

EVIDENCE.

12° GEO. V., No. XIX.

No. 19 of 1921.

AN ACT to amend the Evidence Act, 1906.

[Assented to 29th November, 1921.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Evidence Act Amendment Act*, 1921. Short title.

2. The following section is hereby inserted between sections forty-one and forty-two of the Evidence Act, 1906, that is to say:—

41a. (1.) On the prosecution of any person for the stealing of any property in or from any vessel, barge, or boat, or from any dock, wharf, or quay, or from any store or shed used in connection with or adjoining any such dock, wharf, or quay, or for receiving any such property, knowing it to have been so stolen, or for having on his person or in any place or conveying in any manner anything which may be reasonably suspected of being so stolen—

Evidence of ownership in cases relating to property stolen from ships, wharves, etc.

Cf. N.S.W., No. 35 of 1918, s. 2. T., No. 29 of 1920, s. 2.

(a) evidence may be given of any writing, printing, or marks upon the said property without producing the original writing, printing, or marks, or requiring the production thereof by notice or otherwise; and

(b) any apparently genuine document purporting to be the bill of lading, manifest, shipping receipt, delivery order, specification, schedule, packing list, or invoice relating to the said property, or to property which from the description thereof in the document or from the writing, printing, or marks thereon, or on any package containing the same as detailed in the document, coupled with any other relevant circumstances, may be reasonably assumed to be the same as the property the subject of the prosecution, shall be admissible in evidence on production and without further proof, and shall be *prima facie* evidence of the particulars and facts contained therein and that the ownership of the property, the subject matter of the prosecution, is in the consignee referred to in the document or his assignee.

(2.) In deciding whether any property described as aforesaid may be reasonably assumed to be the same as the property the subject of the prosecution, regard shall be had to the source from which the document was produced, and the circumstances of its receipt or custody by the person producing it, or from whom it was obtained for the purposes of the prosecution.

(3.) It shall be no objection to the admissibility in evidence of any such document as aforesaid that the statement of the place in or from which the stealing took place forms no part of the charge, if the evidence adduced on the prosecution indicates that the stealing did in fact take place in or from a place such as is hereinbefore mentioned.
