

1914

c 95 Police Constables Bail Act

Ontario

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CHAPTER 95.

An Act to authorize Police Constables to take Bail.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Police Constables Bail Act*. 10 Edw. VII. c. 40, s. 1. Short title.

2.—(1) Where a person charged with an offence against any statute of Ontario, or against any by-law passed under the authority of any such statute, is taken into custody either with or without the warrant of a justice of the peace and is brought into a police station in a city or town at any time during the day or night the police officer in charge of the station, if he thinks the case a proper one, may take bail without fee from such person, by recognizance conditioned for his appearance within two days before the Police Magistrate or other Justice in the city or town at the time and place therein mentioned. When officers in charge of police station may take bail.

(2) The recognizance shall be of equal obligation on the persons entering into the same, and the same proceedings may be taken for the estreating thereof as if it had been taken before a Justice of the Peace. 10 Edw. VII. c. 40, s. 2. Effect of recognizance so taken.

3. The police officer shall enter in a book the name, residence and occupation of the person entering into the recognizance, and of his surety or sureties, if any, with the condition of the recognizance and the sums acknowledged; and a proper book shall be kept in every city or town police station for the purpose of making such entries. 10 Edw. VII. c. 40, s. 3. Record of recognizance.

4. The police officer shall make a return of all recognizances taken by him to the Police Magistrate, or other Justice present, at the time when, and place where, the person charged is required to appear. 10 Edw. VII. c. 40, s. 4. When return of recognizance to be made.

5. If the person charged does not appear at the time and place required, or during the time such Police Magistrate or other justice is sitting, the Police Magistrate or justice shall, within forty-eight hours after such failure to appear, cause a record of the recognizance to be drawn up and signed Record of recognizance when accused fails to appear

by the police officer, and shall return the same to the Court of General Sessions of the Peace for the county or district in which the city or town is situate, at its next sittings, with a certificate signed by the Police Magistrate or justice stating that the person charged has not complied with the obligation contained in the recognizance. 10 Edw. VII. c. 40, s. 5.

Record of
estreat.

6. The Clerk of the Peace shall make the like record of estreat of every such recognizance as in the case of other recognizances forfeited at the Court of General Sessions of the Peace and the provisions of *The Estreats Act* shall apply to such recognizance. 10 Edw. VII. c. 40, s. 6.

Rev. Stat. c. 98.

Enlarging
recognizance.

7. If the person charged applies in person or by any person on his behalf to postpone the hearing of the charge against him the Police Magistrate or Justice may from time to time enlarge the recognizance to such further time as he may appoint; and, unless the sureties, if any, appear and object, they shall continue bound until the final determination of the charge before such Police Magistrate or Justice. 10 Edw. VII. c. 40, s. 7.

Recognizance
to be dis-
charged with-
out fee.

8. When the matter is heard and determined, either by the dismissal of the charge or by binding over the person charged to answer the matter of the complaint at the Court of General Sessions of the Peace or otherwise, the recognizance shall be discharged without fee. 10 Edw. VII. c. 40, s. 8.
