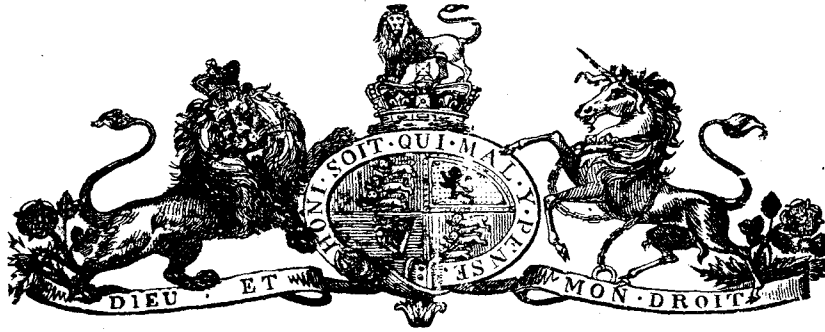


T A S M A N I A .



1889.

ANNO QUINQUAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 21.



AN ACT to amend the Law of Evidence. A.D. 1889.
[9 November, 1889.]

BE it 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 for all purposes be cited as “The Evidence Act, 1889,” and shall commence and come into operation on the First day of *January*, in the year One thousand eight hundred and ninety. Short title and commencement.

2 In the construction of this Act the word “Court” shall include all Judges and Justices and all persons by law or by the consent of parties authorized to hear, receive, and examine evidence. Interpretation.

3 When a witness is cross-examined to test his accuracy, veracity, or credibility, or to shake his credit by injuring his character, and such question relates to a matter not relevant to the suit or proceeding except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. Cross-examination as to credit.
Stephen’s Ev.,
3rd ed., art. 129.

In exercising this discretion the Court shall have regard to the following considerations:—

Evidence.

A.D. 1889.

When such questions are proper. Stephen, p. 84.
When improper. *Ib.*

Unnecessary imputations improper. *Ib.*

Saving existing rights.

Indecent or scandalous questions.

Questions intended to insult or annoy.

- (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 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' character and the importance of his evidence.

4 Nothing herein contained shall be deemed to make any witness compellable to give evidence upon any matter which he is by law now protected against disclosing.

5 The Court may forbid any questions or inquiries which it regards as indecent or scandalous, unless they relate to facts in issue or to matters necessary to be known in order to determine whether or not the facts in issue existed.

6 The Court shall forbid any question which appears to it to be intended to insult or annoy, or which appears to the Court needlessly offensive in form.