

CHAP. 38.

A.D. 1869.

An Act to facilitate the taking Special Bails in Civil Proceedings depending in the Superior Courts of Law at Westminster, and in Proceedings in Error and on Appeal.

[26th July 1869.]

WHEREAS it is expedient to increase the number of persons authorized to take special bails in actions and civil proceedings depending or to be depending in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster, and in proceedings in error or on appeal arising out of any such actions or proceedings:

Be it enacted by the Queen'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, as follows:

Persons authorized to take affidavits in common law courts may also take bails.

1. All persons empowered to take affidavits under any commission now issued or hereafter to be issued under the authority of the Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for taking affidavits in the country, "to be made use of in the Courts of King's Bench, Common Pleas, "and Exchequer," whether they are or are not attorneys or solicitors, shall and may exercise all the powers which by the Act passed in the fourth year of the reign of King William the Third and Queen Mary, intituled "An Act for taking special bails in the country "upon actions and suits depending in the Courts of King's Bench, "Common Pleas, and Exchequer at Westminster," and by the Act passed in the sessions of Parliament holden in the first and second years of our said lady the Queen, intituled "An Act to extend the "jurisdiction of the judges of the superior courts of common law, "to amend chapter fifty-six of the first year of Her present "Majesty's reign, for regulating the admission of attorneys, and "to provide for the taking of special bail in the absence of the "judges," are given to persons by the commissions issued under those Acts or either of them; and such of the enactments of the

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said Acts of the reigns of William and Mary and of Her present Majesty as are now unrepealed shall apply to commissions issued under the said Act of the reign of Charles the Second, and the persons empowered by those commissions, whether they are or are not attorneys or solicitors, in like manner and to the like extent as if the commissions issued under the said Act of Charles the Second were commissions issued under the said other Acts respectively. And the persons to whom commissions are issued under the said Act of the reign of Charles the Second, under the seal of the Court of Exchequer, may also take recognizances of every kind and all bail, as well in error as otherwise, on the revenue side of the Court of Exchequer, and the said Act of the reign of William and Mary, so far as the same is not repealed, shall apply and extend to the last-mentioned recognizances and bail when so taken.

Interpretation of "bail."

2. The word "bail" in the said Acts of the reigns of William and Mary, and Her present Majesty, as applied to this Act, shall include bail in error, and bail on any appeal arising out of any action or civil proceeding in any of the said courts.

Fees.

3. The commissioners empowered by this Act may demand and receive for any services the same fees as are payable to commissioners under the said Act of William and Mary for similar services, or such fees as the Treasury, with the approbation of any three judges of the superior courts of law at Westminster, may hereafter authorize to be taken.

Rules and practice.

4. The rules and practice of the said courts now in force or hereafter to be made relating to bail shall, so far as they are applicable, apply to all proceedings under this Act.

Attorneys not to exercise powers of this Act where interested.

5. No attorney or solicitor shall exercise any of the powers given by this Act in any proceeding in which he is the attorney or solicitor of any of the parties to that proceeding or in which he is interested.

Short title.

6. This Act may be cited as "The Bails Act, 1869."

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