, in the current money of this Province.

Artificers may recover wages, if not paid in coin.

35 V. And be it enacted, That in any action, suit, or other proceeding to be hereafter brought or commenced by any such artificer as aforesaid

No set-off allowed in actions for

wages by reason of goods, &c. furnished to Plaintiff.

against his employer for the recovery of any sum of money due to any such artificer as the wages of his labor in any of the trades hereinafter enumerated, the Defendant shall not be allowed to make any set-off nor to claim any reduction of the Plaintiff's demand by reason or in respect of any goods; wares or merchandize had or received by the Plaintiff as or on account of his wages, or in reward for his labor, or by reason or in respect of any goods, wares or merchandize sold, delivered or supplied to such artificer, at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

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No Employer to have action for goods supplied on account of wages.

VI. And be it enacted, That no employer of any artificer in any of the trades hereinafter enumerated shall have or be entitled to maintain any suit or action in any Court of Law or Equity against any such artificer for or in respect of any goods, wares or merchandize sold, delivered or supplied to any such artificer by any such employer whilst in his employment, as or on account of his wages or reward for his labor, or for or in respect of any goods, wares or merchandize sold, delivered or supplied to any such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

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But payment may be in Bank notes if artificer consents.

VII. Provided always and be it enacted, That nothing herein contained shall be construed to prevent or to render invalid any contract for the payment, or any actual payment, to any such artificer as aforesaid of the whole or any part of his wages either in the notes of any of the chartered banks of this Province, or in the notes of any person or persons carrying on the business of a banker, duly authorized to issue such notes, or in drafts or orders for the payment of money to the bearer, on demand, drawn upon any person or persons carrying on the business of a banker, being duly authorized as aforesaid, within fifteen miles of the place where such draft or orders shall be so paid, if such artificer shall be freely consenting to receive such drafts or orders as aforesaid, but all payments so made with such consent as aforesaid, in any such notes, drafts or orders as aforesaid, shall, for the purposes of this Act, be as valid and effectual as if such payments had been made in current money of this Province.

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Penalties on Employers entering into contracts hereby declared illegal.

VIII. And be it enacted, That any employer or any artificer in any of the trades hereinafter enumerated, who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal, shall for the first offence forfeit a sum not exceeding *ten pounds* nor less than *five pounds*, and for the second offence any sum not exceeding *twenty pounds* nor less than *ten pounds*, and in case of a third offence, any such employer shall be and be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by fine only at the discretion of the Court, so that the fines shall not in any case exceed *one hundred pounds*.

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Penalties how to be recovered.

IX. And be it enacted, That all offences committed against this Act, and not hereinbefore declared a misdemeanor, shall be enquired of and determined, and that all fines and penalties for such offences shall be

sued for and recovered by any person or persons who shall sue for the same before any two Justices of the Peace having jurisdiction within the County, Riding, City or Place in which the offence shall have been committed, and that the amount of the fines, penalties and other punishments to be inflicted upon any such offenders, shall, within the limits hereinbefore prescribed be in the discretion of such Justice, or, in cases of misdemeanor, of the Court before which the offence may be tried; and in case of a second offence against this Act, it shall be sufficient evidence of the previous conviction and offence if a certificate signed by the Clerk of the Peace, or of the Recorder's Court, or other officer having the custody of the record of such previous conviction, shall be produced before the said Justices enquiring of such second offence, in which certificate shall be stated, in a compendious form, the general nature of the offence for which such previous conviction was had and the date of such previous conviction, and so in like manner upon the trial of any indictment or information for any such misdemeanor as aforesaid, it shall be sufficient evidence of such second conviction for a like offence, if a certificate thereof signed by the Clerk of the Peace, or of the Recorder's Court, or other officer having the custody of the record of such second conviction in such form as aforesaid, be produced to the Court or Jury: Provided always, that no person shall be punished as for a second offence under this Act, unless *ten days* at the least shall have intervened between the conviction of such person for the first and the conviction of such person for the second offence, but each separate offence committed by any such person before the expiration of the said term of *ten days*, shall be punishable by a separate penalty, as though the same were a first offence; and that no person shall be convicted as for a third offence under this Act, unless *ten days* at the least shall have intervened between the conviction of such person for the second and the conviction of such person for the *third* offence, but each separate offence committed by any such person before the expiration of the said term of *ten days*, shall be punishable by a separate penalty as though the same were a second offence: and that the fourth or any subsequent offence which may be committed by any such person against this Act, shall be enquired of, tried and punished in the manner hereinbefore provided in respect of any third offence; and that if the person or persons preferring any such information shall not be able or shall not see fit to produce evidence of any such previous conviction or convictions as aforesaid, any such offender as aforesaid shall be punished for each separate offence by him committed against the provisions of this Act, by an equal number of distinct and separate penalties, as though each of such offences were a first or second offence as the case may be, and that no person shall be proceeded against or punished as for a second or as for a third offence, at the distance of more than two years from the commission of the next preceding offence.

