

Standing Orders duly prepared and adopted by the said Council, and approved by the Governor of the said Colony, under and by virtue of the provisions of an Act of Parliament passed in the fifth and sixth years of the reign of Her present Majesty Queen Victoria, intituled, "*An Act for*
5 & 6 Vic. Cap. 76. "*the Government of New South Wales and Van Diemen's Land.*"

Passed the Legislative Council, this twenty-fourth
day of July, one thousand eight hundred and
forty-nine.
WM. MACPHERSON, CLERK OF THE COUNCIL.

CHARLES NICHOLSON,
Speaker.

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

CH^s A. FITZ ROY,

Govt. House, Sydney, 3rd August, 1849.

Governor.

No. XVI.

An Act to amend the Law of Evidence, and to facilitate the admission as Evidence of certain Official and other Documents; and to give Protection to Persons employed in the Printing and Publication of Papers by the order or authority of the Legislative Council or a Committee thereof. [Assented to, 7th August, 1849.]

Preamble.

WHEREAS it is provided by many Acts of the Legislative Council of the Colony of New South Wales, that various Certificates, and Official and Public Documents, and Documents and Proceedings of Corporations, and of Joint Stock and other Companies, and certified Copies of Documents, and By-Laws and Entries in Registers and other Books, shall be receivable in evidence of certain particulars in Courts of Justice, provided they be respectively authenticated in the manner prescribed by such Acts: And whereas the beneficial effect of these provisions has been found by experience to be greatly diminished by the difficulty of proving that the said Documents are genuine: And whereas it is expedient to make provision for the admission in evidence of certain Judgments, and other proceedings, by the production of Certified Copies thereof; as also to facilitate the admission in evidence of such and the like Documents: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That Copies of all Judgments, Decrees, Rules, and Orders, filed or recorded in the Supreme Court of the said Colony at Sydney, or in the Supreme Court of the said Colony for the District of Port Phillip, shall be admitted as evidence of the contents thereof by all Courts, Judges, Justices, and other Legal Tribunals, and in every Judicial Proceeding in the said Colony, without production of the Originals of such Documents respectively, provided the Copies of such Orders and Decrees made in the Equitable Jurisdiction of the said Supreme Court at Sydney, be certified under the hand of the Master in Equity of the said Court; and that such Copies of all Judgments, Decrees, Rules, and Orders, made in the Common Law and Ecclesiastical Jurisdiction of the said Supreme Court at Sydney, be certified under the hand of the Prothonotary or Chief Clerk thereof, and that such Copies of such Orders, Decrees, Judgments, and Rules, made either in the Equitable or in the Common Law, or in the Ecclesiastical Jurisdiction of the said Supreme Court for the District of Port Phillip, be respectively certified under the hand of the Deputy Registrar or other proper officer thereof.

Copies of Judgments, Decrees, Rules and Orders of Supreme Court to be received in Evidence, if duly certified by Master, Prothonotary, Chief Clerk, or Deputy Registrar, respectively.

II. And be it enacted, That whenever by any Act now in force, or hereafter to be in force, any Certificate, or Official or Public Document, or Document or Proceeding of any Corporation, or Joint Stock or other Company, or any certified Copy of any Document, or By-Law, or Entry in any Register or other Book, or of any other Proceeding, shall be receivable in evidence of any particulars in any Court of Justice, or before any Legal Tribunal, or before the Legislative Council of the said Colony, or any Committee thereof, or in any Judicial Proceeding, the same shall respectively be admitted in evidence, provided they respectively purport to be sealed, or impressed with a stamp, and signed, as directed by the respective Acts made, or to be hereafter made, without any proof of the Seal or Stamp where a Seal or Stamp is necessary, or of the Signature, or of the official character of the persons appearing to have signed the same, and without any further proof thereof, in every case in which the original Record or Document could have been received in evidence.

Certain documents to be received in evidence without proof of signature or seal.

III. And be it enacted, That all Courts, Judges, Justices, Masters in Equity, Commissioners, or other persons officiating judicially, shall henceforth take judicial notice of the Signature of any of the Judges of the said Supreme Court of this Colony at Sydney, and any resident Judge of the said Supreme Court of the said Colony, resident at any other place in the said Colony, and also of the Prothonotary, and Master in Equity and Chief Clerk thereof respectively, and of the Deputy Registrar of the said Supreme Court for the District of Port Phillip: Provided such Signature shall purport to be attached or appended to any Decree, Order, Certificate, or other Judicial or Official Document.

Courts, &c., to take judicial notice of signature of the Judges of Supreme Court, and of certain officers thereof.

IV. And be it enacted, That all Copies of the Private Acts of the Legislative Council of the said Colony, and all Proclamations and Commissions issued by His Excellency the Governor of the said Colony, or by the Officer administering the Government thereof, for the time being, if purporting to be printed by the Government Printer, or by the authority of the Government, shall be admitted *prima facie* evidence thereof by all Courts, Judges, Justices, and others, in the said Colony, without proof being given that such Copies were so printed.

Copies of Private Acts of the Legislative Council, Proclamations, and Commissions, issued by the Governor, & printed by the Government Printer, admissible as evidence.

