

# Documentary Evidence.

## ANALYSIS.

### A BILL INTITULED

AN ACT to amend the Law relating to Documentary Evidence in certain cases. Title.

WHEREAS it is expedient to amend the Law relating to Evidence Preamble.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. This Act may be cited for all purposes as "The Documentary Evidence Act 1869." Short Title.

2. *Primá facie* evidence of any Proclamation Order or Regulation issued before or after the passing of this Act by the Governor or by the Governor in Council also of any Proclamation Order or Regulation issued before or after the passing of this Act by or under the authority of any such department of the Government or officer as is mentioned in the first column of the Schedule hereto may be given in all Courts of Justice and in all legal proceedings whatsoever in all or any of the modes hereinafter mentioned that is to say Mode of proving certain documents.

- (1.) By the production of a copy of the *Gazette* purporting to contain such Proclamation Order or Regulation.
- (2.) By the production of a copy of such Proclamation Order or Regulation purporting to be printed by the Government Printer.
- (3.) By the production in the case of any Proclamation Order or Regulation issued by the Governor or by the Governor in Council of a copy or extract purporting to be certified to be true by the Clerk of the Executive Council or by any one of the Members of the Executive Council and in the case of any Proclamation Order or Regulation issued by or

under the authority of any of the said departments or officers by the production of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the said Schedule in connection with such department or officer.

Any copy or extract made in pursuance of this Act may be in print or in writing or partly in print and partly in writing.

No proof shall be required of the handwriting or official position of any person certifying in pursuance of this Act to the truth of any copy of or extract from any Proclamation Order or Regulation.

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3. The probate of a will or codicil or letters of administration with the will or codicil annexed obtained or having operation within the Colony and every exemplification of such probate or letters of administration purporting to be certified under the seal of or under the hand of any Court or officer having or purporting to have the custody of such will or codicil shall be *prima facie* evidence of the original will or codicil as concerns real estate and in all other cases whatsoever without any proof of the affixing of such seal or of such signature or of the authority of such Court or officer in like manner as if such original were produced and proved in due course of law.

Punishment of forgery.

4. If any person commits any of the offences following that is to say

- (1.) Prints any copy of any Proclamation Order or Regulation which falsely purports to have been printed by the Government Printer or tenders in evidence any copy of any Proclamation Order or Regulation which falsely purports to have been printed as aforesaid knowing that the same was not so printed or
- (2.) Forges or tenders in evidence knowing the same to have been forged any certificate by this Act authorized to be annexed to a copy of or extract from any Proclamation Order or Regulation any probate of any will or codicil or letters of administration with a will or codicil annexed or any exemplification of probate or of such letters of administration or any signature or certificate of any officer purporting to have the custody of such will or codicil

he shall be guilty of felony and shall on conviction be liable to be sentenced to penal servitude for any term not exceeding seven years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labour.

Act to be cumulative.

5. The provisions of this Act shall be deemed to be in addition to and not in derogation of any powers of proving documents given by any existing statute or existing at common law.

Schedule.

SCHEDULE.

Column 1.	Column 2.
Name of Department or Officer.	Names of Certifying Officers.