

No costs of proof of any document shall be allowed unless notice to admit has been given, except in cases where the omission to give notice has, in the opinion of the Court, produced a saving of expense.

Every document offered as evidence, and not objected to, shall be put in and read, or taken as read by consent.

Every document put in evidence shall be marked by the Court at the time, and shall be retained by the Court during the hearing, and returned to the party who put it in, or from whose custody it came, immediately after the judgment, unless it is impounded by order of the Court.

59. The Consul-General may, if he thinks fit, order that a Commission do issue for examination of witnesses at any place out of Persia, on oath, by interrogatories or otherwise, and may from time to time, by order, give such directions touching the time, place, and manner of the examination, or anything connected therewith, as to the Court appear reasonable and just.

60. Where a foreigner desires to institute or take in the Court a suit or proceeding of a civil nature against a British subject—or a British subject desires to institute or take in the Court a suit or proceeding of a civil nature against a foreigner—the Court shall entertain the same, and shall hear and determine it, either without Assessors, or, if all parties desire, or the Court thinks fit to direct, a trial with Assessors, then at a place where such a trial might be had if all parties were subjects, with Assessors, but in all other respects according to the ordinary course of the Court.

Provided that the foreigner, if so required by the Court, first obtains and files in the Court the consent in writing of the competent authority on behalf of Persia or of his own nation (as the case may be) to his submitting, and does submit, to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide by and perform such decision as shall be given by the Court originally or on appeal (as the case may require).

61. A cross-suit shall not be instituted in the Court against a plaintiff, being a foreigner who has submitted to the jurisdiction, by a defendant, without leave of the Court first obtained.

The Court before giving leave shall require proof from the defendant that his claim arises out of the subject-matter in dispute, and that there is reasonable ground for it, and that it is not made for vexation or delay.

Nothing in this provision shall prevent the defendant instituting or taking in the Court any suit or proceeding against the foreigner after the termination of the suit or proceeding in which the foreigner is plaintiff.

62. Where a foreigner obtains in the Court an order against a defendant being a British subject, and in another suit that defendant is plaintiff, and the foreigner is defendant, the Court may, if it thinks fit, on the application of the subject, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit.

Where a plaintiff, being a foreigner, obtains an order in the Court against two or more defendants being British subjects jointly, and in another suit one of them is plaintiff, and the foreigner is defendant, the Court may, if it thinks fit, on the application of the subject, stay

the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit, without prejudice to the right of the subject to require contributions from his co-defendants under the joint liability.

63. Where a foreigner is co-plaintiff in a suit with a British subject who is within the particular jurisdiction, it shall not be necessary for the foreigner to make deposit or give security for costs, unless the Court so directs, but the co-plaintiff British subject shall be responsible for all fees and costs.

64.—(1.) Where it is shown to a Court that the attendance of a British subject to give evidence, or for any other purpose connected with the administration of justice, is required in a native or foreign Court, or before a native or foreign judicial officer, or in a Court, or before a judicial officer of any State in amity with Her Majesty, the Court may, if it thinks fit, in a case and in circumstances in which it would require his attendance before itself, order that he do attend and give evidence, and produce documents as so required. The order may be made subject to conditions as to payment or tender of expenses or otherwise.

(2.) A Court, however, cannot so order attendance at any place beyond its particular jurisdiction.

(3.) If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, or if he refuses to give evidence, or wilfully gives false evidence, or fails to produce documents which he is properly required to produce, he is independently of any other liability, guilty of an offence against this Order, and for every such offence, or conviction thereof, by summary trial, is liable to a fine not exceeding one hundred pounds, or to imprisonment for not exceeding one month, in the discretion of the Court.

65.—(1.) The provisions of "The Evidence Act, 1851," 14 & 15 Vict., cap. 99, secs. 7 and 11, relating to the proof of judicial and other documents, shall extend and be applied for all purposes as if Persia were a British Colony.

(2.) The following Acts, namely—

"The Foreign Tribunals Evidence Act, 1856,"

"The Evidence by Commission Act, 1859,"

"The Evidence by Commission Act, 1855,"

or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to all places and Courts to which this Order applies, with the adaptations following, namely:—

In the said Acts the Court is hereby substituted for a Supreme Court or a Judge of a Court in a Colony.

(3.) The following Acts, namely:—

"The British Law Ascertainment Act, 1859,"

"The Foreign Law Ascertainment Act, 1861,"

or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to all places and Courts to which this Order applies, with the adaptation following, namely:—

In the said Acts the Court is hereby substituted for a superior Court in a Colony.

66. No proceeding under this Order shall be invalidated by any informality, mistake, or omission, so long as, in the opinion of any Court before which any question arises, the