X. And be it enacted, That it shall be lawful for any one Justice of the Peace, in all cases where any information or complaint shall be made as aforesaid, and he is hereby authorized and required, at the request in writing of any of the parties to the said complaint, and on the oath of the informer or complainant or of the person informed or complained against, that he believes that the attendance of any person or

Justice may
compel the
attendance of
witnesses.

persons as a witness or witnesses will be material to the hearing of such information, to issue his summons to any such person or persons, witness or witnesses to appear and give evidence on oath before himself, and such other Justice or Justices as shall hear and determine such information or complaint, the time and place of hearing and determining the same being specified in the said summons; and if any person or persons so summoned shall not appear before the said last mentioned Justices at the time or place so specified in the said summons, and shall not offer any reasonable excuse for the default to the satisfaction of the said last mentioned Justices, or appearing according to the directions of the said summons, shall not submit to be examined as a witness or witnesses, then and in every such case it shall be lawful for such last mentioned Justices and they are hereby authorized, (proof on oath in the case of any person not appearing according to such summons, having been first made before such last mentioned Justices of the due service of such summons on every such person, by delivering the same to him or to her or by leaving the same at the usual place of abode of such person, *twenty-four hours* at the least before the time appointed for such person to appear before such last mentioned Justices,) by warrant under the hands and seals of such last mentioned Justices, to commit such person or persons so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of the said Justices, there to remain without bail or mainprize for any time not exceeding *fourteen days*, or until such person or persons shall submit to be examined and give evidence.

Power to levy Penalties by distress.

XI. And be it enacted, That all Justices of the Peace shall, and are hereby empowered, on the conviction of any person or persons for any offence against this Act, in default of payment of any penalty or forfeiture, together with the reasonable costs and charges attending such conviction, to cause the same to be levied by distress and sale of the goods and chattels of the offender, or offenders, by warrant or warrants, under the hands and seals of such Justices, together with the reasonable costs of such distress and sale, and in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or offenders, or by the oath of one or more credible witness or witnesses, that he, she, or they bath not or have not goods or chattels within the jurisdiction of such Justices, sufficient whereon to levy all such penalties or forfeitures, costs and charges, such Justices may, without issuing any warrant or distress, commit the offender or offenders to the common gaol for three calendar months (unless the same be sooner paid), in such manner as if a warrant of distress had been issued and a return of *nulla bona* made thereon.

A partner not to be liable in person for the offence of his Copartner, but the partnership property to be so liable.

XII. And be it enacted, That no person shall be liable to be convicted of any offence against this Act, committed by his or her copartner in trade, and without his or her knowledge, privity or consent; but it shall be lawful when any penalty or any sum, for wages, or any other sum, is ordered to be paid under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any copartnership, concern or business in the carrying on of which such charges may have become due, or such offence may have been committed; and in all

proceedings under this Act, to recover any sum due for wages, it shall be lawful in all cases of copartnership, for the Justices at the hearing of any complaint for the non-payment thereof, to make an order on any one or more copartners for the payment of the sum appearing to be due, and in such case the service of a copy of any summons or other process, or of any order upon one or more of such copartners, shall be deemed to be a sufficient service upon all.

XIII. And be it enacted, That in all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders, by any Justice or Justices of the Peace, under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders, for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

How summons to be served.

XIV. And be it enacted, That the Justices before whom any person shall be convicted of any offence against this Act, or by whom any person shall be committed to the common Gaol in default of a sufficient distress, or for not appearing as a witness, or not submitting to be examined, shall cause all such convictions and the summonses for the attendance of witnesses, and the warrants or orders for such commitments, and the warrant or order for any such distress, to be drawn up in the form or to the effect set forth in the Schedule to this Act annexed, with such additions or variations as may be necessary for adapting the same to the particular circumstances of the case.

Form of convictions, &c.

