

Chapter 12: Documentary Evidence

This chapter examines those sections of the *Evidence Act* 2009 that have the most relevance in criminal cases. Part 8 of the *Act* deals with documentary evidence and it introduces a number of changes to the way the law has traditionally been applied in the Solomon Islands. Most of the sections contained in this Part of the *Act* are procedural and do not require a commentary to assist with understanding their content or purpose. All the sections are provided to allow for ease of access. The Explanatory Note attached to the *Evidence Bill 2009* summarises Part 8. It states:

Part 8 defines the term ‘document’ and provides guidance for the use of documentary evidence. It sets out the processes for using documents without witnesses. It creates a rebuttable presumption about the authenticity of seals, signatures, published materials, government documents, official public records and purported acts by attesting parties. It provides the method for presenting evidence about, and obtaining copies of banking records. It provides rules for the use of translated documents, sound recordings or coded transcripts. It prescribes the method of adducing evidence of foreign laws, treaties and proclamations, including evidence of common law and unwritten law.

In criminal cases, the types of documentary evidence introduced into a trial can be very extensive. Despite the changes to the common law making it easier to tender documents there is still a need for practitioners to be vigilant in their efforts to ensure the veracity of the documents.

Documentary evidence generally requires oral evidence for it to be admitted. It differs from oral evidence in that it is not possible for the contents of a document to be cross-examined, although where the person who created the document is giving evidence there is scope to test the contents.

Evidence Act 2009

Section 87 of the *Evidence Act* provides for the expansion of the definition of a document that goes beyond the traditional requirement that only allowed the original document as evidence. This expanded definition allows for tapes, disks and other types of recording to be included in the definition of document and therefore admissible evidence.

Section 87 states:

87. (1) A reference in this Part to a document in question is a reference to a document as to the contents of which it is sought to adduce evidence.
- (2) A reference in this Part to a copy of a document in question includes a reference to a document that is not an exact copy of the document in question but that is identical to the document in question in all relevant respects.

(3) Section 8 abolishes the original document rule.

At common law the original of a document needed to be produced if a party wished to rely on the contents of a document. In *Commissioner for Railways (NSW) v Young* Windeyer J, states:

6. There is probably no rule of evidence that is better known than that secondary evidence of the contents of written documents is, in general, not receivable. "The contents of every written paper are, according to the ordinary and well-established rules of evidence, to be proved by the paper itself, and by that alone, if the paper be in existence" is the way in which the judges stated the rule on the occasion of the Trial of Queen Caroline (1820) 2 Bro & B 286 [1820] EngR 563; (129 ER 976, at p 977) . The ordinary exceptions to this are well known. None of them applies here. No attempt was made to show that the label had been lost or destroyed. The rule prohibiting the proof of writings by secondary evidence is generally said to be a survival of the requirement of the "best evidence", although its origins may have been in still earlier doctrine and its development influenced by the requirement of proof in pleadings. The reported decisions on the scope of the rule are not all marked by consistency of reasoning. At one time it seems to have been considered that it applied not only to writings in the ordinary sense, but to anything bearing any form of inscription or marking, unless it were physically impossible to produce it. To-day the rule is, generally speaking, restricted to writings in the sense of words and figures, and is not applied to other marks. It was, for example, held in New South Wales in 1879 that the brands on sheep might be described to a jury without the sheep being brought to court: *Reg. v. Fell* (1879) 2 SCR (NS) 109 . But, the rule is not confined to documents in the ordinary sense. Its scope is not precisely defined. Its application to a given case may depend more on the purpose for which the evidence is tendered than on the nature of the writing or the material, paper, parchment, stone, metal or calico, on which it appears. Cases in which the rule does not apply must be distinguished from cases where production of a writing is on some recognised ground excused and secondary evidence received. Some fallacious arguments were advanced for discarding the rule in this case. It matters not whether written words are put forward as true or false, whether they define rights or create rights, whether they make statements, express emotion or constitute insults - deeds, contracts, bills of exchange, libels, threatening letters and love letters are alike subject to the rule. But the rule does not apply to writings or other markings that are not relied upon for their meaning but only as part of the appearance of a thing. If words or figures appearing on some thing or at some place are referred to merely as marks distinguishing that thing or place, secondary evidence of them may be given without it being necessary to explain the absence of primary evidence. For example, a witness speaking of a particular motor vehicle may ordinarily describe it by its number plate or by some letters or writing upon it; and the locality where the event happened may be fixed by reference to a written notice displayed there, as Ferguson J. pointed out in the Full Court. In cases of this sort the writing is not relied upon for its meaning, but only as an identification mark. Its meaning is of no significance. The distinction is adverted to in the judgment of Martin B. in *Boyle v. Wiseman* [1855] EngR 609; (1855) 11 Ex 360, at p 367 [1855] EngR 609; (156 ER 870, at p 873) . And it has been expressly made in

