



# Evidence Act 1845

## 1845 CHAPTER 113

An Act to facilitate the Admission in Evidence of certain official and other Documents. [8th August 1845]

WHEREAS it is provided by many Statutes that various Certificates, official and public Documents, Documents and Proceedings of Corporations and of Joint Stock and other Companies, and certified Copies of Documents, Bye Laws, Entries in Registers and other Books, shall be receivable in Evidence of certain Particulars in Courts of Justice, provided they be respectively authenticated in the Manner prescribed by such Statutes : And whereas the beneficial Effect of these Provisions has been found by Experience to be greatly diminished by the Difficulty of proving that the said Documents are genuine ; and it is expedient to facilitate the Admission in Evidence of such and the like Documents :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

### **Certain Documents to be received in Evidence without Proof of Seal or Signature, &c. of Person signing the same.**

That 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.

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*Status: This is the original version (as it was originally enacted).*

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## **II Courts, &c. to take judicial Notice of Signature of Equity or Common Law Judges, &c.**

And be it enacted, That 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.

## **III Copies of Private Acts, printed by Queen's Printer, Journals of Parliament, and Proclamations, admissible as Evidence.**

And be it enacted, That 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.

## **IV Persons forging Seal, Stamp, or Signature of certain Documents, or print any Private Act with false Purport, guilty of Felony.**

Provided always, and be it enacted, That if any Person shall forge the Seal, Stamp, or Signature of any such Certificate, official or public Document, or Document or Proceeding of any Corporation or Joint Stock or other Company, or of any certified Copy of any Document, Bye Law, Entry in any Register or other Book," or other Proceeding as aforesaid, or shall tender in Evidence any such 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, with a false or counterfeit Seal, Stamp, or Signature thereto, knowing the same to be false or counterfeit, whether such Seal, Stamp, or Signature be those of or relating to any Corporation or Company already established, or to any Corporation or Company to be hereafter established, or if any Person shall forge the Signature of any such Judge as aforesaid to any Order, Decree, Certificate, or other judicial or official Document, or shall tender in Evidence any Order, Decree, Certificate, or other judicial or official Document with a false or counterfeit Signature of any such Judge as aforesaid thereto, knowing the same to be false or counterfeit, or 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, or to Imprisonment for any Term not more than Three nor less than One Year, with hard Labour : 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.

**V Not to extend to Scotland.**

And be it enacted, That this Act shall not extend to *Scotland*.

**VI Alteration of Act.**

And be it enacted, That this Act may be repealed, altered, or amended during this present Session of Parliament.

**VII Commencement of Act.**

And be it enacted, That this Act shall take effect from the First Day of *November* next after the passing thereof.