

Memo. and Certificate to accompany the Evidence of Parties Bill.

THIS is a Bill to meet a possible objection to the long-established doctrine of the text books on evidence, that the incapacity of parties in former times to give evidence, arose from their being interested persons. The Evidence Act, 1898, was drawn in accordance with that doctrine, which is considered to be quite sound. It has been suggested, however, that a contention might be raised that in some cases the incapacity was based on a different principle, and to remove any possible question this Bill is sent on to be read with the Evidence Act, 1898.

I certify that it in no way alters, adds to, or amends the law as contained in the Statutes consolidated by the Evidence Act, 1898.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Legislative Council.

No. , 1898.

A BILL

To supplement the Evidence Act, 1898.

[DR. GARRAN ;—12 *October*, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Evidence of Parties Act, 1898." Short title.
2. Subject to the provisions of the Evidence Act, 1898, every party to a legal proceeding, and the husband or wife of such party, shall be, and shall be deemed to have been since the passing of the said Act, competent to give evidence in such proceeding. Competency of parties and their husbands and wives.

3. In this Act—

"Legal proceeding" means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration. Interpretation.

"Party" includes the accused person in a criminal proceeding.

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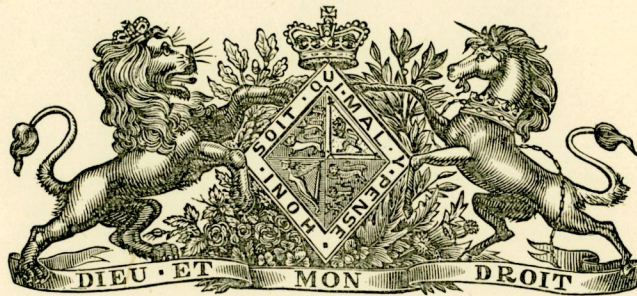
CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 13th October, 1898. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

Act No. , 1898.

An Act to supplement the Evidence Act, 1898.

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