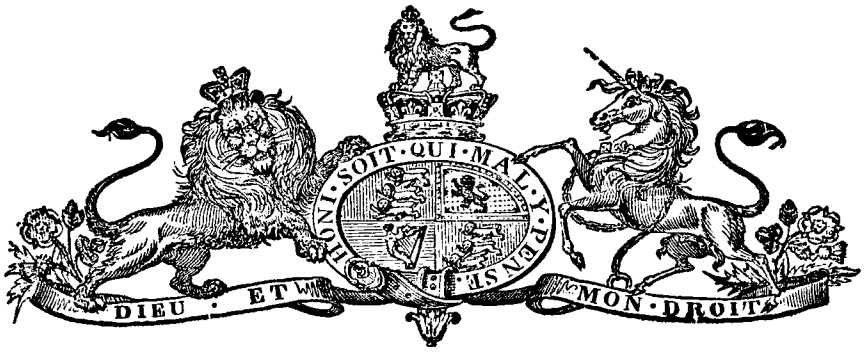


ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. XX.

An Act to provide for taking Evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals. [19th *April* 1859.]

WHEREAS it is expedient that Facilities be afforded for taking Evidence in or in relation to Actions, Suits, and Proceedings pending before Tribunals in Her Majesty's Dominions in Places in such Dominions out of the Jurisdiction of such Tribunals: Be it 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 assembled, and by the Authority of the same, as follows:

Order for Examination of Witnesses out of the Jurisdiction in relation to any Suit pending before any Tribunal in Her

I. Where upon an Application for this Purpose it is made to appear to any Court or Judge having Authority under this Act that any Court or Tribunal of competent Jurisdiction in Her Majesty's Dominions has duly authorized, by Commission, Order, or other Process, the obtaining the Testimony in or in relation to any Action, Suit, or Proceeding pending in or before such Court or Tribunal of any Witness or Witnesses out of the Jurisdiction of such Court or Tribunal, and within the Jurisdiction of such first-mentioned Court,

or

Majesty's Possessions.

or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the Examination before the Person or Persons appointed, and in Manner and Form directed by such Commission, Order, or other Process as aforesaid, of such Witness or Witnesses accordingly; and it shall be lawful for the said Court or Judge by the same Order, or for such Court or Judge, or any other Judge having Authority under this Act, by any subsequent Order, to command the Attendance of any Person to be named in such Order for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Order, and to give all such Directions as to the Time, Place, and Manner of such Examination, and all other Matters connected therewith, as may appear reasonable and just, and any such Order may be enforced, and any Disobedience thereof punished, in like Manner as in case of an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

Penalty on Persons giving false Evidence.

II. Every Person examined as a Witness under any such Commission, Order, or other Process as aforesaid, who shall upon such Examination wilfully and corruptly give any false Evidence, shall be deemed and taken to be guilty of Perjury.

Payment of Expenses.

III. Provided always, That every Person whose Attendance shall be so ordered shall be entitled to the like Conduct Money, and Payment for Expenses and Loss of Time, as upon Attendance at a Trial.

Power to Persons to refuse to answer Questions to criminate himself, or to produce Documents.

IV. Provided also, That every Person examined under any such Commission, Order, or other Process as aforesaid, shall have the like Right to refuse to answer Questions tending to criminate himself, and other Questions which a Witness in any Cause pending in the Court by which, or by a Judge whereof, or before the Judge by whom the Order for Examination was made, would be entitled to; and that no Person shall be compelled to produce under any such Order as aforesaid any Writing or other Document that he would not be compellable to produce at a Trial of such a Cause.

Certain Courts and Judges to have Authority under this Act.

V. Her Majesty's Superior Courts of Common Law at *Westminster* and in *Dublin* respectively, the Court of Session in *Scotland*, and any Supreme Court in any of Her Majesty's Colonies or Possessions abroad, and any Judge of any such Court, and every Judge in any such Colony or Possession who, by any Order of Her Majesty in Council, may be appointed for this Purpose, shall respectively be Courts and Judges having Authority under this Act.

VI. It

VI. It shall be lawful for the Lord Chancellor of *Great Britain*, with the Assistance of Two of the Judges of the Courts of Common Law at *Westminster*, so far as relates to *England*, and for the Lord Chancellor of *Ireland*, with the Assistance of Two of the Judges of the Courts of Common Law at *Dublin*, so far as relates to *Ireland*, and for Two of the Judges of the Court of Session, so far as relates to *Scotland*, and for the Chief or only Judge of the Supreme Court in any of Her Majesty's Colonies or Possessions abroad, so far as relates to such Colony or Possession, to frame such Rules and Orders as shall be necessary or proper for giving effect to the Provisions of this Act, and regulating the Procedure under the same.

Power to Judges to frame Rules, &c. for giving effect to Provisions of this Act.

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