



48-49 VICTORIA.

CHAP. 74.

An Act to amend the Law relating to taking Evidence A.D. 1885.
by Commission in India and the Colonies, and else-
where 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 assembled, and by the authority of the same, as follows :—

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

2. Where in any civil proceeding in any court of com- Power to
petent jurisdiction an order for the examination of any wit- courts to
ness or person has been made, and a commission, mandamus, nominate
order, or request for the examination of such witness or per- examiner
son is addressed to any court, or to any judge of a court, in in civil pro-
India or the Colonies, or elsewhere in Her Majesty's domin- ceedings.
ions, beyond the jurisdiction of the court ordering the ex-
amination, 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 Power in
order for the examination of any witness or person is ad- criminal pro-
dressed to any court, or to any judge of a court, in India or ceedings to
the Colonies, or elsewhere in Her Majesty's dominions, be- nominate
yond the jurisdiction of the court ordering the examination, judge or
it shall be lawful for such court, or the chief judge thereof, magistrate
or such judge, to nominate any judge of such court, or any to take de-
judge of an inferior court, or magistrate within the jurisdic- positions.
tion of such first-mentioned court, to take the examination