



ANNO QUINQUAGESIMO PRIMO ET QUINQUAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1888.

No. 435.

An Act to amend the Law of Evidence, and for other purposes.

[Assented to, December 8th, 1888.]

WHEREAS it is desirable to amend the Law of Evidence—Be it Preamble.
therefore Enacted by the Governor of the Province of South
Australia, with the advice and consent of the Legislative Council
and House of Assembly of the said province, in this present Parlia-
ment assembled, as follows:

1. This Act may be cited as the “Evidence Further Amendment Short title
Act, 1888.”

2. In any action, suit, or other proceeding in any Court of Certain questions
may be disallowed.
Justice, whether civil or criminal, the Judge, Commissioner,
Stipendiary or Special Magistrate, or Justice of the Peace presiding
in such Court, may disallow any questions put in cross-examination
of any party or other witness which may appear to him to be
vexatious and not relevant to any matter proper to be inquired into
in the cause, matter, or proceeding then before such Court.

3. In deciding whether questions affecting the credibility of a Rules as to relevancy.
witness are relevant, or ought to be allowed, the Court shall have
regard to the following considerations:—

- (a) Such questions are proper if they are of such a nature that
the truth of the imputation conveyed by them would
seriously affect the opinion of the Court as to the
credibility of the witness on the matter to which he
testifies:
- (b) Such

Evidence Further Amendment Act.—1888.

- (b) Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies:
- (c) Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.

Appeal to Local Court of Full Jurisdiction, or to Adelaide Local Court of Full Jurisdiction.

4. There shall be an appeal from the disallowance by any Justice or Justices of the Peace of any question put in cross-examination as aforesaid; which appeal shall be to the nearest Local Court of Full Jurisdiction, or, at the option of the appellant, to the Local Court of Adelaide of Full Jurisdiction, and the proceedings on such appeal shall be conducted in manner appointed by the Ordinance No. 6 of 1850, for appeals to Local Courts, or any other Act in force regulating such appeals; but the Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Local Court may state special case.

5. Any Local Court, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make such order as to costs of any special case as to the said Court shall appear just; and any Justices, or the Local Court, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, which order of the Justices or Local Court shall be enforceable in manner provided for the enforcement of orders of Justices, under the said Ordinance No. 6 of 1850, or other Act as aforesaid; and, save as herein provided, no order or proceeding of Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise into the Supreme Court.

Certified copy of articles of company to be *primâ facie* evidence.

6. Any document appearing to be certified by some person as secretary or manager of any incorporated company as a true copy of or extract from any memorandum or articles of association, or rules or regulations of such company, shall in all Courts be received as *primâ facie* evidence of the contents of the instrument of or from which it appears to have been copied or extracted.

Scrip certificate to be *primâ facie* evidence.

7. Any document appearing on its face to be a certificate or memorandum of the title or ownership of any shares in any incorporated company lawfully issued pursuant to the memorandum or articles of association, or rules or regulations of such company, shall in all Courts be received as *primâ facie* evidence of the title or ownership stated in such document.

8. In

Evidence Further Amendment Act.—1888.

8. In any action, suit, or other proceeding in any Court of Justice in which notice of action is required, such notice shall be deemed sufficient if, in the opinion of the Judge, Commissioner, Stipendiary or Special Magistrate, or Justice of the Peace presiding, such notice shall have given the defendant reasonable notice of the cause of such action, and the sufficiency of such notice shall be a question of fact and not of law; and no notice of action shall be held insufficient merely for want of form.

Notice of action not
insufficient for want
of form.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WM. C. F. ROBINSON, Governor.