

No. VIII.

EVIDENCE FURTHER
AMENDMENT.

An Act for the further amendment of the Law of Evidence. [14th August, 1876.]

Preamble.

WHEREAS it is expedient further to amend the Law of Evidence
Be it enacted by the Queen's Most Excellent Majesty by and
with the advice and consent of the Legislative Council and Legislative
Assembly of New South Wales in Parliament assembled and by the
authority of the same as follows :—

Parties to actions for
breach of promise of
marriage may be
witnesses.

1. The parties to any action for breach of promise of marriage
shall be competent to give evidence in such action Provided always
that no plaintiff therein shall recover a verdict unless his or her testi-
mony shall be corroborated by some other material evidence in support
of such promise.

Sale and use of Poisons.

2. Every person called on behalf of an accused person as a witness to his character shall be permitted to give evidence not only as to the general repute of any of the accused but also as to the witness's own knowledge of his habits disposition and conduct And the like where a person is examined respecting the character of any witness But no witness shall be allowed to state that he would not believe another on his oath and evidence to the character of the accused shall in all cases be received and dealt with as evidence on the question of his guilt. Witnesses to character.

3. Whenever any person called to give evidence in any Court or before any Justice or other person authorized to administer an oath whether in a civil or criminal proceeding shall object to take an oath or be reasonably objected to as incompetent to take an oath such person shall make the following promise in lieu of such oath—In the case in which I am now called as a witness I promise to tell the truth the whole truth and nothing but the truth And any person who having made such promise shall wilfully and corruptly give any false evidence shall be deemed guilty of perjury. Declaration in lieu of oath.

4. This Act may be cited for all purposes as the "Evidence Further Amendment Act 1876." Short title.
