

ANNO TRICESIMO NONO

GEORGII III. REGIS.

CAP. XLIX.

An Act to extend the Bail to be given in Cases of Criminal Information, in that Part of *Great Britain* called *Scotland*. [13th *June* 1799.]

Preamble.

Act of the Parliament of *Scotland* 1701.

WHEREAS by an Act of the Parliament of *Scotland*, made in the Year One thousand seven hundred and one, intituled, *An Act for preventing wrongous Imprisonment, and against undue Delays in Trials*, the Sums for which Bail was ordered to be taken in Criminal Informations were not to exceed Six thousand Merks for a Nobleman, Three thousand Merks for a landed Gentleman, One thousand Merks for any other Gentleman and Burgess, and Three hundred Merks for any other inferior Person, all Money of *Scotland:* And whereas by an Act, made in the Eleventh Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for more effectual disarming the Highlands in that Part of* Great Britain *called* Scotland, *and for the better securing the Peace and Quiet of that Part of the Kingdom*; reciting, that it was found, by Experience, that the Sums for which Bail is to be taken on any Criminal Information, in pursuance of the said Act of the Parliament of *Scotland*, were too small and disproportioned to the Danger of the Criminals escaping from the Punishment appointed by Law, it was enacted, That, from and after the First Day of *June* One thousand seven hundred and twenty-five, it might and should be lawful to and for all and every Magistrate, Judge, and Court of Judicature within *Scotland*, who by the said Act above recitedwere, in case of Criminal Informations and Accusations, directed to limit the Bail by them to be taken to the several and respective Sums above-mentioned, to extend

11 *Geo.* I, Cap. 16, recited.

tend the Bail to be given in the ſaid ſeveral and reſpective Caſes to double the Sums provided by the aforeſaid Act, if he or they, upon the Circumſtances of the Caſe, ſhould think fit: And whereas it is again found by Experience, that the Sums to which Bail was extended by the ſaid laſt recited Act in Criminal Informations and Accuſations, however adequate they may have been at this laſt Period to the general State of the Country, and to the Circumſtances of Individuals, do no longer bear any ſuitable Relation thereto, and have become inſufficient for compelling Perſons accuſed of Crimes to ſtand their Trials, and tend to render ineffectual and nugatory the moſt ſalutary Laws, to bring into Contempt the Authority of the Magiſtrate, and to afford a Temptation and Facility to the Commiſſion of Crimes: May it therefore pleaſe Your Majeſty that it may be enacted; and 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, it ſhall and may be lawful to and for all and every Magiſtrate, Judge, and Court of Judicature, within that Part of *Great Britain* called *Scotland*, who by the ſaid laſt recited Act were, in Caſes of Criminal Informations and Accuſations, directed to limit the Bail by them to be taken to double the Sums provided by the aforeſaid Act of the Parliament of *Scotland*, to extend the Bail to be given in the ſaid ſeveral and reſpective Caſes, if he or they upon the Circumſtances of the Caſe ſhall think fit, to the ſeveral and reſpective Sums following; *videlicet*, to One thouſand two hundred Pounds Sterling for a Nobleman, Six hundred Pounds Sterling for a landed Gentleman, Three hundred Pounds Sterling for any other Gentleman, Burgeſs, or Houſeholder, and to Sixty Pounds Sterling for any inferior Perſon.

Magiſtrates and Judges in *Scotland* may extend the Bail to be given in Caſes of Criminal Information to 1,200*l.* for a Nobleman, 600*l.* for a landed Gentleman, 300*l.* for any other Gentleman, Burgeſs, or Houſeholder, and 60*l.* for an inferior Perſon.

II. And whereas ſeveral Inſtances have lately occurred of diſaffected Perſons concerned in Societies of a Criminal Nature, when any of their Aſſociates have been committed to Priſon, ſubſcribing the Sums neceſſary for bailing ſuch Perſons, in order that, by Forfeiture of the Bail Bonds, they may evade a Trial and eſcape from Juſtice; be it therefore enacted, That in all Caſes where any Perſon ſhall in future be impriſoned on a Charge of being guilty of the Crime of Sedition, it ſhall and may be lawful for the Judges of the Court of Juſticiary, or any One of them, on an Application for that Purpoſe in the Name of His Majeſty's Advocate, to extend the Bail reſpectively herein directed to be taken, beyond the Sums above ſpecified, to ſuch Amount as, under all the Circumſtances of the Caſe, the Court, or any Judge thereof, ſhall conſider ſufficient for enſuring the Attendance or the Appearance of the Perſon accuſed on the Day of Trial: Provided always, That nothing herein contained, ſhall extend, or be conſtrued to extend, to deprive ſuch Perſon of the other Benefits of the Acts above-mentioned, and particularly of his forcing on the Day of Trial, as ſpecially directed by the Act of the Parliament of *Scotland* firſt above recited.

In Caſes where Perſons are impriſoned on a Charge of Sedition, any Judge of the Court of Juſticiary, on Application in the Name of His Majeſty's Advocate, may extend the Bail beyond the Sums above ſpecified.

Act not to deprive Perſons of the Benefits of the recited Acts.

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