

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

Legislative Council,
28th July, 1898.

Hon. Mr. W. C. Walker.

OFFICIAL DOCUMENTS EVIDENCE.

ANALYSIS.

Title.	
1. Short Title.	8. Documents of Australasian Colony, which if of New Zealand admissible on mere production, provable by certified copy.
2. Interpretation.	9. Votes and proceedings of Legislature of any Australasian Colony proved by copy.
3. Australasian Colonies and their Acts to be judicially noticed. Government Printer's copies to be deemed <i>prima facie</i> correct for certain purposes.	10. Certain signatures to be judicially noticed.
4. Public seals of colonies.	11. Proof of certain public or corporation documents by a sealed copy.
5. Mode of proving Royal Proclamations, Orders of Privy Council, or rules, &c., of Her Majesty's Imperial Government.	12. Books of statutes of any Australasian Colony published under authority of Government thereof admissible in evidence.
6. Mode of proving Proclamations, Orders in Council, rules, &c., of Governor or Ministers of the Crown of Australasian Colony.	13. Incorporation of any company, how authenticated.
7. Documents admissible in Australasian Colonies without proof to be equally admissible in New Zealand.	14. Powers under this Act not to be in derogation of existing law.

A BILL INTITULED

AN ACT to facilitate the Proof of Acts of Parliaments of Australasian Colonies, and of Judicial and Official Documents, Seals, and Signatures, and for other Purposes. Title.

5 BE IT 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 Official Documents Evidence Act, 1898." Short Title.

10 2. In this Act, if not inconsistent with the context,— Interpretation.
"Act of Parliament" includes any Act of Council and Ordinance of the Legislature of any Australasian Colony:

15 "Australasian Colony" means and includes the Colonies (including their respective dependencies) of Fiji, New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia, and any British possession which may at any time be created within Her Majesty's possessions in Australasia:

20 "Colony" includes province:
"Government Gazette" means the *Government Gazette*, *Royal Gazette*, or other official gazette, howsoever designated, of any Australasian Colony:

25 "Government Printer" means and includes any printer purporting to be the printer authorised to print the statutes, Ordinances, Acts of State, or other public Acts of the Legislature of any Australasian Colony, or otherwise to be the Printer of such colony:

“Governor” means the person for the time being administering the Government of any Australasian Colony, and includes the Deputy of the Governor:

“Votes and proceedings” includes any papers printed, or purporting to be printed, by the authority of and laid before, or purporting to be laid before, any House or Houses of Legislature of any Australasian Colony.

Australasian Colonies and their Acts to be judicially noticed.

3. (1.) All Courts and persons acting judicially within New Zealand shall take judicial notice of every Australasian Colony and the extent of its territories, and also of all Acts of Parliament of any Australasian Colony, whether passed before or after the commencement of this Act.

Government Printer's copies to be deemed *prima facie* correct for certain purposes.

(2.) Any paper purporting to be a copy of any such Act, and purporting to be printed by the Government Printer of such colony, or as a supplement to the *Government Gazette* of such colony, shall *prima facie* be deemed to be a correct copy of such Act without any further proof thereof.

(3.) The date which appears on any such copy, purporting to be the day on which such Act received the Royal assent, shall be received for all purposes as evidence of the date of such assent.

Public seals of colonies.

4. All Courts and persons acting judicially within New Zealand shall take judicial notice of the impression of the public seal of every Australasian Colony without evidence of such seal having been impressed, or any other evidence relating thereto.

Mode of proving Royal Proclamations, Orders of Privy Council, or rules, &c., of Her Majesty's Imperial Government.

5. *Prima facie* evidence of any Royal Proclamation, Order of Her Majesty's Privy Council, order, regulation, despatch, or any other instrument whatsoever, made or issued before or after the commencement of this Act by Her Majesty, or by Her Majesty's Privy Council, or by or under the authority of any of Her Majesty's Secretaries of State, or of any department of Her Majesty's Government in the United Kingdom, may be given before all Courts and persons acting judicially within New Zealand by the production of a copy of the *London Gazette*, or of the *Government Gazette*, purporting to contain a reprint of such instrument as an extract from the *London Gazette*.

Mode of proving Proclamations, Orders in Council, rules, &c., of Governor or Ministers of the Crown of Australasian Colony.

6. (1.) *Prima facie* evidence of any Proclamation, order, regulation, or other instrument whatsoever made or issued before or after the commencement of this Act by the Governor or by the Governor in Council of any Australasian Colony, or by or under the authority of any responsible Minister of the Crown in any such colony, or of any public Commission or Board in any such colony, may be given before all Courts and persons acting judicially within New Zealand in all or any of the modes hereinafter mentioned, that is to say,—

(1.) By the production of a copy of the *Government Gazette* of such colony, purporting to contain such instrument:

(2.) By the production of a copy of such instrument, purporting to be printed by the Government Printer of such colony:

(3.) By the production, in the case of any Proclamation, Order in Council, order, regulation, or instrument whatsoever made or issued by the Governor or by the Governor in Council of any Australasian Colony, of a written copy or extract purporting to be certified to by the Clerk of the Executive Council of such colony; and, in the case of any

5

10

15

20

25

30

35

40

45

50

order, regulation, or instrument whatsoever made or issued by or under the authority of any responsible Minister of the Crown in such colony, by the production of a copy or extract purporting to be certified to be true by the aforesaid Minister or any other responsible Minister of the Crown in such colony.

