
A BILL

To amend the Law relating to Commissions for the Examinations of Witnesses.

WHEREAS there are at present no means of compelling the attendance Preamble.
of persons to be examined in New South Wales under any Commission for the examination of witnesses issued by the Courts of Law or Equity in Great Britain or Ireland or the Dependencies thereof to be
5 executed in the Colony of New South Wales and great inconvenience may arise by reason thereof Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

- 10 1. That if any person after being served with a notice to attend any Commissioner or Commissioners appointed to execute any Commission Court or Judge may order attendance of Witness.
for the examination of witnesses in New South Wales issued by any of the Courts of Law or Equity in Great Britain or Ireland or any of the Dependencies of Great Britain to be executed in New South Wales (such
15 notice being signed by the Commissioner or Commissioners or one of them and specifying the time and place of attendance) shall refuse or neglect to appear and be examined under such Commission such refusal or failure to appear shall be certified by such Commissioner or Commissioners or any of them It shall thereupon be competent to or on behalf of any
20 parties to such Commission or their Agent or Attorney to apply to the Supreme Court or any one of the Judges thereof for a rule or order to compel the person or persons so refusing or failing as aforesaid to appear before such Commissioner or Commissioners and to be examined under such Commission And it shall be lawful for the Court or Judge to whom
25 such application shall be made by rule or order to command the attendance and examination of any person to be named or the production of any writings or documents to be mentioned in such rule or order.

Examination of Witnesses under Commissions Bill.—1859.

Witness not appearing liable to same penalties as not attending on subpoena.

2. That upon the service of such rule or order upon the person named therein if he or she shall not appear before such Commissioner or Commissioners as aforesaid for examination or fail to produce the writings or documents mentioned in such rule or order the disobedience to such rule or order shall render the person disobeying subject and liable to such 5 pains and penalties as he or she would be subject and liable to by reason of disobedience to a writ of subpoena issued out of the Supreme Court of New South Wales.

Witness entitled to expenses.

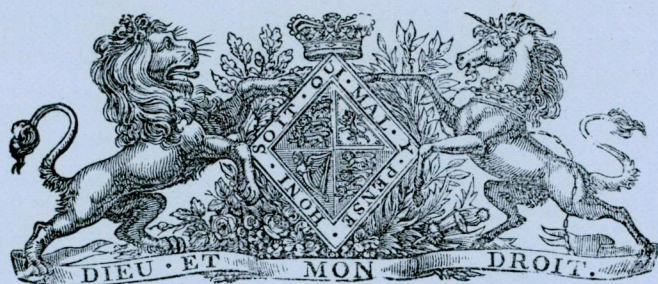
3. Provided always That every person whose attendance shall be so required shall be entitled to the like conduct money and payment of 10 expenses and for loss of time as for and upon attendance at any trial in a Court of Law and that no person shall be compelled to produce under such rule or order any writing or other document that he or she would not be compelled to produce at a trial.

This PUBLIC BILL, having been this day passed by the LEGISLATIVE COUNCIL, is ready for presentation to the LEGISLATIVE ASSEMBLY, for its concurrence.

Legislative Council Chamber,
Sydney, 7th December, 1859. }

WM. MACPHERSON,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

No. .

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Court or Judge may order attendance of Witness.

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Witness not appearing liable to same penalties as not attending on subpoena.

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