some American cases, especially *Commonwealth v. Morrell* (1868) 99 Mass 542 and *Benjamin v. The State* (1915) 67 So 792 (Alabama Court of Appeals) where parol evidence of the writing on tags and price tickets was admitted to identify articles stolen, on the basis that it was matter of description and identity only.¹

Use of Evidence Without Witness – Notice Requirements

Section 88 of the *Act* requires that notice be given, in reasonable time, by a party intending to produce a document without calling a witness to produce the document. It also requires a party who objects to the admission of the document to give notice of the objection in reasonable time. If admitted the document's nature, origin and contents are presumed on its face, if there is no evidence to the contrary. Section 88 states:

88. (1) A party must give notice in writing to any other party that it proposes to offer a document (whether or not a public document), a copy of which is attached to the notice, as evidence in the proceeding without calling a witness to produce the document.
- (2) A party who on receiving a notice wishes to object to the authenticity of the document to which the notice refers, or to the fact that it is to be offered in evidence without being produced by a witness, must give a notice of objection in writing to party giving the notice.
- (3) If no party objects to a proposal to offer a document as evidence without calling a witness to produce it, or if the court dismisses an objection to the proposal –
 - (a) the document, if otherwise admissible, may be admitted in evidence; and
 - (b) it will be presumed, in the absence of evidence to the contrary, that the nature, origin, and contents of the document are as shown on its face.
- (4) A party who proposes to offer a document without calling a witness to produce it must give notice of the proposal –
 - (a) in sufficient time before the hearing to provide all the other parties with a fair opportunity to consider the proposal; or
 - (b) within the time, whether before or after the commencement of the hearing, that the court allows and subject to any conditions that the court imposes.
- (5) A party must give notice of objection to a proposal to offer a document without calling a witness to produce it –

¹ [1962] HCA 2; (1962) 106 CLR 535.

- (a) in sufficient time before the hearing to provide all the other parties with a fair opportunity to consider the notice; or
 - (b) within the time, whether before or after the commencement of the hearing, as the court allows and subject to any conditions that the court imposes.
- (6) The court may in the interest of justice, dispense with the requirement to give notice under subsection (1) or subsection (2) subject to any conditions as the court imposes.

Evidence of the Contents of a Document

Section 89 of the *Act* covers the variety of ways that the evidence of the contents of a document can be produced to a court. It states:

- 89.** (1) A party may adduce evidence of the contents of a document in question by tendering the document in question or by any one or more of the following methods –
- (a) adducing evidence of an admission made by another party to the proceeding as to the contents of the document in question;
 - (b) tendering a document that –
 - (i) is or purports to be a copy of the document in question; and
 - (ii) has been produced, or purports to have been produced, by a device that reproduces the contents of documents;
 - (c) if the document in question is an article or thing by which words are recorded in such a way as to be capable of being reproduced as sound, or in which words are recorded in a code (including shorthand writing), tendering a document that is or purports to be a transcript of the words;
 - (d) if the document in question is an article or thing on or in which information is stored in such a way that it cannot be used by the court unless a device is used to retrieve, produce or collate it, tendering a document that was or purports to have been produced by use of the device;
 - (e) tendering a document that –
 - (i) forms part of the records of or kept by a business (whether or not the business is still in existence); and
 - (ii) is or purports to be a copy of, or an extract from or a summary of, the document in question, or is or purports to be a copy of such an extract or summary;

