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This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
23rd July, 1885.

Mr. W. D. Stewart.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

### EVIDENCE FURTHER AMENDMENT.

#### ANALYSIS.

Title.	
1. Short Title.	5. Standard works in general literature admissible in evidence.
2. Books of statutes of any country published under authority of Government thereof admissible in evidence.	6. Incorporation of any company, how authenticated.
3. Proclamations and other official documents may be received as <i>prima facie</i> evidence.	7. Privileged confessions and communications.
4. Certain law-books may be referred to as evidence of laws.	8. In action for seduction not necessary to prove loss of service.

#### A BILL INTITULED

AN ACT for the further Amendment of the Law of Evidence. Title.

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

- 5     1. The Short Title of this Act is "The Evidence Further Amendment Act, 1885." Short Title.
- 10     2. Books purporting to have been printed or published under the authority of the Government of any country, or by the printer of such Government, and purporting to contain statutes, ordinances, or other written laws in force in such country, shall on production be admitted and received as *prima facie* evidence of such laws in all Courts and by all persons having by law or by consent of parties authority to take evidence. Books of statutes of any country published under authority of Government thereof admissible in evidence.
- 15     3. Proclamations, international treaties, Orders in Council, and *Gazettes* of any country may, if the Courts or persons referred to in the *last-preceding* section consider the same to be authentic, be received in evidence in such Courts and by such persons as *prima facie* evidence. Proclamations and other official documents may be received as *prima facie* evidence.
- 20     4. Printed books purporting to contain statutes, ordinances, or other written laws in force in any country although not purporting to have been printed or published by authority as aforesaid, books purporting to contain reports of decisions of Courts or Judges in such country, and text-books treating of the laws of such country, may be referred to by all Courts and persons aforesaid for the purpose of
- 25     ascertaining the laws in force in such country; but such Courts or persons shall not be bound to accept or act on the statements in any such books as evidence of such laws. Certain law-books may be referred to as evidence of laws.

The word "country" in this and the two *last-preceding* sections shall mean Scotland, Ireland, or any British dependency or colony, or any foreign country.

Standard works in general literature admissible in evidence.

5. All Courts and persons aforesaid may, in matters of public history, literature, science, or art, refer, for the purposes of evidence, to such published books, maps, or charts as such Courts or persons shall consider to be of authority on the subject to which they respectively relate. 5

Incorporation of any company, how authenticated.

6. All Courts and persons aforesaid shall admit and receive as *prima facie* evidence of the incorporation of a company incorporated out of the colony a certificate of the incorporation thereof, which purports to have been signed by a person whose authority to give the same shall be verified by a statutory declaration made before a Mayor, Provost, Notary Public, British Consul, or Vice-Consul, of whose signature and seal such Courts and persons aforesaid shall take judicial notice, and the date of incorporation mentioned in such certificate shall be deemed to be the date on which the company was incorporated. 10 15

Privileged confessions and communications.

This section shall not affect any other mode of proof of such a certificate of incorporation. 20

7. The following confessions and communications shall be privileged, and shall not be admissible in evidence in any civil or criminal proceedings, except with the express consent of the person alleged to have made such confession or communication :—

(a.) All confessions made to a minister of any religion or priest of any denomination whatsoever, in his professional character, in the course of discipline enjoined by the law or practice of such denomination, or under sanction thereof. 25

(b.) All communications made to a physician or surgeon in his professional character by any of his patients; and the word "communication" herein shall include all information acquired necessary to enable such physician to prescribe or such surgeon to do any act for such patient. 30

Provided that nothing in this section shall protect any communication made for a criminal purpose, or to prejudice the right to give in evidence or use any statements or representations already made or which hereafter may be made by any such physician or surgeon in or about the effecting by any person of an insurance on the life of himself or on the life of any other person. 35

In action for seduction not necessary to prove loss of service.

8. In an action to recover damages for seduction brought by a parent of the female seduced, or by a person standing to her in the place of a parent, it shall not be necessary to allege, or prove, or be material that she was in the service of the plaintiff, or that he sustained any loss of service by reason of such seduction: Provided that the plaintiff shall not recover in an action for seduction unless the testimony of the person seduced is corroborated by some other material evidence of such seduction. 40 45

*Struck out.*

In action for imputation of unchastity not necessary to prove special damage.

9. In an action for oral defamation brought for words falsely imputing unchastity to a woman, whether married or not, it shall not be necessary to allege or prove that any actual loss or special damage has been sustained.