



Evidence Amendment Act 1853

1853 CHAPTER 83

An Act to amend an Act of the Fourteenth and Fifteenth Victoria, Chapter Ninety-nine.
[20th August 1853]

WHEREAS the Law touching Evidence requires further Amendment:

Be it therefore declared and 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, as follows :

I Husbands and Wives of Parties to be admissible Witnesses.

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 herein-after excepted, be competent and compellable to give Evidence, either viva 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.

II Except in Criminal Cases and in Cases of Adultery.

Nothing herein 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.

III Husbands and Wives not compelled to disclose Communications.

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.

IV So much, of Section 1 of 6 & 7 Vict. c.85 as relates to Husbands and Wives, repealed.

So much of Section One of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of Her present Majesty, Chapter Eighty-five, as provides that the said Act shall not render competent the Husband or Wife of any Party to any Suit, Action, or Proceeding individually named in the Record, oft of any Lessor of the Plaintiff or of the Tenant of Premises sought to be recovered in Ejectment, or of the Landlord or other Person in whose Right any Defendant in Replevin may make cognizance, or of any Lessor in whose immediate and individual Behalf any Action may be brought or defended, either wholly or in part, is hereby repealed.

V Short Title.

In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression, " The Evidence Amendment Act, 1853."

VI Commencement of Act.

This Act shall commence on the Eleventh Day of *July* One thousand eight hundred and fifty-three.