- (f) if the document in question is a public document, tendering a document that is or purports to be a copy of the document in question and that is or purports to have been printed:
 - (i) by authority of the Government, or of another country; or
 - (ii) by authority of the Parliament, a provincial assembly or a committee of the Parliament or a provincial assembly.
- (2) Subsection (1) applies to a document in question whether the document in question is available to the party or not.
- (3) If the party adduces evidence of the contents of a document under paragraph (1)(a), the evidence may only be used –
 - (a) in respect of the party's case against the other party who made the admission concerned; or
 - (b) in respect of the other party's case against the party who adduced the evidence in that way.
- (4) A party may adduce evidence of the contents of a document in question that is not available to the party, or the existence and contents of which are not in issue in the proceeding, by –
 - (a) tendering a document that is a copy of, or an extract from or summary of, the document in question; or
 - (b) adducing from a witness evidence of the contents of the document in question.

Document Made by a Person

Section 90 of the *Act* allows the representations in a document that has been endorsed or otherwise produced to be accepted as having made by the person. It states:

- 90.** For the purposes of this Act, a representation contained in a document is taken to have been made by a person if –
- (a) the document was written, made or otherwise produced by the person; or
 - (b) the representation was recognised by the person as his or her representation by signing, initialling or otherwise marking the document.

Document Produced by a Device or Process

Section 91(1) provides a rebuttable presumption that a machine or device does what it is designed to do. Section 91(2) requires the court to be able to access the machine, device or technical process.

Section 91 states:

- 91.** (1) If a party offers evidence that was produced wholly or partly by a machine, device, or technical process and the machine, device, or technical process is of a kind that ordinarily does what a party asserts it to have done, it is presumed that on a particular occasion the machine, device, or technical process did what that party asserts it to have done, in the absence of evidence to the contrary.
- (2) If information or other matter is stored in such a way that it cannot be used by the court unless a machine, device, or technical process is used to display, retrieve, produce or collate it, a party may offer a document that was or purports to have been displayed, retrieved, or collated by use of the machine, device, or technical process.

Seals and Signatures

Sections 92 and 93 allow for seals and signatures to prove a document. They state:

- 92.** (1) If the imprint of a seal appears on a document and purports to be the imprint of –
- (a) the National Seal of Solomon Islands; or
 - (b) another seal of the Government; or
 - (c) a seal of another country; or
 - (d) the seal of a body (including a court or a tribunal), or a body corporate, established by a law of Solomon Islands or another country,
- it is presumed, unless the contrary is proved, that the imprint is the imprint of that seal, and the document was duly sealed as it purports to have been sealed.
- (2) If the imprint of a seal appears on a document and purports to be the imprint of the seal of an office holder, it is presumed, unless the contrary is proved, that –
- (a) the imprint is the imprint of that seal; and
 - (b) the document was duly sealed by the office holder acting in his or her official capacity; and
 - (c) the office holder held the relevant office when the document was sealed.
- (3) If a document purports to have been signed by an office holder in his or her official capacity, it is presumed, unless the contrary is proved, that –

- (a) the document was signed by the office holder acting in that capacity; and
 - (b) the office holder held the relevant office when the document was signed.
 - (4) In this section, ‘office holder’ means –
 - (a) the Sovereign; or
 - (b) the Governor-General; or
 - (c) a person holding any other office under the Constitution or law of Solomon Islands or another country.
 - (5) This section extends to documents sealed, and documents signed, before the commencement of this section.
- 93.** (1) If the imprint of a seal appears on a document and purports to be the imprint of the seal of a body (other than a court or a tribunal), or a body corporate, established by Royal Charter or a law of a Province, it is presumed, unless the contrary is proved, that –
- (a) the imprint is the imprint of that seal; and
 - (b) the document was duly sealed as it purports to have been sealed.
- (2) This section extends to documents sealed before the commencement of this section.

