

Mr. Hutchison.

EVIDENCE.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Repeal of section 5 of "The Evidence Further Amendment Act, 1875."

A BILL INTITULED

AN ACT to amend The Law of Evidence.

Title.
Preamble.

WHEREAS the discovery of truth in Courts of Justice ought to be freed from all restrictions :

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

- 1. The Short Title of this Act is "The Evidence Act, 1881."
- 2. The fifth section of "The Evidence Further Amendment Act, 1875," is hereby repealed, and in lieu thereof it is enacted :

Short Title.
Repeal of section 5 of "The Evidence Further Amendment Act, 1875."

Any person charged with any offence shall be competent but not compellable to give evidence in any criminal proceeding arising there-out or therefrom, and whether for or against himself or herself ; and the husband of any such person, if such person be a woman, and the wife of any such person, if such person be a man, shall also be competent but not compellable to give evidence in such proceedings, and whether for or against his wife or her husband, as the case may be :
 Provided that if such person so charged shall have voluntarily given evidence in the initiative proceedings, or have voluntarily submitted himself or herself to cross-examination in such proceedings, he or she shall be not only competent but compellable to give evidence in all further proceedings, and whether for or against himself or herself :
 Provided that, in cases where a person on trial shall be examined, all questions to be asked in examination shall be proposed only through the presiding Judge or Magistrate.