

ACT No. II OF 1879.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th February 1879).

An Act to make better provision for recording evidence in the Central Provinces.

WHEREAS, in order to provide for the recording of evidence in civil suits in the Central Provinces by the Judge in English or in his own language, it is expedient to amend the Central Provinces Laws Act, 1875; It is hereby enacted as follows:—

1. This Act may be called "The Central Provinces Laws Act, 1879;"

And it shall come into force at once.

2. The following sections shall be deemed to have been added to the said Central Provinces Laws Act, 1875, immediately after the Code of Civil Procedure came into force, that is to say:—

"11. Sections 184, 185 and 189 of the Code of Civil Procedure are hereby repealed.

"12. For sections 182, 190 and 191 of the same Code, the following shall be substituted. (namely):—

"182. A note of the essential points of the evidence of each witness shall be made at the time, and in the course, of oral examination, by the Judge, in his own language, or in English if he is sufficiently acquainted with that language, and such note shall be filed with, and form part of, the record of the case.

"190. If

Judge unable
to make note
to record
reason of his
inability.

“190. If the Judge be prevented from making a note as above required, he shall record the reason of his inability to do so, and shall cause such note to be made in writing from his dictation in open Court, and shall sign the same, and such note shall form part of the record.

Power to use
note made by
Judge dying
or removed
before con-
clusion of
suit.

“191. When the Judge making a note of the evidence, or causing one to be made as above required, dies or is removed from the Court before the conclusion of the suit, his successor may, if he thinks fit, deal with such note as if he himself had made it or caused it to be made.’ ”