XV. And be it enacted, That the Justices before whom any conviction shall be had under this Act, shall cause the same to be returned to the next Sessions of the Recorder's Court or General or Quarter Sessions of the Peace, holden for the City or place wherein the offence shall have been committed, and the same shall then and there be delivered to the Clerk of the said Court or of the Peace, or other person acting as such, to be by him filed among the records of the said Court; and such Clerk of the Peace or of the said Court, or other person acting as such, is hereby required; on the tender and payment to him of the sum of one shilling, to grant to any person or persons, on demand, a copy of any such conviction with a certificate thereupon endorsed or thereunto annexed, that the same is a true and accurate copy of the original conviction returned to such Recorder's Court or General or Quarter Sessions as aforesaid.

Justices to return convictions to the Clerk of the Peace, or of the Recorder's Court, who is to deliver copies to persons applying.

XVI. And be it enacted, That no conviction, order, or adjudication, made by any Justices of the Peace under the provisions of this Act, shall be quashed for want of form, nor be removed by *certiorari* or otherwise, into Her Majesty's Superior Courts of Record; and no warrant of distress, or of commitment in default of such distress, shall be held void by reason of any defect therein; Provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Convictions not to be quashed for want of form.

Application of
penalties.

XVII. And be it enacted, That out of any penalty or forfeiture incurred by any offence committed against this Act, it shall be lawful for the Court or Justices imposing the same, to award any sum to the informer not exceeding in any case the sum of pounds, and the rest of any such pecuniary penalty or forfeiture shall go to the Chamberlain or Treasurer of the City or County in which the offence shall be committed in aid of the funds of such City or County ; provided always, that every proceeding whatsoever for any offence against this Act shall be commenced within three calendar months after such offence shall have been committed. 5 10

Specification
of trades to
which the Act
is to apply.

XVIII. And be it enacted, That nothing herein contained shall extend to any artificer, workman or laborer, or other person engaged or employed in any manufacture, trade or occupation, excepting only artificers, workmen, laborers and other persons employed in the several manufactures, trades and occupations following, that is to say ; in or about the making, erecting, or constructing of houses, buildings, or erections of any kind, of whatsoever kind of material ; or in or about the making, casting, converting or manufacturing of iron or steel, or any parts, branches or process thereof ; or in or about the working, or getting of any mines of coal, ironstone, limestone, salt rock, or in or about the working or getting of slate, stone or clay, or in the making or preparing of salt, bricks, tiles or quarries ; or in or about the making or manufacturing of any kinds of nails, chains, rivets, anvils, vices, spades, shovels, screws, keys, locks, bolts, hinges, or any other articles or hardwares made of iron or steel, or of iron and steel combined, or of any plated articles of cutlery ; or of any goods or wares made of brass, tin, lead, pewter or other metal, or of any japanned goods or wares whatsoever ; or in or about the making, spinning, throwing, twisting, doubling, winding, weaving, combing, knitting, bleaching, dyeing, printing, or otherwise preparing of any kinds of woollen, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair or silk manufactures whatsoever, or in or about any manufactures whatsoever made of the said last mentioned materials, whether the same be or be not mixed one with another, or in or about the making, or otherwise preparing, ornamenting or finishing of any glass, porcelain, china or earthenware whatsoever, or any parts, branches or processes thereof, or any materials used in any of such last mentioned trades or employments. 15 20 25 30 35

Domestics.

XIX. And be it enacted, That nothing herein contained shall extend to any domestic servant or servants in husbandry. 40

Certain persons
not to act
as Justices.

XX. And be it enacted, That no Justice of the Peace, being a person also engaged in any of the trades or occupations enumerated in this Act ; or the father, son or brother of any such person shall act as a Justice of the Peace under this Act.

County Magistrates
to act in
cases where
those of
Towns, &c.

XXI. And be it enacted, That when the offence is committed within one of the Cities hereinafter mentioned or the liberties thereof, and the Magistrates of the City for the time being are disqualified by the foregoing clause, or by reason of the offender not residing or not being to be 45

found within the City, from administering this Act, then and in every such case, and so often as the same shall happen, it shall be lawful for the Magistrates of the County within the geographical limits of which the City in which the offence may have been committed is situate, (and not disqualified as aforesaid) to administer, and they are hereby authorized and empowered to hear, examine and determine any offences committed against this Act, in such City; and it shall be lawful for the complainant to remove the cases of information or complaint from the said City to any other Court of Sessions or Petty Session, not exceeding twelve miles from the place where the offence shall have been committed, any law, charter, usage or custom to the contrary notwithstanding.

