

## NEW ZEALAND.



QUADRAGESIMO PRIMO  
 VICTORIÆ REGINÆ.  
 No. 16.

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## ANALYSIS.

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| <p>Title.<br/>         Preamble.<br/>         1. Short Title.<br/>         2. Interpretation clause.<br/>         3. Entries in books by affidavit admissible in evidence.<br/>         4. Originals need not be produced.</p> | <p>5. Proviso as to notice to parties in a suit.<br/>         6. Power under order of Court to inspect books and take copies.<br/>         7. Judge may order that copies are not admissible.<br/>         8. Bank not compellable to produce books except in certain cases.</p> |
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AN ACT to amend the Laws with reference to Title.  
 Bankers' Books Evidence.

[20th November, 1877.]

**W**HEREAS serious inconvenience has been occasioned to bankers Preamble.  
 and also to the public by reason of the ledgers and other  
 account-books having been removed from the banks for the  
 purpose of being produced in legal proceedings: And whereas it is  
 expedient to facilitate the proof of the transactions recorded in such  
 ledgers and account-books:

BE IT THEREFORE ENACTED by the General Assembly of New  
 Zealand in Parliament assembled, and by the authority of the same,  
 as follows:—

1. The Short Title of this Act shall be "The Bankers' Books Short Title.  
 Evidence Act, 1877."

2. The word "bank" in this Act shall mean any person or Interpretation clause.  
 persons, partnership or company, carrying on the business of bankers.

The word "legal proceedings" in this Act shall include all  
 proceedings, whether preliminary or final, in Courts of  
 justice, both criminal and civil, legal and equitable, and  
 shall include all proceedings, whether preliminary or final,  
 by way of arbitration, examination of witnesses, assessment  
 of damages, compensation, or otherwise, in which there is  
 power to administer an oath.

*Bankers' Books Evidence.*

The words "the Court" in this Act shall mean the Court, Judge, Magistrate, Arbitrator, or other person authorized to preside over the said legal proceedings for the time being, and shall include all persons, Judges, or officers having jurisdiction and authorized to preside over or to exercise judicial control over the said legal proceedings or the procedure or any steps therein.

The words "a Judge" shall mean a Judge of the Supreme Court of the colony.

Entries in books by affidavit admissible in evidence.

3. From and after the commencement of this Act the entries in ledgers, day-books, cash-books, and other account-books of any bank shall be admissible in all legal proceedings as *prima facie* evidence of the matters, transactions, and accounts recorded therein, on proof being given by the affidavit in writing of one of the partners, managers, or officers of such bank, or by other evidence, that such ledgers, day-books, cash-books, or other account-books are or have been the ordinary books of such bank, and the said entries have been made in the usual and ordinary course of business, and that such books are in or come immediately from the custody or control of such bank. Nothing in this clause contained shall apply to any legal proceeding to which any bank whose ledgers, day-books, cash-books, and other account-books may be required to be produced in evidence shall be a party.

Originals need not be produced.

4. Copies of all entries in any ledgers, day-books, cash-books, or other account-books used by any such bank may be proved in all legal proceedings as evidence of such entries, without production of the originals, by means of the affidavit of a person who has examined the same, stating the facts of said examination, and that the copies sought to be put in evidence are correct.

Proviso as to notice to parties in a suit.

5. Provided always that no ledger, day-book, cash-book, or other account-book of any such bank, and no copies of entries therein contained, shall be adduced or received in evidence under this Act, unless five days' notice in writing, or such other notice as may be ordered by the Court, containing a copy of the entries proposed to be adduced, and of the intention to adduce the same in evidence, shall have been given by the party proposing to adduce the same in evidence to the other party or parties to the said legal proceeding, and that such other party or parties is or are at liberty to inspect the original entries and the accounts of which such entries form a part.

Power under order of Court to inspect books and take copies.

6. On the application of any party to any legal proceedings who has received such notice, a Judge may order that such party be at liberty to inspect and to take copies of any entry or entries in the ledger, day-books, cash-books, or other account-books of any such bank relating to the matters in question in such legal proceedings, and such orders may be made by such Judge, at his discretion, either with or without summoning before him such bank or the other party or parties to such legal proceedings, and shall be intimated to such bank at least three days before such copies are required.

Judge may order that copies are not admissible.

7. On the application of any party to any legal proceedings who has received notice, a Judge may order that such entries and copies mentioned in the said notice shall not be admissible as evidence of the matters, transactions, and accounts recorded in such ledgers, day-books, cash-books, and other account-books.

Bank not compellable to produce books except in certain cases.

8. No bank shall be compellable to produce the ledgers, day-books, cash-books, or other account-books of such bank in any legal proceedings, unless a Judge specially orders that such ledgers, day-books, cash-books, or other account-books should be produced at such legal proceedings.