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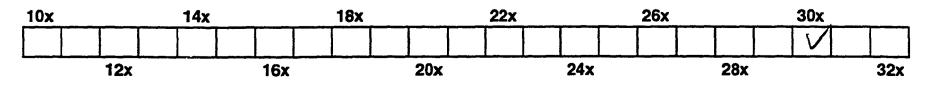
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No. 168.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to prevent vexatious Indictments for certain Misdemeanors.

Received and read, first time, Friday, 12th April, 1861. Second reading, Tuesday, 16th April, 1861.

Hon. Atty. Gen. MACDONALD.

QUEBEC: PRINTED BY THOMPSON, HUNTER & CO., STE. URSULE STREET. No. 163.]

BILL.

F1861.

An Act to prevent vexatious Indictments for certain Misdemeanors.

HER MAJESTY, &c., enacts :--

I. After the first day of September, 1861, no Bill of Indictment Indictments for any of the offences following, viz.:—Perjury, Subornation of for certain Perjury, Conspiracy, obtaining money or other property by false to be pre-5 pretences, keeping a gambling house, keeping a disorderly house, sented or and any indecent assault, shall be presented to or found by any Grand found, except under certain Jury, unless the prosecutor or other person presenting such indictment under certain circumstanhad been bound by recognizance to prosecute or give evidence against ces or by certhe person accused of such offence, or unless the person accused has tain official 10 been committed to or detained in custody, or has been bound by recog-

- nizance 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 15 Superior Courts of Law, or of Her Majesty's Attorney General or Soli-
- citor 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
- 20 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.
- II. Where any charge or complaint shall be made before any one Provision 25or more of Her Majesty's Justices of the Peace, that any person has where a percommitted any of the offences aforesaid within the jurisdiction of such ed with any Justice, and such Justice shall refuse to commit or to bail the person of the said ofcharged with such offence, to be tried for the same; then, in case the fences before
- 30 prosecutor shall desire to prefer an indictment respecting the said who refuses offence, it shall be lawful for the said Justice, and he is hereby required to commit or to take the recognizance of such prosecutor, to prosecute the said charge bail the per-or complaint, and to transmit such recognizance, information and depositions, if any, in Upper Canada, to the County Crown Attorney, in
- 35 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.

Preamble.

sanction.