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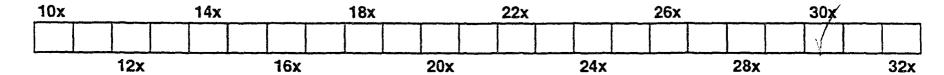
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3d Session, 3d Parliament; 13 and 14 Vict., 1850.

## BILL.

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

Received and Read a first time, l'uesday, 30th July 1859,

Second Reading, Thursday, 1st August, 1850.

Col. Gugy.

## BILL.

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

WHEREAS it is expedient to amend the Law of Preamble. 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 5 Ordinance of the former Province of Quebec, passed in 3, c. 2, amendthe thirty-first year of the Reign of King George the ed as regards Third, and intituled, "An Act to continue and amend the Com. Rog. one "Acts or Ordinances therein mentioned, respecting the Judgemaynet. " Practice of the Law in Civil Causes," in every case 10 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

interrogatories to be appended thereto, in Term or in Va-15 cation, 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.

grant the application for the same, and allow or reject

II. And be it enacted, That the parties to the cause Witnesses 20 in which such Commission shall issue, may be present at the may be examined viva voce execution thereof in person, or by their Counsel, and may before Comexamine or cross examine viva voce the witnesses adduced, missioners. in the manner practised in the examination of witnesses in civil cases in Lower Canada; and if either of such parties 25 shall declare his intention to examine the witnesses viva voce, it shall not be necessary that such party should fyle 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 30 or Commissioners, and shall avail as evidence in the cause: Provided always, that the Court (or the Judge Proviso: Court

what questions may or may not be put to any witness, and sioners. 35 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.

acting in the name of the Court) may delegate to the may delegate Commissioner or Commissioners the power to determine to Commissioners

III. And be it enacted, That when interrogatories and Examinations 40 cross-interrogatories shall be transmitted with any such by interroga-A<sup>263</sup>

secret.

tories not to be Commission in the manner now practised, the examination upon the same shall not be secret from the parties, but either of them may attend thereat in person or by Counsel, and see that the answers of the witnesses be fairly and fully recorded by the Commissioner or Commissioners: 5 but nothing herein shall authorize the attendance at such examination of any persons who may not now attend thereat other than the parties or their Counsel.

Court to make

IV. And be it enacted, That the provisions of this Act rules of practice under this shall be carried into effect in such manner as the Courts 10 in Lower Canada may prescribe by their Rules of Practice.