

1913 Compiled laws of the Territory of Alaska

CODE OF CIVIL PROCEDURE.

635

Sec. 1867. A husband shall not be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards be, without the consent of the other, examined as to any communications made by one to the other during marriage, but the exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

Competency of husband and wife.

Carter Code, sec. 1035; Charlton Code, sec. 1035.

Bird v. U. S. (23 Sup. Ct. Rep., 42); Long v. Landers (10 Or. Rep., 175).
 1 Alaska Rep., 838). Fowler v. State v. Leasia (78 Pac. Rep., 328).
 Phoenix Ins. Co. (57 Pac. Rep., 421). State v. Luper (81 Pac. Rep., 444; 95
 State v. McGrath (57 Pac. Rep., 327). Pac. Rep., 811).

Sec. 1868. An attorney shall not, without the consent of his client, be examined as to any communication made by his client to him, or his advice given thereon, in the course of his professional employment.

Competency of attorney.

Carter Code, sec. 1036; Charlton Code, sec. 1036.

Minard v. Stillman (49 Pac. Rep., 978). State v. Gleason (23 Pac. Rep., 817).

Sec. 1869. A priest or clergyman shall not, without the consent of the person making the confession, be examined as to any confession made to him in his professional capacity, in the course of discipline enjoined by the church to which he belongs.

Competency of clergyman.

Carter Code, sec. 1037; Charlton Code, sec. 1037.

Estate of Toomes (54 Pac. Rep., 509).

Sec. 1870. A physician or surgeon shall not, against the objection of his patient, be examined in a civil action or proceeding as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient.

Competency of physician.

Carter Code, sec. 1038; Charlton Code, sec. 1038.

Kelly v. Highfield (14 Pac. Rep., 744).

Sec. 1871. Every person has a right to inspect any public writing or record in said District, and every public officer having the custody thereof is bound to permit such inspection, and to give on demand and on payment of the legal fees therefor a certified copy of such writing or record, and such copy shall in all cases be evidence of the original.

Inspection of public records.

Carter Code, sec. 1039; Charlton Code, sec. 1039.

Sec. 1872. A judicial, legislative, or executive record of said District, or of any State or Territory of the United States, or of any foreign country, or of any political subdivision of either, may be proved by the production of the original, or by a copy thereof, certified by the clerk or other person having the legal custody thereof, with the seal of the court or the official seal of such person affixed thereto, if it or he have a seal, or otherwise authenticated as required by sections nine hundred and five, nine hundred and six, and nine hundred and seven of the Revised Statutes of the United States.

Proof of public records.

Carter Code, sec. 1040; Charlton Code, sec. 1040.

Boswick v. Miller (26 Pac. Rep., 881). Hill v. Cooper (6 Or. Rep., 188). Jones v. Dove (6 Or. Rep., 191). State v. Kalyton (45 Pac. Rep., 736). Goddard v. Parker (10 Or. Rep., 102). Keyes v. Mooney (9 Pac. Rep., 400). In re Clayson's Will (34 Pac. Rep., 358). State v. Gray (70 Pac. Rep., 904; 71 Pac. Rep., 978). First Nat. Bank v. Miller (87 Pac. Rep., 892).

Sec. 1873. Private seals and scrolls as a substitute therefor are abolished and are not required to any instrument, but the effect thereof, when used, shall remain unchanged.

Private seals abolished.