Books, Maps and Charts

Section 94 of the *Act* allows books, maps and charts to be admitted without the need to call the person who created the item. The section introduces a rebuttable presumption. It states:

- 94.** The court may presume, until the contrary is shown, that any book to which it may refer for information on matters of public or general interest and that any published map or chart, which is produced for its inspection, was written and published by the person and the time and place by whom or at which it purports to have been written or published.

Summary of Long or Complex Documents

Section 95 allows the court to receive summaries of long or complex documents. It states:

- 95.** (1) The court may direct that a party may adduce evidence of the contents of one or more documents in question in the form of a summary if –

- (a) application is made to it by the party before the hearing concerned; and
 - (b) it is satisfied that it would not otherwise be possible conveniently to examine the evidence because of the volume or complexity of the documents in question.
- (2) The court may only make a direction if the party seeking to adduce the evidence in the form of a summary has:
 - (a) served on each other party a copy of the summary that discloses the name and address of the person who prepared the summary; and
 - (b) given each other party a reasonable opportunity to examine or copy the documents in question.
- (3) The opinion rule (evidence about an opinion is not admissible to prove the existence of a fact about the existence of which the opinion was expressed) does not apply to evidence adduced in accordance with a direction under this section.

Evidence of Acts

Sections 96 and 97 allow for ease of proof of documents. They state:

- 96. It is presumed, unless the contrary is proved, that a document was attested or verified by, or signed or acknowledged before, a justice of the peace, legal practitioner, Commissioner of Oaths or notary public, if –
 - (a) a law requires, authorises or permits it to be attested, verified, signed or acknowledged by a justice of the peace, a legal practitioner or a notary public; and
 - (b) it purports to have been so attested, verified or acknowledged.
- 97. It is not necessary to adduce the evidence of an attesting witness to a document (not being a testamentary document) to prove that the document was signed or attested as it purports to have been signed or attested.

Documents Over 20 Years Old

Section 98 allows for easy proof of documents over 20 years old. It states:

- 98. If a document that is or purports to be more than 20 years old is produced from proper custody, it is presumed, unless the contrary is proved, that –
 - (a) the document is the document that it purports to be; and
 - (b) if it purports to have been executed or attested by a person, it was duly executed or attested by that person.

Tender of Documents

Section 99 abolishes the rule in *Walker v Walker* where Dixon J, who agreed with the others, noted:

In *Wharam v Routledge* (1805) 5 Esp. 235; 170 E.R. 797. Lord Ellenborough said:—"You cannot ask for a book of the opposite party, and be determined upon the inspection of it, whether you will use it or not. If you call for it, you make it evidence for the other side, if they think fit to use it."²

This section overcomes the difficulty that sometimes arose when a document was called for and after it was produced was tendered. The common law required the party calling for the document to tender it if the producing party so required. Section 99 states:

99. (1) A party is not to be required to tender a document only because the party, whether under this Act or otherwise –
 - (a) called for the document to be produced to it; or
 - (b) inspected it when it was so produced.
- (2) The party who produces a document so called for is not entitled to tender it only because the party to whom it was produced, or who inspected, fails to tender it.

Impounding Documents

Section 100 of the *Act* empowers the court to hold a document where it has been produced but not tendered and specifies the procedure for holding tendered documents. It states:

100. The court may direct that a document that has been tendered or produced before the court (whether or not it is admitted in evidence) is to be impounded and kept in the custody of an officer of the court or of another person for such period, and subject to such conditions, as the court thinks fit.

