

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

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CAP. LXXIII.

An Act to provide that Persons accused of Forgery in *Scotland* shall not be entitled to Bail, unless in certain Cases. [9th *September* 1835.]

WHEREAS by an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act for abolishing the Punishment of Death in certain Cases of Forgery*, the Punishment of Death was commuted for that of Transportation for Life in all Cases of Forgery therein mentioned: And whereas since the passing of the said Act Persons accused of Forgery, in consequence of their Crime being no longer Capital, in general apply for and are admitted to Bail, but very frequently abscond and avoid standing their Trial, whereby the Ends of Justice are defeated: 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 from and after the passing of this Act no Person or Persons committed for Trial in *Scotland* for any Forgery or other Offence which, prior to the passing of the before-mentioned Act, was a Capital Offence, and the Punishment of which is by the said Act limited to and declared to be Transportation for Life, shall be entitled to insist on Liberation on Bail, but without Prejudice to the Liberation of such Person or Persons as heretofore on such Bail as the Public Prosecutor may agree to.

2 & 3 W. 4. c. 123.

No Person committed for Trial for a Capital Offence entitled to insist on Liberation on Bail.

High Court or Circuit Court of Justiciary empowered to grant Privilege of Bail when consistent with the Ends of Justice.

II. Provided always, and be it enacted, That it shall be in the Power of the High Court or Circuit Court of Justiciary in *Scotland* respectively, on the Application of any Person or Persons accused of any Crime which by the before-mentioned Act is declared to be no longer punishable with Death, to admit him or them to the Privilege of Bail, provided it shall appear to the Court to which such Application is made to be consistent with the Ends of Justice to do so; but the Bail so to be taken shall be of such Amount, greater or less than the Maximum fixed by the Statutes applicable to *Scotland* now in force for Crimes that are bailable, as the said Court shall, under the whole Circumstances of the Case, think necessary for insuring the Appearance for Trial of the Person or Persons accused; any Law or Practice to the contrary notwithstanding.

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