

LAWS OF THE UNITED KINGDOM

THE EVIDENCE ACT 1845

(8 & 9 Vict. c. 113)

An Act to facilitate the Admission in Evidence of certain official and other Documents

[8th August 1845]

The short title was given to this Act by the Short Titles Act 1896.

Evidence Acts 1806 to 1895. For the Acts (including this Act) which may be cited together by this collective title, see the Introductory Note to the Witnesses Act 1806, p. 802, *ante*.

Northern Ireland. This Act applies.

[1.] Certain documents purporting to be sealed, signed, etc., to be received in evidence without proof of seal or signature, etc., of person signing the same, where the original record could have been received.

Whenever by any Act now in force or hereafter to be in force any certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or any certified copy of any document, bye law, entry in any register or other book, or of any other proceeding, shall be receivable in evidence of any particular in any court of justice, or before any legal tribunal, or either House of Parliament, or any committee of either House, 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 or sealed and signed, or signed alone, as required, 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 person appearing to have signed the same, and without any further proof thereof, in every case in which the original record could have been received in evidence.

NOTES

Denne, [1905] 2 Ch. 538; [1904-7] All E.R. Rep. 71). See also *Firkins v. Lowe* (1824), M'Cle. 73; *R. v. Hodgson* (1856), Dears. & B. 3; *Motteram v. Eastern Counties Rail. Co.* (1859), 7 C.B.N.S. 58; and *Thrasyvoulos Ioannou v. Paba Christoforos Demetriou*, [1952] A.C. 84; [1952] 1 All E.R. 179, P.C.

Admissibility of copies. Examined or certified copies of public documents are made admissible in evidence by the Evidence Act 1851, s. 14, p. 820, *post*.

2. Courts, etc., to take judicial notice of signatures of equity or common law judges, attached to decrees, etc.

. . . All courts, judges, justices, masters in chancery, masters of courts, commissioners judicially acting, and other judicial officers, shall henceforth take judicial notice of the signature of any of the equity or common law judges of the superior courts at Westminster, provided such signature be attached or appended to any decree, order, certificate, or other judicial or official document.

NOTES

The words omitted were repealed by the S.L.R. Act 1891.

Superior courts at Westminster. The jurisdiction of these courts is now transferred to the High Court and Court of Appeal; see the Supreme Court of Judicature (Consolidation) Act 1925, ss. 18(2) and 26(2), Vol. 7, pp. 582, 587. As to adaptation of references to courts and judges, see s. 224(1) of that Act, Vol. 7, p. 622.

Authorisation of criminal proceedings. Documents authorising criminal proceedings purporting to be signed by the Director of Public Prosecutions or the Attorney General are admissible as *prima facie* evidence without further proof; see the Criminal Justice Act 1925, s. 34, Vol. 21, title Magistrates.

3. Queen's printers' copies of private Acts, etc., admissible

. . . All copies of private and local and personal Acts of Parliament not public Acts, if purporting to be printed by the Queen's printers, and all copies of the journals of either House of Parliament, and of royal proclamations, purporting to be printed by the printers to the crown or by the printers to either House of Parliament, or by any or either of them, shall be admitted as evidence thereof by all courts, judges, justices, and others without any proof being given that such copies were so printed.

NOTES

The words omitted were repealed by the S.L.R. Act 1891.

Judicial notice of Acts. Judicial notice is taken of all public Acts. Every Act passed after 1850 is deemed to be a public Act, unless in the Act it is provided to the contrary (Interpretation Act 1889, s. 9, Vol. 32, title Statutes).

See also the Documentary Evidence Act 1882, s. 2, p. 852, *post*.

4. Persons forging seal, stamp, or signature of certain documents, or printing any private Act, etc., with false purport, guilty of felony - Documents received in evidence under this Act may be impounded until further order, at request of party against whom admitted, etc.

Provided always . . . that . . . if any person shall print any copy of any private Act or of the journals of either House of Parliament, which copy shall falsely purport to have been printed by the printers to the crown, or by the printers to either House of Parliament, or by any or either of them, or if any person shall tender in evidence any such copy, knowing that the same was not printed by the person or persons by whom it so purports to have been printed, every such person shall be guilty of felony, and shall upon conviction be liable to transportation for seven years . . . Provided also, that whenever any such document as before mentioned shall have been received in evidence by virtue of this Act, the court, judge, commissioner, or other person officiating judicially who shall have admitted the same shall, on the request of any party against whom the same is so received, be authorized, at its or at 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, either by such court, or the court to which such master or other officer belonged, or by the persons or person who constituted such court, or by some one of the equity or common law judges of the superior courts at Westminster, on application being made for that purpose.

NOTES

The words omitted were repealed by the S.L.R. Act 1891, the S.L.R. (No. 2) Act 1893, and the Forgery Act 1913, s. 20 and Schedule, Part I (see now the last-mentioned Act, Vol. 8, p. 257).

Superior courts at Westminster. See the note to s. 2, *ante*.

Abolition of transportation. Penal servitude was substituted for "transportation" by the Penal Servitude Act 1857, s. 2, Vol. 25, title Prisons, and by the Criminal Justice Act 1948, s. 1, Vol. 8, p. 339, and the Criminal Justice Act (Northern Ireland) 1953, s. 1 (not printed in this work), imprisonment was substituted for penal servitude.

5. Extent of Act

. . . This Act shall not extend to Scotland.

NOTE

The words omitted were repealed by the S.L.R. Act 1891.

6, 7. (*Rep. by the S.L.R. Act 1875.*)
