ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XCVI.

An Act for the Relief of Perſons detained in Gaol for Want of Bail, in certain Caſes relating to the Publick Revenue. [22d *June* 1795.]



WHEREAS, by an Act, paſſed in the Twenty-ſixth Year of His preſent Majeſty's Reign, intituled, *An Act to limit a Time for the Repayment of the Duties on Male Servants and Carriages, by the Commiſſioners of Exciſe; and alſo on Horſes, Waggons, Wains, and Carts, by the Commiſſioners of Stamps; and for the Amendment of ſeveral Laws relating to the Duties under the Management of the Commiſſioners of Exciſe*; it is enacted, That whenever any Perſon or Perſons ſhall be charged with aſſaulting or obſtructing any Officer or Officers of the Cuſtoms or Exciſe in the due Execution of his or their Office or Offices, or any Perſon or Perſons acting in his or their Aid or Aſſiſtance, or with reſcuing, or attempting to reſcue, by Force, any uncuſtomed or prohibited Goods, after Seizure thereof by ſuch Officer or Officers, or with any Offence againſt any Law reſpecting Quarantine, and the ſame ſhall be made appear to any Judge of His Majeſty's Court of King's Bench, by Affidavit or by Certificate of an Indictment or Information being filed againſt ſuch Perſon or Perſons in the ſaid Court, for ſuch Offence, it ſhall be lawful for ſuch Judge to iſſue his Warrant, under his Hand and Seal, and thereby to cauſe ſuch Perſon or Perſons to be apprehended and brought before him, or ſome other Judge of the ſaid Court, or before ſome One of His Majeſty's Juſtices of the Peace, in order to his, her, or their, 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 the Offences aforeſaid; and in caſe ſuch Perſon or Perſons ſhall neglect or refuſe to become bound as aforeſaid, it ſhall be lawful for ſuch Judge or Juſtice of the Peace reſpectively to commit ſuch Perſon or Perſons to the Common Gaol of the County, City, or Place, where the Offence ſhall have been committed, or where he, ſhe, or they, ſhall have been apprehended, until he, ſhe, or they, ſhall have become bound as aforeſaid, or ſhall be diſcharged by Order of the ſaid Court of King's Bench in Term Time, or by One of the Judges of the ſaid Court in Vacation: And whereas no Indictment or Information for any of the Offences mentioned in the ſaid recited Act can be brought

Preamble. 26 *Geo.* III. Cap. 77.

to Trial until the Defendant or Defendants ſhall have appeared and pleaded thereto; and Perſons apprehended and committed to Gaol, by virtue of the ſaid Act, cannot be brought into the ſaid Court to plead in Perſon to ſuch Indictments or Informations without a conſiderable Expence, and may, through Poverty or Ignorance, omit to ſue out Writs of *Habeas Corpus* to bring themſelves into the ſaid Court for that Purpoſe, or to cauſe Appearances and Pleas to be entered for them, according to the Courſe of the ſaid Court, and are therefore liable to be detained in Gaol, without Trial, to their great Loſs and Grievance, and in Delay of Juſtice: And whereas it is reaſonable that, in caſe ſuch Defendants ſhall be found not guilty of the Charges againſt them, they ſhould be immediately releaſed from their Impriſonment: 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, where any Perſon or Perſons, by virtue of the ſaid recited Act, hath or have been committed, and is or are now detained, or ſhall hereafter be committed 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 Perſons, or to the Gaoler, Keeper, or Turnkey, of the Gaol wherein ſuch Perſon or Perſons is, are, or ſhall be, ſo detained, with a Notice thereon indorſed, that unleſs ſuch Perſon or Perſons ſhall, within ſuch Space of Time as ſhall be for that Purpoſe limited and fixed by the ſaid Court of King's Bench, 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 or Names of ſuch Perſon or Perſons reſpectively; and in caſe he, ſhe, or they, ſhall thereupon, for the ſaid Space of Time ſo to be limited and fixed 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 a Delivery of a Copy of ſuch Indictment or Information, with ſuch Notice indorſed thereon, as aforeſaid, to ſuch Perſon or Perſons, 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 or Perſons reſpectively, and ſuch Proceedings ſhall be had thereupon as if the Defendant or Defendants, 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, the Defendant or Defendants, ſo committed and detained as aforeſaid, ſhall be acquitted of all the Offences therein charged upon him, her, or them, it ſhall be lawful for the Judge before 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 or Defendants ſhall be forthwith diſcharged out of Cuſtody, as to his, her, or their Commitment, by virtue of the ſaid recited Act; and ſuch Defendant or Defendants ſhall be thereupon diſcharged accordingly; any Thing in the ſaid recited Act to the contrary notwithſtanding.

Where Perſons committed by virtue of the recited Act are detained for Want of Bail, the Proſecutor may cauſe a Copy of the Indictment to be delivered, with Notice, that unleſs an Appearance, *&c.* be entered in a limited Time, an Appearance and the Plea of Not Guilty will be entered, which may accordingly be done; and if on Trial the Defendant ſhall be acquitted, the Judge may order his Diſcharge.

FINIS.