

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

CAP. XXXIII.

An Act for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King *William* and Queen *Mary*, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King *George* the Fourth, as to taking Bail in Cases of Felony. [21st *August* 1835.]

WHEREAS it is expedient to prevent Prosecutors of Indictments and Presentments from vexatiously removing the same out of inferior Courts into His Majesty's Court of King's Bench: 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 Writ of Certiorari shall issue from the Court of King's Bench at *Westminster* for removing into that Court any Indictment or Presentment from any Court of Session, Assize, Oyer and Terminer, or Gaol Delivery, or any other Court, at the Instance of the Prosecutor or any other Person (except His Majesty's Attorney General), without Motion first made in the Court

No Certiorari shall issue to remove Indictments, &c. from inferior Courts to the Court of King's Bench, at the Instance of a

Prosecutor, without Leave from that Court.

Court of King's Bench, or before some Judge of that Court, and Leave obtained to remove such Indictment or Presentment, in the same Manner as similar Motions may now be made and Leave given where such Application is made on the Part of Defendants; any Law, Practice, or Usage to the contrary in anywise notwithstanding.

Defendants to enter into certain Recognizances before obtaining Writ of Certiorari to remove Indictment, &c.

5 & 6 W. & M. c. 11.

II. And whereas it is expedient to extend the Powers of an Act passed in the Fifth Year of the Reign of King *William* the Third and Queen *Mary*, intituled *An Act to prevent Delays of Proceedings at the Quarter Sessions of the Peace;* be it therefore enacted, That instead of the Recognizance now by Law required to be entered into before the Allowance of a Writ of Certiorari, every Person indicted or presented in any Court of Session, Assize, Oyer and Terminer, Gaol Delivery, or any other Court, who shall obtain a Writ of Certiorari for removing any Indictment or Presentment whatever into the Court of King's Bench, not being in Custody for Want of Bail to answer such Indictment or Presentment, shall, before the Allowance of such Writ, enter into a Recognizance before One of His Majesty's Justices of the Court of King's Bench, or before a Justice of the Peace of the County or Place in which the Offence is charged to have been committed, or in which such Person shall reside, in such Sum and with such Sureties as the said Court of King's Bench, or One of His Majesty's Justices of the said Court, shall by Indorsement on the said Writ order and direct; which Recognizance shall contain the same Conditions as are now by the said Act, and another Act passed in the Eighth and Ninth Year of the Reign of King *William* the Third, intituled *An Act to make perpetual and more effectual an Act, intituled 'An Act to prevent Delays at the Quarter Sessions of the Peace,'* required in Cases of Indictments removed from the General or Quarter Sessions of the Peace; and thereupon all the Clauses and Provisions contained in the said several Acts with respect to Costs or otherwise shall extend to such last-mentioned Recognizances; and every Person being in Custody for Want of Bail to answer the Charge contained in such Indictment or Presentment shall be detained in Custody until the like Recognizances as are herein-before directed to be entered into (previous to the Allowance of such Writ of Certiorari) shall have been entered into, or until such Person be discharged by due Course of Law.

8 & 9 W. 3. c. 33.

Extending Provisions of Act 7 G. 4. c. 64. as to taking of Bail in Cases of Felony.

III. Whereas in many Cases the taking Bail for the Appearance of Persons charged with Felony may be safely admitted without endangering the Appearance of such Persons to take their Trial in due Course of Law, and it is therefore expedient in such Cases to amend and extend the Provisions in that respect of an Act passed in the Seventh Year of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England; be it therefore enacted, That it shall be lawful for any Two Justices of the Peace, if they shall think fit, of whom one or other shall have signed the Warrant of Commitment, to admit any Person or Persons charged with Felony, or against whom any Warrant of Commitment for Felony is signed, to Bail, in the Manner and according to the Provisions directed by the said recited Act, in such Sum or Sums of Money and with such Surety or Sureties as they shall think fit, and

notwithstanding such Person or Persons shall have confessed the Matter laid to his or their Charge, or notwithstanding such Justices shall not think that such Charge is groundless, or shall think that the Circumstances are such as to raise a Presumption of Guilt.

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