

and taken to be as valid and binding as if the said Acts had not been hereby repealed.

Commencement of Act. XV. This Act shall take effect from and after the first day of August next.

Extent of Act. XVI. This Act shall apply to Upper Canada only.

### C A P . I V .

## An Act to facilitate the Despatch of Business before Grand Juries.

[Assented to 27th May, 1857.]

Preamble.

**W**HEREAS 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.

Witnesses examined before Grand Juries to be sworn in the presence of the Jurors.

False swearing to be perjury.

Names of witnesses to be put on the indictment.

Proviso.

Names of witnesses to be submitted.

Proviso : as to fees.

Not necessary for witnesses to be sworn in open Court.

**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.

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. Interpretation of terms.

IV. This Act shall apply to Upper Canada only.

Act to apply to U. C. only.

C A P . V .

An Act to amend the Laws in Upper Canada, respecting Appeals, and to alter the Constitution of the Court of Error and Appeal.

[Assented to 27th May, 1857.]

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

I. The thirty-ninth section of an Act of the Parliament of Canada, passed in the twelfth year of Her Majesty's Reign, intitled, *An Act to make further provision for the administration of Justice, by the establishment of an additional Superior Court of Common Law, and also a Court of Error and Appeal, in Upper Canada, and for other purposes*, is hereby repealed. Sect. 39 of 12 V. c. 63, repealed.

II. The Court of Error and Appeal shall be composed henceforth of the Judges of the several Courts of Queen's Bench, Chancery and Common Pleas in Upper Canada, who shall be *ex officio* members thereof, and of such other persons being Barristers of the Upper Canada Bar, and having held the office of Judge of some or one of the Superior Courts of Common Law or Equity in Upper Canada, as the Governor of this Province shall, by Commission under the Great Seal thereof, appoint to be a Judge of and in the said Court of Error and Appeal, and every person to be so appointed shall take such rank and precedence, after the Chief Justice of the Court of Queen's Bench, the Chancellor of Upper Canada, and the Chief Justice of the Court of Common Pleas, in that Court, as shall be designated in his Commission. How the Court of Error and Appeal shall hereafter be composed.

III. The Court of Error and Appeal so composed shall have, possess, exercise and enjoy the same powers and authorities as are contained and conferred in and by the above mentioned Act passed in the twelfth year of Her Majesty's Reign. Powers of the Court.

IV. The Court of Error and Appeal shall hold its sittings at the city of Toronto, on the second Thursday next after the several Terms of Hilary, Easter and Michaelmas, and shall have power to adjourn from time to time, and to meet again at the time Sittings of the Court.