Provincial Government Records

Section 101 allows for the reception in court of provincial records. It states:

101. All public acts and records of any provincial government that are proved or authenticated in accordance with this Act are to be given in a court and in any other public office in Solomon Islands, such faith and credit as they have by law or usage in the public offices of that province.

Evidence of Banker's Record

Section 102 limits the circumstances in which bank personnel can be required to appear as witnesses to prove the contents of bank records. This

² [1937] HCA 44; (1937) 57 CLR 630.

section does not, however, affect the attendance of such people for the purpose of production of bank records to court. Section 102 states:

- 102.** (1) A bank or officer of a bank shall not, in any proceeding other than proceedings instituted by or against the bank, be compelled to produce any banker's record the contents of which can be proved under this section, or to appear as a witness to prove the matters, transactions or accounts in such record except –
- (a) in civil proceedings, by order of a court made for special cause;
 - (b) in criminal proceedings, by order of the court of trial.
- (2) In any proceeding, the matters referred to in subsection (1)(a) and (b) in relation to a banker's record may be proved, orally or by affidavit, by an officer of the bank.
- (3) Any affidavit in subsection (2) shall, on its production without further proof, be admitted in evidence and may include –
- (a) an explanation of the contents of the copy of any entry or matter recorded in such banker's record which is tendered in evidence; or
 - (b) any abbreviations, symbols or other markings appearing in such copy that may be relevant in the proceeding; and
 - (c) a description of the banker's record, its nature and use, and the procedures followed in keeping it.
- (4) Any matter to be stated in an affidavit under this section may be made to the best of the knowledge and belief of the person making the affidavit.

Obtaining Copies of Banker's Records

Section 103 allows the court or a judge to order that a party has the right to inspect and copy bank records. It states:

- 103.** (1) On the application of any party to any proceedings the court or a judge may order that such party be at liberty to inspect and take copies of any entries in banker's record for any of the purposes of such proceedings.
- (2) An order under this section may be made either with or without summoning the bank or any other party, and shall be served on the bank five clear days before the same is to be obeyed, unless the court or judge otherwise directs.
- (3) The costs of any application to the court or judge under or for the purposes of this section, and the costs of anything done or to be done under an order of the court or judge made under or for purposes of this section, shall be in the discretion of the court or

judge, who may order the same or any part thereof to be paid to any party by the bank, where the same have been occasioned by default or delay on the part of the bank.

- (4) Any such order against a bank may be enforced as if the bank were a party to the proceeding.

Gazettes and Other Official Government Documents

Section 102 deals with gazettes and other government documents. It states:

- 104.** (1) Subsection (2) applies to a document that purports –
- (a) to have been printed in the Gazette; or
 - (b) to have been printed or published by authority of the Government; or
 - (c) to have been printed or published by the authority of the government of another country; or
 - (d) to have been printed or published under the authority of the Parliament.
- (2) If this subsection applies, the document is presumed, unless the contrary is proved, to be what it purports to be and to have been so printed and published and to have been published on the date on which it purports to have been published.
- (3) Subsection (4) applies to a document that purports –
- (a) to have been printed or published in a government or official gazette (by whatever name called) of another country; or
 - (b) to have been printed or published by the government or official printer of another country; or
 - (c) to have been printed or published by the authority of the legislative, executive, or judicial branch of the government of another country; or
 - (d) to have been printed or published by an international organisation.
- (4) If this subsection applies, the document is presumed, unless the contrary is proved, to be what it purports to be and to have been so printed or published in the manner provided in subsection (3) and to have been published on the date on which it purports to have been published

Evidence of Government Public Records

Section 105 deals with evidence of government and public records. It states:

