

A BILL

To amend the law of evidence.

WHEREAS it is expedient that the law of evidence should be further amended: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in this present Parliament assembled, and by the authority of the same, as follows :—

1. So much of the third section of the Act of Council passed in the sixteenth year of the reign of Her Majesty Queen Victoria, number fourteen, as provides that the said Act shall not in any civil proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, and so much of the fourth section of the said Act of Council as provides that nothing therein contained shall apply to any action for breach of promise of marriage, are hereby repealed.

Parts of sections 3 and 4 of 16 Vic. No. 14 repealed.

2. On the trial of any issue joined, or of any matter or question in any inquiry arising in any suit, action, or other proceeding in any court of justice, or before any person having by law or consent of parties authority to hear, receive, and examine evidence, the husbands and wives of parties thereto and of the persons in whose behalf any such suit, action, or other proceeding may be brought or instituted, or opposed or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either vivâ voce or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

Husbands and wives of parties to be admissible witnesses.

3. Nothing herein shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any criminal proceeding, or in any proceeding instituted in consequence of adultery.

Except in criminal cases and cases of adultery.

4. No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

Husbands and wives not compelled to disclose communications.