XXII. And be it enacted, That nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer from supplying or contracting to supply to any such artificer or laborer, any medicine or medical attendance, or any fuel, or any materials, tools or implements, to be by such artificer or laborer employed in his trade or occupation, nor from demising to any artificer, mechanic, workman or laborer employed in any of the trades or occupations enumerated in this Act, the whole or any part of any tenement at any rent to be thereon reserved, nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer, nor from making or contracting to make any stoppage or deduction from the wages of any such artificer for or in respect of any such rent, or for or in respect of any such medicine or medical attendance, or for or in respect of such fuel, materials, tools, implements, or of any such victuals, dressed and prepared under the roof of any such employer, or for or in respect of any money advanced to such artificer for any such purpose as aforesaid; Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools or implements, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing and signed by such artificer.

XXIII. And be it enacted, That nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer or workman any money to be by him contributed to any Friendly Society, or Bank for Savings, duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any child or children of such artificer or workman, nor from deducting or contracting to deduct any sum or sums of money from the wages of such artificer or workman, for the education of any such child or children of such artificer or workman, provided the agreement or contract for such deduction shall be in writing and signed by such artificer.

XXIV. And be it enacted, That in the meaning and for the purposes of this Act, all workmen, laborers and other persons in any manner engaged in the performance of any work, employment or operation of what nature soever, in or about the several trades and occupations, shall be and be deemed "Artificers," and that within the meaning and for the

are disqualified as above.

Particular exceptions to the generality of the Law.

Employers may advance money to artificers for certain purposes.

Interpretation of certain words.

purposes aforesaid, all Masters, Bailiffs, Foremen, Managers, Clerks and other persons engaged in the hiring, employment or superintendence of the labor of any such artificers or workmen, shall be and be deemed to be "Employers," and that within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered 5 or given as a recompense, reward or remuneration for any labor done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, shall be deemed and be taken to be the "Wages" of such labor, and that within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, 10 collusion or arrangement whatsoever on the subject of wages, whether written or oral, or whether direct or indirect, to which the employer and artificer or workman are parties, or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavored to impose an obligation on the other of them, shall be and be 15 deemed a "Contract."

XXV. And be it enacted, That this Act shall apply only to Artificers Workmen, Laborers or other persons employed within the City of Toronto or the City of Hamilton, or within the liberties of the said Cities respectively, and to work and labor done and performed by them within 20 the said Cities and liberties respectively, but the offence may be committed in any other place, if the Act which constitutes such offence relates to any Artificer Workman or Laborer, or person employed or contracting to be employed within either of the said Cities or the liberties thereof. 25

Commence-
ment of Act.

XXVI. And be it enacted, That this Act shall not commence or take effect till the expiration of _____ calendar months next after the day of passing the same.

SCHEDULES.

Form of Conviction.

To Wit : } Be it remembered, that on this _____ day of _____
 } in the year of our Lord _____ at _____
 in the *City or County* of _____, A. B. is duly convicted
 before us, C. D. and J. G., two of the Justices of the Peace for the _____
 of _____, for that the said A. B. [*specify the offence*
and the time and place when and where committed,] whereby the said
 A. B. has forfeited the sum of _____ this being adjudged
 to be the first [*or second*] offence [*as the case may be,*] against the
 provisions of an Act [*title of this Act,*] besides the costs of this conviction,
 which we assess at the sum of _____ [*here state to whom*
and in what proportions the penalty and costs are to be paid,] pursuant
 to the statute in that case provided,

Given under our hands and seals.

Summons to Witness.

To Wit : } Whereas information, upon oath, hath been made before
 } me, A. B., Esquire, one of the Justices of the Peace for the
City [or County] aforesaid, that C. D., of _____ has been guilty
 of an offence against the laws prohibiting the payment of Wages in
 Goods, and that you are a material witness to be examined on the hear-
 ing and determination of such information : These are therefore to
 require you to appear personally before me and such other Justice or
 Justices as shall hear and determine such information, at

in the *City [or County]* aforesaid, on the _____ at the hour of
 _____ of the same day, there to be examined touching
 the matters alleged in such information.

As witness my hand.

Warrant of Commitment of a Witness.