- 105.** (1) Evidence of a record or of a public record of the Government may be adduced by producing a document that –
- (a) purports to be such a record and to be signed or sealed by:
 - (i) a Permanent Secretary, or a Provincial Secretary, as the case requires; or
 - (ii) a person who might reasonably be supposed to have custody of the record; or
 - (b) purports to be a copy of or extract from the record that is certified to be a true copy or extract by –
 - (i) a Permanent Secretary, or a Provincial Secretary, as the case requires; or
 - (ii) a person who might reasonably be supposed to have custody of the record.
- (2) If such a document is produced, it is presumed, unless evidence that is sufficient to raise doubt about the presumption is adduced, that –
- (a) the document is the record, copy or extract that it purports to be; and
 - (b) the Permanent Secretary, Provincial Secretary or person:
 - (i) signed or sealed the record; or
 - (ii) certified the copy or extract as a true copy or extract

Documents Relating to Court Processes

Sections 106, 107 and 108 of the *Act* deal with Solomon Islands and foreign court records, census documents and public documents. They state:

- 106.** Evidence of a public document that is a judgment, act or other process of a Solomon Islands court or a foreign court, or that is a document lodged with a Solomon Islands court or a foreign court, may be adduced by producing a document that purports to be a copy of the public document and that –
- (a) it proved to be an extracted copy; or
 - (b) purports to be sealed with the seal of that court; or
 - (c) purports to be signed by a judge, magistrate, registrar or other proper officer of that court.

107. A document that purports –

- (a) to be published by the Government Statistician or Census Commissioner; and
- (b) to contain statistics or abstracts compiled and analysed by the Government Statistician or Census Commissioner;

is evidence that those statistics or abstracts were compiled and analysed by the Government Statistician under the Statistics Act (Cap. 54) or by the Census Commissioner under the Census Act (Cap. 53) or under any other law.

108. (1) Subsection (2) applies to a document that purports to be a public document, or a copy of or extract from or a summary of a public document, and to have been –

- (a) sealed with the seal of a person or a body that might reasonably be supposed to have the custody of that public document; or
 - (b) certified to be such a copy, extract or summary by a person who might reasonably be supposed to have the custody of that public document.
- (2) If this subsection applies, the document is presumed, unless the contrary is proved, to be a public document or a copy of the public document or an extract from or summary of the public document, and may be offered in evidence to prove the truth of its contents.

Translations into English

Section 109 deals with documents that are translations into English. It states:

- 109.** (1) A party may offer a document that purports to be a translation into English of a document in a language other than English if notice is given to all other parties in sufficient time before the hearing to provide those other parties with a fair opportunity to scrutinise the translation and the original document.
- (2) The translation is presumed to be an accurate translation, in the absence of evidence to the contrary.
- (3) A party, if notice is given to all other parties in sufficient time before the hearing to provide those other parties with a fair opportunity to scrutinise the transcript, may offer a document that purports to be a transcript of information or other matter that is recorded –
- (a) in a code (including shorthand writing or programming code); or
 - (b) in a way that is capable of being reproduced as sound or script.

- (4) A party who offers a transcript of information or other matter in a sound recording under subsection (3) must play all or part of the sound recording in court during the hearing if -
 - (a) the sound recording is available; and
 - (b) the court so directs, either on the application of another party or on the court's own initiative.

Documents Served by Post

Section 110 deals with service by post. It states:

- 110.** (1) Where a document is authorised or required to be served, or any notice is authorised or required to be given, by post or by registered post, a certificate purporting –
- (a) to certify –
 - (i) that a specified document or notice, addressed to a person named in the certificate, was addressed to that person at a specified address;
 - (ii) that the appropriate postage on the document or notice was prepaid; and
 - (iii) that the document or notice was dispatched by post or by registered post at a time and place specified in the certificate; and
 - (b) to be signed at the time and place specified in the certificate by the person who –
 - (i) ensured that the appropriate postage on the document or notice was prepaid; and
 - (ii) dispatched the document or notice by post or by registered post as the specified time and place,
- shall be admitted in any proceeding before any court on its production without further proof.
- (2) On the production of a certificate under subsection (1) –
- (a) the court before which it is produced shall, until the contrary is proved, presume -
 - (i) that the facts stated in it relating to the posting of the document or notice specified in it are true;
 - (ii) that the certificate was signed at the time and place specified in it by the person who posted the specified document or notice; and

- (b) the certificate shall be prima facie evidence of all of the matters stated.