V. Provided always, and be it enacted, That if any person shall forge the Signature of any Prothonotary, or Master in Equity, or Chief Clerk, of the said Supreme Court, or of any Deputy Registrar of the said Supreme Court, for the District of Port Phillip, or of any Commissioner or other person officiating judicially, to any such certified Copy as aforesaid, or shall forge the Seal, Stamp, or Signature appended to any such certified Copy of any Official or Public Document, or Document or Proceeding of any Corporation, or Joint Stock or other Company, or to any certified Copy of any Document or By-Law, or entry in any Register or other Book, or of any other Proceeding as aforesaid, or shall tender in evidence any such certified Copy as aforesaid of any Official or Public Document, or Document or Proceeding of any Corporation, or Joint Stock or other Company, or any certified Copy of any such Judgment, Decree, Rule, Order, as aforesaid, or of any Document or By-Law, or Entry in any Register or other Book, or of any other Proceeding, with a false or counterfeit Seal, Stamp, or Signature thereto, knowing the same to be false or counterfeit, whether such Seal, or Stamp, or Signature, be that of or relating to any Corporation or Company already established, or to any Corporation or Company to be hereafter established, or if any person shall forge the signature of any such Judge as aforesaid to any Order, Decree, Certificate, or other Judicial or Official Document, or shall tender in evidence any Order, Decree, Certificate, or other Official or Judicial Document, with a false or counterfeit signature of any such Judge as aforesaid thereto, knowing the same to be false or counterfeit, or if any person shall print any copy of any Act of the Legislative Council of the said Colony, or of any Proclamation or Commission as aforesaid, which copy shall falsely purport to have been printed by the Government Printer, or if any person shall tender in evidence any such copy, knowing the same was not printed by

Persons forging Signature or Stamp of or to certain documents, or printing any Act, Proclamation, or Commission, with false purport, guilty of felony.

the

the person or persons by whom it so purports to have been printed, every such person shall be deemed guilty of felony, and shall, upon conviction thereof, be liable to transportation for a term not exceeding fifteen years:

Power of Judge, &c.,
to impound docu-
ments.

Provided also, that whenever any such document as before mentioned, shall have been received in evidence by virtue of this Act, the Court, Judge, Justice, Commissioner, or other person officiating judicially, who shall have admitted the same, shall on the request of any party against whom the same shall have been so received, be authorised at its or his own discretion to direct that the same shall be impounded and be kept in the custody of some Officer of the Court, or other proper person, until further order touching the same shall be given by the said Court, Judge, Justice, Commissioner, or other person officiating judicially, respectively.

Power of the Govern-
nor to appoint a
Government Printer.

VI. And be it enacted, That it shall and may be lawful for the Governor of the said Colony, or for the Officer administering the Government for the time being, for and in behalf of Her Majesty, to appoint a Government Printer for the said Colony, and such Government Printer to suspend or remove, and to appoint another in his stead, as occasion may from time to time, in the opinion of the said Governor or Officer administering the Government aforesaid, require.

Proceedings, crimi-
nal or civil, against
persons for publica-
tion of papers printed
by order of the Legis-
lative Council of the
Colony of New South
Wales, to be stayed
upon delivery of a
certificate and affi-
davit, to the effect
that such publication
is by order of the said
Legislative Council
of the said Colony.

VII. And whereas it is essential to the due and effectual exercise and discharge of the functions and duties of the Legislative Council of New South Wales that no obstructions or impediments should exist to the publication of such of the Reports, Papers, Votes, and Proceedings of the Legislative Council of New South Wales, as the said Council may deem fit or necessary to be published; and whereas obstructions or impediments to such publication may hereafter arise by means of civil or criminal proceedings being taken against persons employed by or acting under the authority of the said Legislative Council, in the publication of such Reports, Papers, Votes or Proceedings, by reason and for remedy whereof, it is expedient that protection should be afforded to all persons acting under the authority aforesaid: Be it enacted, That it shall and may be lawful for any person or persons, who shall be a defendant or defendants in any civil or criminal proceeding commenced or prosecuted in any manner soever for or on account or in respect of the publication of any such Reports, Papers, Votes, or Proceedings by such person or persons, or by his, her, or their servant or servants, by or under the authority of the Legislative Council of the said Colony, to bring before the Court in which such proceeding shall have been or shall be so commenced or prosecuted, or before any Judge of the same, first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceeding, a certificate under the hand of the Speaker of the said Legislative Council, or of the Clerk of the said Council, stating that the Report, Paper, Votes or Proceedings, as the case may be, in respect whereof such civil or criminal proceeding shall have been commenced or prosecuted, was published by such person or persons, or by his, her, or their servants, by order or under the authority of the said Legislative Council, or a Committee thereof, together with an affidavit verifying such certificate; and such Court or Judge shall thereupon immediately stay such civil or criminal proceeding, and the same and every writ or process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

Proceedings to be
stayed when com-
menced in respect of
the publication of
a copy of the authenti-
cated Report, &c., on
affidavit verifying
such copy, being laid
before the Court.

VIII. And be it enacted, That in case of any civil or criminal proceeding to be commenced or prosecuted for or on account or in respect of the publication of any copy of such Report, Paper, Votes, or Proceedings, it shall be lawful for the defendant or defendants, at any stage of the proceedings, to lay before the Court or Judge, such Report, Paper, Votes, or Proceedings, and such copy, with an affidavit verifying such Report, Paper, Votes, or Proceedings, and the correctness of such copy; and the Court or Judge shall immediately stay such civil or criminal proceeding; and the same and every writ of process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

IX.

IX. And be it enacted, That it shall be lawful in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of such Report, Paper, Votes, or Proceedings, to give in evidence under the general issue, such Report, Paper, Votes, or Proceedings, and to shew that such extract or abstract was published *bonâ fide*, and without malice; and if such shall be the opinion of the jury, a verdict of not guilty shall be entered for the defendant or defendants.

In proceedings for printing any extract or abstract of a paper, it may be shewn, that such extract was *bonâ fide* made.

Passed the Legislative Council, this twenty-seventh day of July, one thousand eight hundred and forty-nine.
 Wm. MACPHERSON, CLERK OF THE COUNCIL.

CHARLES NICHOLSON,
 Speaker.

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

CH^s. A. FITZ ROY,
 GOVERNOR.

Govt House, Sydney, 7th August, 1849.