

See also 14 &
15 V. c. 96, s.
15.

evidence given in support of the charge, shall, in the opinion of such Justices, not be such as to raise a strong presumption of the guilt of the person charged, and to require the committal of such person, or such evidence shall be adduced on behalf of the person charged as shall, in the opinion of such Justices, weaken the presumption of the guilt, but there shall, notwithstanding, appear to such Justices, in either of such cases, to be sufficient ground for judicial inquiry into the guilt of the person charged, such person shall be admitted to bail by such two Justices in the manner hereinafter mentioned; Provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to such Justice or Justices, to be meet and conducive to the ends of Justice to hear the same.

Before any person charged with Felony, &c., shall be bail or committed, the Justice shall take down in writing the examination, &c., and bind witnesses to appear at trial.

See also 14 &
15 V. c. 96, s.
9, 10, 11, 12.

Examinations, &c., to be delivered to the Court.

II. And be it enacted, That two Justices of the Peace, before they shall admit to bail, and one or more Justice or Justices, before he or they shall commit to prison, any person arrested for Felony, or on suspicion of Felony, shall take the examination of such person and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing in the presence of the party accused if he be in custody, who shall have full opportunity afforded him of cross-examining such witnesses, if he shall think proper so to do, and the two Justices admitting to bail shall certify the bailment in writing; and every such Justice shall have authority to summon any person within his jurisdiction, whom he shall have reason to consider capable of giving material evidence concerning any such Felony or suspicion of Felony, and to examine such person on oath touching the same, and to bind by recognizance all such persons as know or declare any thing material touching any such Felony or suspicion of Felony, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or other Court at which the trial of such offence is intended to be had, then and there to prosecute and give evidence against the party accused; and such Justices and Justice, respectively, shall subscribe all such examinations, informations, bailments and recognizances, and deliver, or cause to be delivered, the same to the proper Officer of the Court in which the trial is to be, before, or at the opening of the Court; and in case any person so summoned shall refuse to submit to such examination or to enter into such recognizance, it shall be lawful for the Justice or Justices to commit such person to the Common Gaol of the District, County, City or Town, until such person shall submit to such examination, or shall enter into such recognizance, or be discharged by due course of Law: Provided that no such examination shall subject the party examined to any prosecution or penalty, or be given in evidence against such party, save on any indictment for having committed wilful and corrupt perjury in such examination.