

269

Mr. Hutchison.

EVIDENCE.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Repeal of section 5 of "The Evidence Further Amendment Act, 1875," and provision in lieu thereof.

A BILL INTITULED

AN ACT to amend The Law of Evidence.

Title.

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

5 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, 1883."

Short Title.

10 2. The fifth section of "The Evidence Further Amendment Act, 1875," is hereby repealed, and in lieu thereof it is enacted :

Repeal of section 5 of "The Evidence Further Amendment Act, 1875," and provision in lieu thereof.

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 15 wife of any such person, if such person be a man, shall also be com- petent 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 20 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 25 questions to be asked in examination shall be proposed only through the presiding Judge or Magistrate.