5

(2.) No proof shall be required of the handwriting or official position of any person certifying in pursuance of this section to the truth of any such instrument.

10 7. Every document which, by any law now in force or hereafter to be in force in any Australasian Colony, is or shall be admissible in evidence of any particular in any Court of justice in such colony, without proof of the seal or stamp or signature authenticating the same, or of the judicial or official character of the person appearing to
15 have signed the same, shall be admitted in evidence to the same extent and for the same purposes before all Courts and persons acting judicially within New Zealand without proof of the seal or stamp or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same.

Documents admissible in Australasian Colonies without proof to be equally admissible in New Zealand.

20 8. Whenever any book or other document of any Australasian Colony would, if it were a New Zealand book or document, be admissible in evidence in New Zealand on its mere production from the proper custody, any copy thereof or extract therefrom shall be admissible in evidence before all Courts and persons acting judicially
25 within New Zealand, provided it is proved to be an examined copy or extract, or provided it purports to be signed and certified as a true copy or extract by some officer of the colony in question, who further certifies thereto that he is the officer to whose custody the original is intrusted.

Documents of Australasian Colony, which if of New Zealand admissible on mere production, provable by certified copy.

30 9. All copies, whether made before or after the commencement of this Act, of the votes and proceedings of any House of the Legislature of any Australasian Colony, and of Royal Proclamations, if purporting to be printed by the Government Printer of the colony to which they belong or relate, shall, on the mere production of the
35 same, be admitted as evidence thereof by all Courts and persons acting judicially within New Zealand without any proof being given that such copies were so printed.

Votes and proceedings of Legislature of any Australasian Colony proved by copy.

10. All Courts and persons acting judicially within New Zealand shall take judicial notice of the signature of every person who is for
40 the time being or who has at any time been Governor, Judge of the Supreme Court, Prothonotary, Master, Registrar, or Chief Clerk of the Supreme Court, Commissioner of Titles, Registrar of Titles, Assistant or Deputy Registrar of Titles, Registrar-General, Assistant or Deputy Registrar-General, Government Statist, or Assistant or
45 Deputy Government Statist, Judge or Presiding Magistrate of any County Court, or District or Local Court or Court of Mines or Warden's Court, or Native Land Court, Chairman of any Court of General or Quarter Sessions, Judge of any Court of Bankruptcy or Insolvency, or Police or Stipendiary Magistrate or Justice of the
50 Peace in any of the Australasian Colonies; and also of every person holding in any Australasian Colony any office corresponding to any of the aforesaid offices, and also of every person holding in any such

Certain signatures to be judicially noticed.

colony any office to which the Governor in Council may at any time by Order published in the *Government Gazette* declare this section to apply, and also of the seal or signature of every such Court or person, if such seal or signature purports to be attached or appended to any decree, order, certificate, affidavit, writ, warrant, summons, or other judicial or official document. 5

Proof of certain public or corporation documents by a sealed copy.

11. Whenever by any Act of any Australasian Colony, now or hereafter to be in force,—

- (1.) Any certificate, official or public document ; or
- (2.) Any document or proceeding of any corporation or company ; or 10
- (3.) Any certified copy of any document or by-law, or entry in any register or other book, or any other proceeding—

is receivable in evidence of any particular under such Act in such colony, the same shall respectively be admitted in evidence before all Courts and persons acting judicially within New Zealand in every case in which the original record or document could have been received in evidence: Provided they respectively purport to be sealed or to be impressed with a stamp, or to be sealed and signed or to be signed alone, or to be impressed with a stamp and signed as directed by such Act, without any proof of such seal, stamp, or signature, or of the official character of the person appearing to have signed the same, and without any further proof thereof. 15 20

Books of statutes of any Australasian Colony published under authority of Government thereof admissible in evidence.

12. Books purporting to have been printed or published, whether before or after the commencement of this Act, under the authority of the Government of any Australasian Colony, or by the Government Printer of such colony, and purporting to contain statutes, Ordinances, or other written laws in force in such colony, shall, on production, be admitted and received as *prima facie* evidence of such laws by all Courts and persons acting judicially within New Zealand. 25 30

Incorporation of any company, how authenticated.

13. All Courts and persons acting judicially within New Zealand shall admit and receive as *prima facie* evidence of the incorporation of a company, incorporated or registered in any Australasian Colony either before or after the commencement of this Act, a certificate of the incorporation or registration thereof which purports to have been signed by a person whose authority to give the same is verified by a statutory declaration made before any Judge or Justice of the Peace of such colony, of whose signature such Courts and persons aforesaid shall take judicial notice; and the date of incorporation or registration mentioned in such certificate shall be deemed to be the date on which the company was incorporated or registered. 35 40

Powers under this Act not to be in derogation of existing law.

14. The provisions of this Act shall be in addition to and not in derogation of any powers existing at common law, or given by any Act now in force in New Zealand. 45