

ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. LVIII.

An Act for amending the Law with regard to the Courſe of Proceeding on Indictments and Informations in the Court of King's Bench in certain Caſes; for authorizing the Execution in *Scotland* of certain Warrants iſſued for Offences committed in *England*; and for requiring Officers taking Bail in the King's Suit to aſſign the Bail Bonds to the King. [1ſt *June* 1808.]

WHEREAS the Proviſions contained in Two Acts of the Twenty-ſixth and Thirty-fifth Years of His preſent Majeſty's Reign, for amending the Law with regard to the Courſe of Proceeding on Indictments and Informations in the Court of King's Bench, in certain Caſes relating to the Public Revenue, have been found beneficial, and it is expedient to extend the ſame to other Caſes; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That whenever any Perſon ſhall be charged with any Offence for which he or ſhe may be proſecuted

Proceedings in Caſes where Perſons ſhall be

charged with any Offence for which they may be prosecuted by Indictment in the Court of King's Bench.

prosecuted by Indictment or Information in His Majesty's Court of King's Bench, not being Treason or Felony, and the same shall be made appear to any Judge of the same Court by Affidavit, or by Certificate of an Indictment or Information being filed against such Person in the said Court for such Offence, it shall and may be lawful for such Judge to issue his Warrant under his Hand and Seal, and thereby to cause such Person to be apprehended and brought before him or some other Judge of the same Court, or before some one of His Majesty's Justices of the Peace, in order to his or her being bound to the King's Majesty with Two sufficient Sureties, in such Sum as in the said Warrant shall be expressed, with condition to appear in the said Court at the Time mentioned in such Warrant, and to answer to all and singular Indictments or Informations for any such Offence; and in case any such Person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively to commit such Person to the Common Gaol of the County, City, or Place where the Offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by Order of the said Court in Term Time, or of one of the Judges of the said Court in Vacation, and the Recognizance to be thereupon taken shall be returned and filed in the said Court, and shall continue in Force until such Person shall have been acquitted of such Offence, or in case of Conviction, shall have received Judgment for the same, unless sooner ordered by the said Court to be discharged; and that where any Person, either by virtue of such Warrant of Commitment as aforesaid, or by virtue of any Writ of Capias ad Respondendum issued out of the said Court, is now detained or shall hereafter be committed to and detained in any Gaol for want of Bail, it shall be lawful for the Prosecutor of such Indictment or Information to cause a Copy thereof to be delivered to such Person, or to the Gaoler, Keeper, or Turnkey of the Gaol wherein such Person is or shall be so detained, with a Notice thereon indorsed, that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Indictment or Information as aforesaid, cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance and the Plea of Not Guilty will be entered thereto in the Name of such Person; and in case he or she shall thereupon for the said Space of Eight Days after such Delivery of a Copy of the Indictment or Information as aforesaid, neglect to cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information, upon an Affidavit being made and filed in the said Court, of the Delivery of a Copy of such Indictment or Information, with such Notice indorsed thereon as aforesaid, to such Person, or to such Gaoler, Keeper, or Turnkey, as the Case may be, which Affidavit may be made before any Judge or Commissioner of the said Court authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Indictment or Information had appeared and pleaded Not Guilty according to the usual Course of the said Court; and that if upon the Trial of such Indictment or Information any Defendant so committed and detained as aforesaid shall be acquitted of all the Offences therein charged upon him or her, it shall be lawful for the Judge before whom

to

whom such Trial shall be had, although he may not be one of the Judges of the said Court of King's Bench, to order that such Defendant shall be forthwith discharged out of Custody as to his or her Commitment aforesaid, and such Defendant shall be thereupon discharged accordingly.

And whereas by an Act made in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act for the more effectual Execution of the Criminal Laws in the Two Parts of the United Kingdom*, it is among other Things enacted, that if any Person or Persons against whom a Warrant shall be issued by any Justice or Justices of the Peace of any County, Riding, Division, City, Liberty, Town, or Place within that Part of *Great Britain* called *England*, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside or be in any Place of that Part of *Great Britain* called *Scotland*, it shall be lawful for the Sheriff or Steward Depute or Substitute, or any Justice of the Peace of the County or Place where such Person or Persons shall escape, go into, reside, or be, to indorse his Name on the said Warrant, which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Sheriffs' Officers, Steward's Officers, Constables, and other Peace Officers of the County or Place where such Warrant shall be indorsed, to execute the said Warrant in the County or Place where it is so indorsed, by apprehending the Person or Persons against whom such Warrant is granted, and to convey him, her, or them into that Part of *Great Britain* called *England*, there to be dealt with in the Manner directed by the said Act, which Act has been amended by another Act, passed in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act to amend Two Acts of the Thirteenth and Forty-fourth Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another*; and it is expedient that like Provision should be made for the Execution in *Scotland* of Warrants to be issued by other Persons than Justices of the Peace having Authority to issue the same in *England*; be it therefore enacted, That from and after the passing of this Act, all Clauses, Matters, and Things in the said recited Acts, whereby the Execution in *Scotland* of any Warrant or Warrants issued by any Justice or Justices of the Peace in *England* for any Crime or Offence against the Laws of that Part of the United Kingdom, is authorized and regulated, shall extend to all Warrants issued by any of the Justices of His Majesty's Court of King's Bench in *England*, or of the Courts of Great Sessions in *Wales*, or by any Justice of Oyer and Terminer or Gaol Delivery, or other Person having Authority to issue the same in *England*, for any Crime or Offence against the Laws of *England*, in as full and ample a Manner, to all Intents and Purposes, as if such last mentioned Justices and Persons were specially named in the said recited Acts.

13 G. 3. c. 31.

45 G. 3. c. 92.

Authorizing the Execution in Scotland of Warrants issued in England.

And be it further enacted, That if any Person shall be arrested after the passing of this Act, by any Writ of *Capias ad Respondendum* issuing out of any of His Majesty's Courts of Record at *Westminster*, or out of the Superior Court of Record of either of the Counties Palatine, or out of

Requiring the Assignment of Bail Bonds in the King's Suits.

of any of the Courts of Great Seſſions in *Wales*, at the Suit of the King's Majeſty, His Heirs or Succeſſors, and the Sheriff or other Officer ſhall take Bail from ſuch Perſon, the Sheriff or other Officer, at the Requeſt and Coſts of the Proſecutor of ſuch Writ, ſhall aſſign to the King's Majeſty, *His* Heirs and Succeſſors, the Bail Bond taken from ſuch Bail, by indorſing the ſame, and atteſting it under his Hand and Seal in the Preſence of Two or more credible Witneſſes, which may be done without any Stamp, provided the Aſſignment ſo indorſed be duly ſtamped before any Suit be commenced thereupon; and if ſuch Bail Bond be forfeited, ſuch Proceſs ſhall thereupon iſſue as on Bonds originally made to the King's Majeſty, His Heirs and Succeſſors, and the Court in which ſuch Bail Bond is put in Suit, may by Rule or Rules of the ſame Court give ſuch Relief to the Defendant or Defendants as is agreeable to Juſtice and Reaſon.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1808.