

An Act to prevent vexatious Indictments for certain Misdemeanors.

HER MAJESTY, &c., enacts:—

Preamble.

- I. After the first day of September, 1861, no Bill of Indictment for any of the offences following, viz.:—Perjury, Subornation of Perjury, Conspiracy, obtaining money or other property by false pretences, keeping a gambling house, keeping a disorderly house, and any indecent assault, shall be presented to or found by any Grand Jury, unless the prosecutor or other person presenting such indictment had been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to or detained in custody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless such indictment for such offence, if charged to have been committed in Upper Canada, be preferred by the direction or with the consent, in writing, of a Judge of one of the Superior Courts of Law, or of Her Majesty's Attorney General or Solicitor General for Upper Canada, or of a Judge of one of the County Courts, or Recorder of a City in Upper Canada, or unless such indictment for such offence, if charged to have been committed in Lower Canada, be preferred by the direction or with the consent, in writing, of a Judge of the Court of Queen's Bench, or of the Superior Court, or of Her Majesty's Attorney General or Solicitor General for Lower Canada or (in case of an indictment for perjury in any part of this Province,) by the direction of any Court, Judge or public functionary authorized by law to direct a prosecution for perjury.
- Indictments for certain offences, not to be presented or found, except under certain circumstances or by certain official sanction.
- II. Where any charge or complaint shall be made before any one or more of Her Majesty's Justices of the Peace, that any person has committed any of the offences aforesaid within the jurisdiction of such Justice, and such Justice shall refuse to commit or to bail the person charged with such offence, to be tried for the same; then, in case the prosecutor shall desire to prefer an indictment respecting the said offence, it shall be lawful for the said Justice, and he is hereby required to take the recognizance of such prosecutor, to prosecute the said charge or complaint, and to transmit such recognizance, information and depositions, if any, in Upper Canada, to the County Crown Attorney, in accordance with "The Local Crown Attorneys' Act," and in Lower Canada to the Court in which such Indictment ought to be preferred, in the same manner as such Justice would have done in case he had committed the person charged to be tried for such offence.
- Provision where a person is charged with any of the said offences before a Justice, who refuses to commit or bail the person charged.