ANNO TRICESIMO QUARTO

Georgii III. Regis.

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CAP. XLVI.

An Act for taking of Special Bail in Actions and Suits depending in the Court of Common Pleas of the County Palatine of *Lancaſter*. [9th *May* 1794.]

Preamble.

WHEREAS it hath been found inconvenient that no Perſon is impowered to grant Commiſſions for the taking and receiving Recognizances of Bail in Actions and Suits commenced or depending in the Court of Common Pleas, otherwiſe called *The Court of Seſſion for the County Palatine of* Lancaſter, held before His Majeſty's Juſtices there: For Remedy whereof, be it 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, from and after the paſſing of this Act, the Chancellor of the Duchy and County Palatine of *Lancaſter*, or his Vice Chancellor for the ſaid County Palatine for the Time being reſpectively, ſhall and may, by One or more Commiſſion or Commiſſions, under the Seal of the ſaid County Palatine, from Time to Time, as Occaſion may require, impower ſuch and ſo many Perſon and Perſons, (other than common Attornies or Solicitors), as he, or either of them, ſhall think fit and neceſſary, in the ſaid County Palatine of *Lancaſter*, to take and receive all and every ſuch Recognizance or Recognizances of Bail or Bails, as any Perſon or Perſons ſhall be willing and deſirous to acknowledge or make, before any Perſon ſo impowered in any Action or Suit depending, or hereafter to be depending, in the ſaid Court, in ſuch Manner and Form, and by ſuch Recognizance or Bail Piece, as Special Bails are uſually or by Law ought to be taken; which ſaid Commiſſions ſhall be made out by the Prothonotary of the ſaid Court, upon a Fiat or Warrant from the ſaid Chancellor, or Vice Chancellor for the Time being, and which ſaid Recognizance or Recognizances, Bail Piece or Bail Pieces, ſo taken as aforeſaid, together with an Affidavit made of the due taking of the Recognizances of ſuch Bail or Bail Piece, by ſome credible Perſon preſent at the taking thereof, or being One of the People called *Quakers*, by his Affirmation, and which Affidavit or Affirmation the Perſon ſo impowered to take the ſaid Recognizance or Recognizances of Bail or Bails ſhall be, and hereby is authorized to receive and take and to adminiſter the Oath or ſolemn Affirmation, as the Caſe may require, ſhall, within Ten Days after the taking ſuch Bail, be tranſmitted to the Office of the Prothonotary of the ſaid County, there to be filed of Record, upon Payment of the Sum of Eleven Shillings and Eight-pence; and which Recognizance of Bail or Bail Piece, ſo taken and tranſmitted, ſhall be of full Force and Effect; and the following Fees, and no more, ſhall be paid for each of the ſaid laſt-mentioned Commiſſions, and for taking the Acknowledgements of the Bail and Affidavits, or Affirmations reſpecting the ſame; (to wit),

The Chancellor or Vice Chancellor of the County of *Lancaſter*, may authorize Perſons to take Bail in Actions depending in the County Court, &c.

Fees.

The Sum of Three Shillings for the Fiat or Warrant:

The Sum of Eight Shillings and Sixpence for making out the Commiſſion, beſides the King's Duty and Parchment:

The Sum of Five Shillings for the Seal:

The Sum of Six Shillings for taking every ſuch Acknowledgement or Bail Piece:

And the Sum of One Shilling for the taking of the Affidavit or Affirmation of the due taking thereof.

Juſtices of the Court may make Rules for juſtifying Bail, &c.

II. And be it further enacted, by the Authority aforeſaid, That His Majeſty's Juſtices of the ſaid Court, for the Time being, ſhall and may make ſuch Rules and Orders for the juſtifying of ſuch Bails, and making the ſame abſolute, as to them ſhall ſeem meet, ſo that it may not be neceſſary for the Cognizor or Cognizors of any ſuch Bail or Bails to appear in the ſaid Court to juſtify him or themſelves, but that the ſame may be determined by Affidavit or Affidavits, (or being made by any of the People called *Quakers*, by Affirmation or Affirmations), duly taken before any Commiſſioner to be appointed as aforeſaid, (or before the Prothonotary of the ſaid Court for the Time being, or his officiating Deputy *ex officio*, as Officers of the ſaid Court, and without any Commiſſion for that Purpoſe), touching the Value of the reſpective Eſtates, and other neceſſary Qualifications of ſuch Cognizor or Cognizors; and for the ſwearing of each ſuch Affidavit, or taking ſuch Affirmation, ſhall be received the Sum of One Shilling and no more.

Prothonotary or his Deputy may take Bail as heretofore.

III. Provided alſo nevertheleſs, That nothing in this Act contained ſhall prevent the Prothonotary of the ſaid Court for the Time being, or his officiating Deputy, from taking and receiving *ex officio*, and as Officers of the ſaid Court, Recognizances of Bails in Actions or Suits commenced or hereafter to be commenced in the ſaid Court, in ſuch Manner as he and they have done, or by Law might do, if this Act had not been made.

Perſons ſwearing falſely to be liable to the ſame Penalties as would have been incurred in Courts of Record at *Weſtminſter*.

IV. And be it further enacted, That if any Perſon or Perſons who ſhall make any Affidavit or Affirmation of the due taking of the Recognizance of any Bail, or for the Juſtification of any Bail, or otherwiſe in relation thereto, in any Suit or Action depending, or to be hereafter depending, in the ſaid Court, ſhall falſely ſwear, or falſely affirm in or by his or their ſaid Affidavit or Affirmation reſpectively, every ſuch Perſon and Perſons ſhall incur and be liable unto the like Pains and Penalties as he, ſhe, or they, would have incurred and been liable unto, if ſuch Affidavit or Affirmation had been made and taken in open Court, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Perſons repreſenting others who may thereby be liable to the Payment of Money, to be deemed Felons.

V. And be it further enacted, That any Perſon or Perſons who ſhall, before any Perſon or Perſons impowered by virtue of this Act as aforeſaid to take ſpecial Bail or Bails, repreſent or perſonate any other Perſon or Perſons, whereby the Perſon or Perſons ſo repreſented or perſonated may be liable to the Payment of any Sum or Sums of Money for Debt or Damages to be recovered in the ſame Suit or Action wherein ſuch Perſon or Perſons is or are repreſented or perſonated, as if he, ſhe, or they had really acknowledged and entered into the ſame, being lawfully convicted thereof, ſhall be adjudged, eſteemed, and taken to be, a Felon or Felons, and ſuffer and incur the ſame Pains, Penalties, and Forfeitures, as Perſons convicted of the like Offences are liable to, by virtue of an Act paſſed in the Fourth Year of the Reign of King *William* 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.

FINIS.