

**EVIDENCE BY COMMISSION IN INDIA
AND THE COLONIES, AND ELSE-
WHERE IN HER MAJESTY'S DOM-
INIONS.**

Colonel Stanley to the Marquis of Lansdowne.

DOWNING STREET, Dec. 5th, 1885.

MY LORD,—I have the honour to transmit to you, for information and publication in the Colony under your Government, a copy of an Act passed during the late Session of Parliament, entitled "An Act to amend the law relating to taking evidence by commission in India and the Colonies, and elsewhere in Her Majesty's Dominions."

The necessity for this measure was brought by the Indian Government to the notice of Her Majesty's Government; and I transmit to you a copy of a Memorandum by Sir Richard Garth, the Chief Justice of the High Court of Calcutta, dated 26th June, 1883, in which he points out the inconveniences which were found to arise from the state of the law as then existing.

The Act which I enclose has accordingly been passed amending the provisions of the Act 22 Vic., chap. 20.

As the Act is an enabling measure, and one which relieves the Judges of Colonial Courts from certain duties imposed by an Act of the Imperial Parliament, my predecessor did not think it necessary to delay the introduction of the Bill into Parliament until the Colonial Governments had first been consulted.

I have the honour to be,

My Lord,

Your most obedient humble Servant,

FRED. STANLEY.

The Officer Administering
the Government of Canada.

CHAPTER 74.

An Act to amend the Law relating to taking Evidence by Commission in India and the Colonies, and elsewhere in Her Majesty's Dominions.

[14th August, 1885.]

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 assem-

bled, and by the authority of the same, as follows:

1. This Act may be cited as the Evidence by Commission Act, 1885.

2. Where in any civil proceeding in any court of competent jurisdiction an order for the examination of any witness or person has been made, and a commission, mandamus, order, or request for the examination of such witness or person is addressed to any court, or to any judge of a court, in India or the Colonies, or elsewhere in Her Majesty's dominions, beyond the jurisdiction of the court ordering the examination, it shall be lawful for such court, or the chief judge thereof, or such judge, to nominate some fit person to take such examination, and any deposition or examination taken before an examiner so nominated shall be admissible in evidence to the same extent as if it had been taken by or before such court or judge.

3. Where in any criminal proceeding a mandamus or order for the examination of any witness or person is addressed to any court, or to any judge of a court, in India or the Colonies, or elsewhere in Her Majesty's dominions, beyond the jurisdiction of the court ordering the examination, it shall be lawful for such court, or the chief judge thereof, or such judge, to nominate any judge of such court, or any judge of an inferior court, or magistrate within the jurisdiction of such first-mentioned court, to take the examination of such witness or person, and any deposition or examination so taken shall be admissible in evidence to the same extent as if it had been taken by or before the court or judge to whom the mandamus or order was addressed.

4. The provisions of the Act passed in the twenty-second year of Her Majesty, chapter twenty, intituled "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" (which may be cited as the "Evidence by Commission Act, 1859"), as amended by this Act, shall apply to proceedings under this Act.

5. The power to make rules conferred by section six of the Evidence by Commission Act, 1859, shall be deemed to include a power