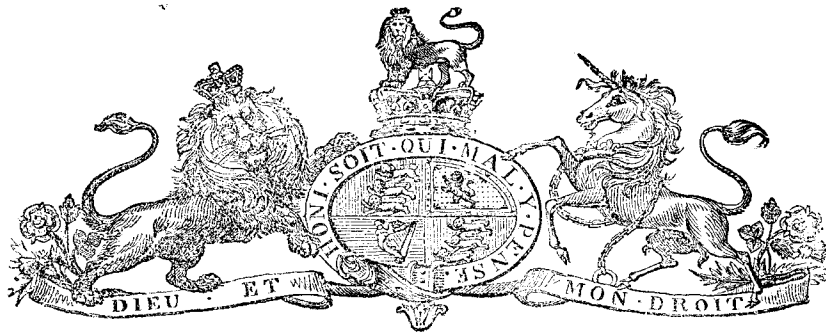


T A S M A N I A

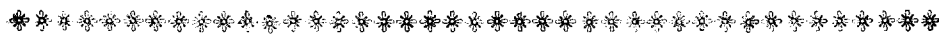


1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 5.



AN ACT to amend the Law with reference to A.D. 1885.  
Bankers' Books Evidence.

[7 September, 1885.]

**W**HEREAS serious inconvenience has been occasioned to Bankers PREAMBLE.  
and also to the public by reason of the Ledger and other Account  
Books having been removed from the Banks for the purpose of being  
produced in legal proceedings :

And whereas it is expedient to facilitate the proof of the transactions  
recorded in such Ledgers and Account Books :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows :—

**1** This Act may be cited for all purposes as "The Bankers' Books Short title.  
Evidence Act, 1885."

**2** Subject to the provisions of this Act, a copy of any entry in a Mode of proof of  
banker's book shall in all legal proceedings be received as *prima facie* entries in bankers'  
evidence of such entry, and of the matters, transactions, and accounts books.  
therein recorded. 42 Vict. c. 11, s. 3.

**3** A copy of an entry in a banker's book shall not be received in Proof that book  
evidence under this Act unless it be first proved that the book was at the is a banker's  
time of the making of the entry one of the ordinary books of the bank, book.  
and that the entry was made in the usual and ordinary course of Ib., s. 4.  
business, and that the book is in the custody or control of the bank.

Such proof may be given by the Manager or one of the superior  
officers of the bank, and may be given orally or by an affidavit sworn  
before any Commissioner of the Supreme Court or person authorised to  
take affidavits.

*Bankers' Books Evidence*

A.D. 1865.

Verification of  
copy.

42 Vict. c. 11, s. 5.

**4** A copy of an entry in a banker's book shall not be received in evidence under this Act unless it be further proved that the copy has been examined with the original entry and is correct.

Such proof shall be given by some person who has examined the copy with the original entry, and may be given either orally or by an affidavit sworn before any Commissioner of the Supreme Court or person authorised to take affidavits.

Case in which  
bank not  
compellable to  
produce book, &c.  
*Ib.*, s. 6.

**5** A Manager or officer of a bank shall not in any legal proceeding to which the bank is not a party be compellable to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by Order of a Judge made for special cause.

Court or Judge  
may order  
inspection, &c.  
*Ib.*, s. 7.

**6** On the application of any party to a legal proceeding, a Court or Judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding. An Order under this Section may be made either with or without summoning the bank or any other party, and shall be served on the bank Three clear days before the same is to be obeyed, unless the Court or Judge otherwise directs.

Costs.  
*Ib.*, s. 8.

**7** The costs of any application to a Court or Judge under or for the purposes of this Act, and the costs of anything done or to be done under an Order of a Court or Judge made under or for the purposes of this Act, shall be in the discretion of the Court or Judge, who may order the same or any part thereof to be paid to any party by the bank, where the same have been occasioned by any default or delay on the part of the bank. Any such Order against a bank may be enforced as if the bank was a party to the proceeding.

Interpretation  
of "bank," and  
"bankers' books."  
*Ib.*, s. 9.

**8** In this Act the word "bank" shall mean and include any company engaged in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand, and shall also mean and include any Savings Bank now or hereafter established in *Tasmania*.

Expressions in this Act relating to "bankers' books," include ledgers, day books, cash books, account books, and all other books used in the ordinary business of the bank.

Interpretation of  
"legal proceed-  
ing," "Court,"  
"Judge."  
*Ib.*, s. 10.

**9** In this Act—

The expression "legal proceeding" means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration :

The expression "the Court" means the Court, Judge, arbitrator, persons, or person before whom a legal proceeding is held or taken :

The expression "a Judge" means a Judge of the Supreme Court of *Tasmania*.

Computation of  
time.  
*Ib.*, s. 11.

**10** *Sunday, Christmas Day, Good Friday*, and any bank holiday shall be excluded from the computation of time under this Act.