To Wit : } To the Constable or other proper officer, and to the Keeper
 } or Gaoler of _____

Whereas C. D. hath been duly summoned to appear and give evidence
 before us, A. O. and G. F., two of the Justices of the Peace for the *City*
[or County] of _____ on this _____ day of _____

being the time and place appointed for hearing and determining
 the complaint on the oath of _____ before
 us, against A. B., of having [*stating the offence as laid in the informa-*
tion,] contrary to the laws now in force for prohibiting the Payment of
 Wages in Goods : And whereas the said C. D. hath not appeared before
 us at the time and place aforesaid specified for that purpose, or offered
 any reasonable excuse for his default [*or* _____ :] and whereas the
 said C. D., having appeared before us at the time and place aforesaid
 specified for that purpose, hath not submitted to be examined as a witness
 and give his evidence before us touching the matter of the said complaint,
 but hath refused so to do [*or* _____]; therefore we, the said Justices, do
 hereby in pursuance of the statute made, &c., [*setting forth the title of*
this Act], commit the said C. D., to the [*describing the prison*], there to
 remain, without bail or mainprize for his contempt aforesaid, for the
 space of three calendar months, or until he shall submit himself to be
 examined and give his evidence touching the matter of the said complaint,
 or shall otherwise be discharged by due course of law. And you [*the*
Constable or Peace Officer to whom the warrant is directed], are hereby
 authorized and required to take into your custody the body of the said
 C. D., and him safely to convey to the said prison, and him there to
 deliver to the Gaoler or Keeper thereof, who is hereby authorized and
 required to receive into his custody the body of the said C. D., and him

safely to retain and keep, pursuant to this commitment. Given under our hands and seals, this _____ day of _____ in the year of our Lord,

Warrant to distrain for forfeiture.

To Wit : } To the Constable of _____

Whereas A. B., of _____ is this day convicted before us, C. D. and J. G., two of the Justices of the Peace in and for the said City [or County], upon oath of H. K., a credible witness, for that the said A. B. did [*here set forth the offence*] contrary to the Statute in that case made and provided, by reason whereof the said A. B. hath forfeited the sum of _____ to be distributed as herein is mentioned, besides the sum of _____ for costs, both of which he hath refused to pay; these are therefore, in Her Majesty's name, to command you to levy the said sum of _____ and also the sum of _____ for costs, by distress of the goods and chattels of him the said A. B.; and if within the space of _____ days next after such distress by you taken, the said sums, together with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do retain the said costs, and also the said forfeiture or sum of _____, and thereout pay to L. M., who hath informed and prosecuted in this case, the sum of _____ being his adjudged portion of such forfeiture, the residue whereof is to go to the Treasurer [or Chamberlain] of the said City or County of _____, in aid of the rates thereof; and that you do return the overplus, on demand, to him the said A. B., (the reasonable charges of taking, keeping, and selling the said distress being first deducted) and if sufficient distress cannot be found of the goods and chattels of the said A. B. whereon to levy the said sum of _____, that then you certify the same to us, together with this warrant.

Given under our hands and seals.

Commitment for Want of Distress.

To Wit ; } To the [Constable] of _____ in the said County, and
 } to the Keeper of the Common Gaol [or House of Correction] at _____
 at _____ in the said City [or County].

Whereas A. B. of _____ in the said City [or County] was on the _____ day of _____ convicted before us, C. D. and J. G., two of the Justices of the Peace in and for the said County, upon the oath of H. K., a credible witness, for that he the said A. B. [*here set forth the*

offence] contrary to the Statute made in the year of the Reign
of Her Majesty, by reason whereof the said A. B. had forfeited the sum of
 besides the sum of for costs : And whereas on the
 day of in the year aforesaid we did issue our
Warrant to the [*Constable*] of to levy the said sum of
 and costs, by distress and sale of the goods and chattels of him the
said A. B., and to distribute the same according to the directions of the
said Statute : And whereas it duly appears to us, upon the oath of the
said [*Constable*], that the said [*Constable*] hath used his best endeavours
to levy the said sum on the goods and chattels of the said A. B. as afore-
said, but that no sufficient distress can be had whereon to levy the same
[or by confession of the said A. B., or by the oath of a credible witness,
that the said A. B. hath not goods and chattels within our jurisdiction
whereon to levy the said forfeiture and costs]; these are therefore to
command you the said [*Constable*] of aforesaid to apprehend
the said A. B., and him safely to convey to the Common Gaol [or *House*
of Correction] at in the said *City or County* and there to
deliver him to the Keeper thereof, together with this precept. And we
do also command you the said Keeper to receive and keep in your
custody the said A. B. for the space of three months, unless the said sum
and costs shall be sooner paid; and for so doing this shall be your
sufficient Warrant.

Given under our hands and seals.