

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1857. Toronto: Stewart  
Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 4

**An Act to facilitate the Despatch of Business before Grand Juries. Assented to 27th May, 1857.**

Whereas it would expedite and improve the administration of Criminal Justice, if persons attending to give evidence before Grand Juries were sworn in the presence of the Jurors who are to act upon such testimony: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. From and after the passing of this Act it shall be lawful for the Foreman of every Grand Jury empanelled in Upper Canada, and he is hereby authorized and required, to administer an oath to all persons whomsoever who shall appear before such Grand Jury to give evidence in support of any Bill of Indictment; and all such persons attending before any Grand Jury to give evidence may be sworn and examined upon oath by such Grand Jury, touching the matters in question; and every person taking any oath or affirmation in support of any Bill of Indictment who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury; and the name of every witness examined, or intended to be so examined, shall be endorsed on such Bill of Indictment; and the Foreman of such Grand Jury shall write his initials against the name of each witness so sworn and examined touching such Bill of Indictment: Provided, however, that the name of every witness intended to be examined on any such Bill of Indictment shall be submitted to the Grand Jury by the Crown Counsel at the Assizes, and by the prosecuting Officer acting on behalf of the Crown at all other Courts, and that none others shall be examined by or before such Grand Jury, unless upon the written order of the presiding Judge: And Provided that nothing in this Act contained shall affect any Fees by law payable, to any Officer of any Court for swearing witnesses, but such Fees shall remain payable as if this Act had not been passed.
- II. From and after the passing of this Act it shall not be necessary for any person to take an oath in open Court in order to qualify such person to give evidence before any Grand Jury.
- III. The word "Foreman" shall include any member of such Grand Jury who may, for the time being, act on behalf of such Foreman in the examination of witnesses in support of any Bill of Indictment, and the word "Oath" shall include affirmation, where, by law, such affirmation is required or allowed to be taken in lieu of an oath.
- IV. This Act shall apply to Upper Canada only.