

BILL.

An Act to amend the Law of Lower Canada as regards *Commissions Rogatoires*.

WHEREAS it is expedient to amend the Law of Lower Canada as regards the issuing or execution of *Commissions Rogatoires*; Be it therefore enacted, &c.

That, notwithstanding any thing to the contrary in the Ordinance of the former Province of Quebec, passed in the thirty-first year of the Reign of King George the Third, and intituled, "*An Act to continue and amend the Acts or Ordinances therein mentioned, respecting the Practice of the Law in Civil Causes,*" in every case where a *Commission Rogatoire*, or a Commission in the nature of a *Commission Rogatoire*, may by law issue, any Judge of the Court out of which the same is to issue may grant the application for the same, and allow or reject interrogatories to be appended thereto, in Term or in Vacation, in the name of the Court, and may in his discretion cause the same to be directed to any one Commissioner, or to any two or more Commissioners, to execute the same jointly or severally.

Preamble.
Ordinance of Quebec, 31 G. 3, c. 2, amended as regards the issuing of Com. Rog. one Judge may act.

II. And be it enacted, That the parties to the cause in which such *Commissions* shall issue, may be present at the execution thereof in person, or by their Counsel, and may examine or cross examine *viva voce* the witnesses adduced, in the manner practised in the examination of witnesses in civil cases in Lower Canada; and if either of such parties shall declare his intention to examine the witnesses *viva voce*, it shall not be necessary that such party should file written interrogatories or cross-interrogatories to go with the Commission, but the evidence taken upon such *viva voce* examination shall be returned by the Commissioner or Commissioners, and shall avail as evidence in the cause: Provided always, that the Court (or the Judge acting in the name of the Court) may delegate to the Commissioner or Commissioners the power to determine what questions may or may not be put to any witness, and what answers may or may not be received, subject to the condition that all questions or answers rejected by the Commissioners shall, on the request of either party, be reduced to writing and reserved for the opinion of the Court.

Witnesses may be examined viva voce before Commissioners.

Proviso: Court may delegate certain powers to Commissioners.

III. And be it enacted, That when interrogatories and cross-interrogatories shall be transmitted with any such

Examinations by interroga-