

ANNO PRIMO

GEORGII IV. REGIS.

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CAP. CI.

An Act to enable the Examination of Witnesses to be taken in *India* in support of Bills of Divorce on account of Adultery committed in *India*.

[24th *July* 1820.]

WHEREAS much Inconvenience hath arisen to His Majesty's Subjects residing in *India*, and petitioning either House of Parliament for Bills for the Dissolution of Marriages by reason of Acts of Adultery committed in *India*, from the Difficulty of producing in *England* the Evidence necessary to substantiate the Allegations of such Bills: And whereas by reason of the religious Scruples of several of the Natives of *India*, it is impossible to prevail upon them to come to *England* for the Purpose of being examined as Witnesses at the Bar of either House of Parliament: And whereas, for Remedy of the said Inconvenience, it is expedient that Provision shall be made for examining Witnesses in *India*, and for duly transmitting their Depositions to such Houses of Parliament: Be it 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 whensoever and as often as either House of Parliament, upon the Petition of any Party praying for a Bill for the Dissolution of any Marriage, and stating that the Witnesses necessary to substantiate the Allegations of such Bill are resident in *India*, shall see Cause to direct that the Examinations of such Witnesses shall be taken in *India*, the Speaker of such House of Parliament shall

Speaker may issue his Warrant for the Examination of Witnesses in India in Cases of Bills of Divorce.

shall thereupon issue his Warrant or Warrants to the Judges of the Supreme Court of Judicature of the Presidency of *Calcutta*, the Judges of the Supreme Court of Judicature of the Presidency of *Madras*, the Recorder of the Presidency of *Bombay*, or the Judges of the Supreme Court of Judicature of the Island of *Ceylon*, respectively, accordingly as the Witnesses proposed to be examined shall be resident within any one or more of the said Presidencies, or the said Island, for the Examination upon Oath of all such Witnesses as shall be produced before them touching the Allegations of such Bill, and touching any Notices or other Matters which shall in such Warrant be specified; and that in all Cases where such Warrants shall be so issued, Duplicates of such Warrants, together with Copies of such Bill, shall be transmitted by different Ships, at the Desire of the Agent of the Party or Parties soliciting such Bill, to the Persons to whom such Warrants shall be directed.

Judges in India, on Receipt of such Warrant, to examine such Witnesses.

II. And be it enacted, That in all Cases immediately upon the Receipt of such Warrant or Warrants, the Judges or Recorder to whom the same shall have been directed, shall appoint some Time or Times with all convenient Speed for the Examination of Witnesses, and receiving other Proofs touching the Allegations of such Bill; and in Opposition thereto and touching such Notices and other Matters as shall in such Warrant have been specified, and in the meantime shall cause such public Notice to be given of such Examination, and shall issue such Summons or other Process as may be requisite for the Attendance of Witnesses, and of the Agents or Counsel of all or any of the Parties respectively, and of such other Witnesses as after mentioned, and to adjourn from Time to Time as Occasion may require; and such Examinations as aforesaid shall be then and there openly and publicly taken *vivâ voce* upon the respective Oaths of Witnesses, and the Oaths of skilful Interpreters, administered according to the Forms of their several Religions, and shall, by some sworn Officer of the Court, be reduced into Writing, and that Two Copies thereof shall be made; and that the Judges or Recorder before whom such Examination shall have been taken, shall certify the same under the official Seal of their several Courts, together with a Declaration of such Judges or Recorder, that such Examinations have in their or his Judgment been fairly and properly conducted, and that all such Witnesses had been produced as were fit to be produced, for the Purpose of ascertaining the whole Truth, so far as the Attendance of such Witnesses could be reasonably obtained; and shall transmit the same by different Ships to the Speaker of either House of Parliament, under whose Warrant such Examination shall have been taken; and every such Examination so returned to the Speaker of either House of Parliament as aforesaid, shall be competent and admissible Evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as Occasion may require; any Law or Usage to the contrary notwithstanding.

Two Copies of such Examinations to be certified and transmitted to the Speaker of either House of Parliament.

Judges may ask such further Questions and require such

III. And be it further enacted, That it shall and may be lawful for such Judges or Recorder, upon any such Examination, to ask any such Questions of any Witness who shall be produced before them or him, and to require such further Witnesses resident within

such Presidency or Island respectively to be produced, as shall appear fit and necessary for the due Investigation of the Allegations of such Bill, or of any other Matters in such Warrants specified; and to allow such Attendance by Counsel, and such Cross-examination of Witnesses, as shall be deemed by such Judges and Recorder to be fit and proper for the Purpose of such Investigation, and for such Purpose, if necessary, to name some proper Person or Persons to attend as Counsel and Agent in opposition to such Bill, and to procure any Evidence which may be necessary for the Purpose of such Opposition, to the End that a full and fair Disclosure may be made of all the Facts and Circumstances of the Case.

further Witnesses to be produced as shall be necessary.

IV. And whereas by the Usage and Custom of Parliament, no Proceedings by Bill in Parliament have Continuance from one Session to another: And whereas it would be impracticable that the Examination taken upon such Warrant as aforesaid could ever be returned within the ordinary Length of a Session of Parliament; be it enacted by the Authority aforesaid, That from and after the passing of this Act no Proceedings in Parliament, touching any Bill for the Dissolution of Marriage, wherein such Warrant as aforesaid shall have been issued, shall be discontinued by any Prorogation or Dissolution of Parliament, until the Examination therein directed shall have been returned, but that such Proceedings may be resumed, and proceeded upon in a subsequent Session, or in a subsequent Parliament in either House of Parliament, in like Manner and to all Intents and Purposes as they might have been in the Course of one and the same Session; any Law, Usage, or Custom to the contrary notwithstanding.

Proceedings not to be discontinued by Prorogation, &c. of Parliament, where such Warrants have been issued.

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