Evidence of Foreign Law

Section 111 allows for the court to receive evidence of foreign laws and treaties. It states:

- 111. (1) A party may offer as evidence of a written law, treaty, or act of state, of another country –
 - (a) evidence given by an expert; or
 - (b) a copy of a written law, treaty, or act of state that is certified as a true copy by a person who might reasonably be supposed to have the custody of the written law, treaty, or act of state; or
 - (c) any document containing the written law, treaty, or act of state that purports to have been issued by the government or official printer of the country or by authority of the government or administration of the country; or
 - (d) any document containing the written law, treaty, or act of State that appears to the court to be a reliable source of information.
- (2) A party who wishes to adduce evidence under subsection (1)(b) or (d) of the contents of the document in question must, not less than twenty-eight days (or such other period as may be prescribed by the regulations or by rules of court) before the day on which the evidence is adduced, serve on each other party a copy of the document proposed to be tendered unless the court otherwise directs.
- (3) In addition, or as an alternative, to the evidence of an expert, a party may offer as evidence of the unwritten or common law of another country or as evidence of the interpretation of a written law of another country a document
 - (a) containing reports of judgments of the courts of the country; and
 - (b) that appears to the court to be a reliable source of information about the law of that country.
- (4) A party may offer as evidence of a written law of another country or of the unwritten or common law of another country any publication –
 - (a) that describes or explains the law of that country; and
 - (b) that appears to the court to be a reliable source of information about the law of that country.

- (5) A court is not bound to accept or act on a statement in any document as evidence of the law of another country.
- (6) A reference in this section to “written law” of another country includes a reference to a proclamation, regulation, rule, by-law or other instrument of subordinate legislation of the country.

Law Reports of Foreign Countries

Section 112 endorses the use of authorised law reports. It states:

- 112. (1) Evidence of the unwritten or common law of another country may be adduced by producing a book containing reports of judgments of courts of the country if the book is or would be used in the courts of the country to inform the courts about the unwritten or common law of the country.
- (2) Evidence of the interpretation of a statute of another country may be adduced by producing a book containing reports of judgments of courts of the country if the book is or would be used in the courts of the another country to inform them about the interpretation of the statute.

Documents Sworn or Verified in Commonwealth Countries

Sections 113 and 114 allow for the court take judicial notice of documents sworn or verified in Commonwealth Countries. They state:

- 113. (1) All documents required to be sworn or affirmed or verified in causes or matters pending in any court, shall and may be sworn or affirmed or verified in any Commonwealth country before any court, judge, notary public or person lawfully authorised to administer oaths in such country, or a consular officer in that Commonwealth country.
 - (2) The judges and officers of any court shall take judicial notice of the seal for signature, as the case may be, of any such court, judge, notary public, or consular officer attached, appended, or subscribed to any such document as aforesaid.
- 114. (1) All documents legally and properly filed or recorded in any foreign court or consulate according to the law and practice of such court or consulate, and all copies of such documents, shall be admissible in evidence in any proceedings on being proved in like manner as any documents filed or recorded in any foreign court are provable under this or any other written law.
 - (2) All documents whatsoever so filed or recorded in any foreign court or consulate, and all copies of such documents, shall, when so proved and admitted, be held authentic and effectual for all purposes of evidence as the same would be held in such foreign court or consulate.

Published Documents

Section 115 is a section that allows the court to receive a broad range of documents that it considers reliable. It states:

- 115.** A court may, in matters relating to public history, literature, science, or art, admit as evidence any published documents as the court considers to be reliable sources of information on the subjects to which they respectively relate.

Section 116 of the *Act* deals with wills and other like documents.

Chapter 13 examines guilty pleas and sentencing.

