

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XXXVII.

An Act to empower the Foreman or any other Member of Grand Juries in *Ireland* to administer Oaths to Witnesses on Bills of Indictment.

[27th *July* 1838.]

WHEREAS by an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to regulate Proceedings of Grand Juries in* Ireland *upon Bills of Indictment*, reciting that a Practice had prevailed in many of the Grand Juries in *Ireland* to find Bills of Indictment without examining Witnesses for the Crown, it was enacted, that from and after the passing of that Act no Bill of Indictment should be returned a true Bill by any Grand Jury in *Ireland* unless the same had been found by the Jurors upon the Evidence of One or more Witnesses for the Crown, sworn in Court, and produced before them: And whereas the Provision for the *vivâ voce* Examination of Witnesses by the Grand Jury upon the Consideration of Bills of Indictment has been found most salutary; but the Administration of the Oath in Court has been productive of Delay and of other Inconveniences: For Remedy whereof be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

56 G. 3. c. 87.

Bills of Indictment laid before Grand Juries, to be indorsed with the Names of the Witnesses; and Grand Juries to administer Oaths or Affirmations to such Witnesses.

Parliament assembled, and by the Authority of the same, That in all Cases where Bills of Indictment are to be laid before Grand Juries in *Ireland* for their Consideration the Clerk of the Crown at the Assizes, and Clerk of the Peace at Quarter Sessions, or his or their Deputy, shall endorse upon the Back of each Bill of Indictment the Name or Names of the Witness or Witnesses for the Crown in support of such Bill, and shall send the same so endorsed to the Grand Jury; and the Foreman or other Member of the Grand Jury so impannelled, Twelve Members of the said Grand Jury (at the least) being there present at the Time, shall, and he and they are hereby authorized and required so to do, previous to the Examination of any Witness whose Name shall appear endorsed upon the Back of any Bill of Indictment, administer to such Witness the Oath or (in case of Persons by Law permitted to make a solemn Affirmation in Courts of Justice) the solemn Affirmation required to be taken by such Witnesses; and the Foreman or other Member of the Grand Jury who shall have administered such Oath or Affirmation shall upon the Back of such Bill of Indictment state the Name or Names of such Witness or Witnesses as shall have been duly sworn or shall have made such Affirmation before him, and authenticate the same by his Signature or Initials: Provided always, that the said Oath or Affirmation is not to be in addition to, but in lieu of that heretofore administered in Court under the Provisions of the said Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third; and provided also, that no Foreman of any Grand Jury, nor any other Member thereof, shall have Power to administer such Oath or Affirmation to or to examine any Witness in support of any Bill of Indictment whose Name shall not have been previously endorsed on such Bill of Indictment by the Clerk of the Crown or Clerk of the Peace respectively.

Swearing or affirming falsely, Perjury.

II. And be it enacted, That if any Person who shall take any Oath or Affirmation under or in pursuance of the Provisions of this Act shall wilfully or knowingly swear or affirm or answer falsely to any Matter or Thing, every such Person, being duly convicted thereof, shall incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are by Law liable to.

Act may be amended or repealed.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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