

WESTERN AUSTRALIA

ANNO OCTAVO DECIMO

VICTORIÆ REGINÆ

No. 14

An Ordinance for the further amendment of the Laws with respect to Evidence. (16 & 17 Vic., c. 83, Imperial.) [Assented to 20th April, 1855.]

WHEREAS the law touching evidence requires further amendment: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof:—

1. That on the trial of any issue joined or of any matter or question or on any inquiry arising in any suit, action or other proceeding in any Court of Justice or before any person having by law or by consent of parties, authority to hear, receive and examine evidence, the husbands and wives of the 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.

*Amended by  
34 Vic., No. 10*

2. That nothing herein contained 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.

3. That 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.

CHARLES FITZGERALD,

GOVERNOR AND COMMANDER-IN-CHIEF.