CAP. CXIII.

An Act to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals.

[29th *July* 1856.]

'WHEREAS it is expedient that Facilities be afforded for taking Evidence in Her 'Majesty's Dominions in relation to Civil and Commercial Matters pending before 'Foreign 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 in this Country in relation to any Civil or Commercial Matter pending before a Foreign Tribunal.

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 a Foreign Country, before which any Civil or Commercial Matter is pending, is desirous of obtaining the Testimony in relation to such Matter of any Witness or Witnesses within the Jurisdiction of such first-mentioned Court, 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 upon Oath, upon Interrogatories or otherwise, before any Person or Persons named in such Order, 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 in like Manner as an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

Certificate of Ambassador, &c. sufficient Evidence in support of Application.

II. A Certificate under the Hand of the Ambassador, Minister, or other Diplomatic Agent of any Foreign Power, received as such by Her Majesty, or in case there be no such Diplomatic Agent, then of the Consul General or Consul of any such Foreign Power at *London*, received and admitted as such by Her Majesty, that any Matter in relation to which an Application is made under this Act is a Civil or Commercial Matter pending before a Court or Tribunal in the Country of which he is the Diplomatic Agent or Consul having Jurisdiction in the Matter so pending, and that such Court or Tribunal is desirous of obtaining the Testimony of the Witness or Witnesses to whom the Application relates, shall be Evidence of the Matters so certified; but where no such Certificate is produced other Evidence to that Effect shall be admissible.

Examination of Witnesses to be taken upon Oath.

Persons giving false Evidence guilty of Perjury.

III. It shall be lawful for every Person authorized to take the Examination of Witnesses by any Order made in pursuance of this Act to take all such Examinations upon the Oath of the Witnesses, or Affirmation in Cases where Affirmation is allowed by Law instead of Oath, to be administered by the Person so authorized; and if upon such Oath or Affirmation any Person making the same wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury.

Payment of Expenses.

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

Persons to have Right of Refusal to answer Questions and to produce Documents.

V. Provided also, That every Person examined under any Order made under this Act 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.

VI. 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: Provided, that the Lord Chancellor, with the Assistance of Two of the Judges of the Courts of Common Law at *Westminster*, shall 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.

Lord Chancellor, &c. to frame Rules, &c.

CAP. CXIV.

An Act to prevent false Packing and other Frauds in the Hay and Straw Trade. [29th *July* 1856.]

'WHEREAS many Frauds and Abuses are committed in the Cities of *London* and *Westminster*, and other Places in the Vicinity thereof, in binding and false Packing 'Hay and Straw, and the Laws are insufficient for preventing the same:' 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 assembled, and by the Authority of the same, as follows:

No Sand, &c. to be put in any Truss of Hay or Straw to increase its Weight.

I. No Person shall mix or put, or cause to be mixed or put, any Water, Sand, Earth, or other Matter or Thing whatsoever in any Bundle or Truss of Hay or Straw intended for Sale, within the Cities of *London* and *Westminster*, or within Thirty Miles thereof, with Intent fraudulently to increase the Weight thereof, nor sell, offer, or expose for Sale, or cause to be sold, offered, or exposed for Sale, any Hay or Straw into or with which any Water, Sand, Earth, or other Matter has been put or mixed, with such Intent as aforesaid.

Salesmen to declare the Names of the Owners of such Hay or Straw.

II. Every Salesman or other Person who shall sell, in any Market or Place within the Cities and Limits aforesaid, any Hay or Straw for the Owner thereof, shall at the Time of such Sale or at the Delivery thereof deliver or cause to be delivered therewith to the Buyer thereof a Ticket or Note containing the Number of Trusses so sold, and the Christian Name, Surname, and Address of such Owner.

Clerk of the Market, upon Complaint, to weigh and examine the Hay or Straw, and if found deficient, &c. to summon Offenders before Justices.

III. Where any Hay or Straw is offered or exposed for Sale in any public Hay Market within the Cities and Limits aforesaid, if any Complaint be made to the Clerk or Toll Collector of any such Market that the same is deficient in Weight or Quantity, or has been mixed or packed contrary to the Provisions of this Act or of the Act of the Thirty-sixth Year of the Reign of King *George* the Third, Chapter Eighty-eight, it shall be lawful for him and he is hereby required to weigh and examine the same; and if upon such Weighing or Examination any such Hay or Straw shall be found deficient in Weight or Quantity, or mixed with any foreign Matter, contrary to the Provisions of this Act or of the said recited Act, every such Clerk or Collector is hereby authorized and empowered to summon the Offender or Offenders before any Justice of the Peace having Jurisdiction in the District where such Market is situated, and every such Justice shall upon Proof thereof convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed.

Penalties.

IV. For every Offence against or Disobedience of the Provisions of this Act the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, be liable to any Penalty not exceeding Ten Pounds as shall be adjudged by such Justice.

36 G. 3. c. 88. and this Act to be construed together.

V. This Act shall be construed and taken together with the Act passed in the Thirty-sixth Year of the Reign of King *George* the Third, Chapter Eighty-eight, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may be commenced previous to this Act coming into operation.