

Legislative Council.

39^o VICTORIÆ, 1876.

A BILL

For the further amendment of the Law of Evidence.

[SIR GEORGE INNES;—24 *February*, 1876.]

WHEREAS it is expedient further to amend the Law of Evidence Preamble.
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
5 authority of the same as follows :—

1. The parties to any action for breach of promise of marriage Parties to actions for
shall be competent to give evidence in such action breach of promise of
Provided always marriage may be
that no plaintiff in any action for breach of promise of marriage shall witnesses.
recover a verdict unless his or her testimony shall be corroborated by
10 some other material evidence in support of such promise.

2. Every person called on behalf of an accused person as a Witnesses to
witness to his character shall be permitted to give evidence not only character.
as to the general repute if any of the accused but also as to the witness's
own knowledge of his habits disposition and conduct And the like
15 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.

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

A BILL

(As amended in Committee of the Whole Council.)

For the further amendment of the Law of Evidence.

WHEREAS it is expedient further to amend the Law of Evidence Preamble.
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
5 authority of the same as follows :—

1. The parties to any action for breach of promise of marriage Parties to actions for
breach of promise of
marriage may be
witnesses.
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
10 of such promise.

2. Every person called on behalf of an accused person as a Witnesses to
character.
witness to his character shall be permitted to give evidence not only
as to the general repute if any of the accused but also as to the witness's
own knowledge of his habits disposition and conduct And the like
15 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.

20 3. If any person called to give evidence in any Court of
Justice whether in a civil or criminal proceeding shall object to take
an oath or shall be objected to as incompetent to take an oath such
person shall if the presiding Judge or Justice is satisfied that the
taking of an oath would have no binding effect on his conscience make
25 the following promise and declaration—

“ I solemnly promise and declare that the evidence given by me
“ to the Court shall be the truth the whole truth and nothing
“ but the truth ”

And any person who having made such promise and declaration shall
30 wilfully and corruptly give false evidence shall be liable to be indicted
tried and convicted for perjury as if he had taken an oath.

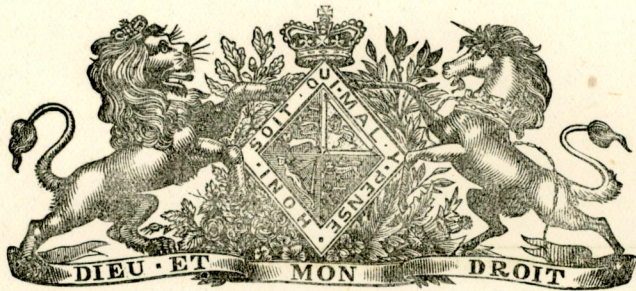
4. This Act may be cited for all purposes as the “ Evidence Short title.
Further Amendment Act 1876.”

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,
Sydney, 4th May, 1876. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO NONO

VICTORIÆ REGINÆ.

No.

An Act for the further amendment of the Law of Evidence.

WHEREAS it is expedient further to amend the Law of Evidence Preamble.
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
5 authority of the same as follows :—
1. The parties to any action for breach of promise of marriage Parties to actions for
shall be competent to give evidence in such action breach of promise of
Provided always marriage may be
that no plaintiff therein shall recover a verdict unless his or her testi- witnesses.
mony shall be corroborated by some other material evidence in support
10 of such promise.
2. Every person called on behalf of an accused person as a Witnesses to
witness to his character shall be permitted to give evidence not only character.
as to the general repute if any of the accused but also as to the witness's
own knowledge of his habits disposition and conduct And the like
15 where a person is examined respecting the character of any witness
c 96— But

Evidence Further Amendment.

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.

5 3. Whenever any person called to give evidence in any Court or before any Justice 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 a solemn promise and declaration in lieu of such oath. And any person who having made such promise and
10 declaration shall wilfully and corruptly give any false evidence shall be deemed guilty of perjury.

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

EVIDENCE FURTHER AMENDMENT BILL.

*SCHEDULE of the Amendments made by the Legislative Assembly in the Bill intituled
"An Act for the further amendment of the Law of Evidence" returned to the
Legislative Council with Message of 25th July, 1876.*

STEPHEN W. JONES,
Clerk of Legislative Assembly.

- Page 2, clause 3, line 6. *After "Justice" insert "or other person authorized to
"administer an oath"*
- „ clause 3, line 9. *Omit "a solemn" insert "the following"*
- „ „ „ *Omit "and declaration"*
- „ „ line 10. *After "oath" insert "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"*
- „ clause 3, line 12. *Omit "and declaration"*

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 4th May, 1876. }*

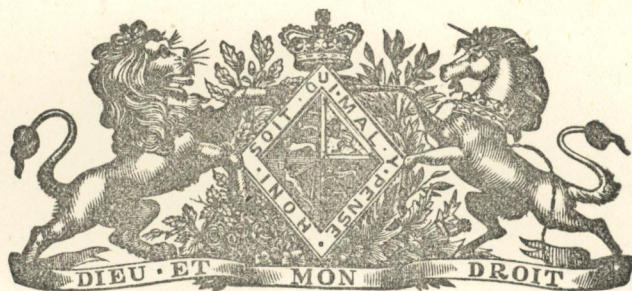
*JOHN J. CALVERT,
Clerk of the Parliaments.*

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.

*Legislative Assembly Chamber,
Sydney, 25 July, 1876. }*

*STEPHEN W. JONES,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act for the further amendment of the Law of Evidence.

WHEREAS it is expedient further to amend the Law of Evidence Preamble.

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 :—

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

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 if any of the accused but also as to the witness's own knowledge of his habits disposition and conduct. Witnesses to character. And the like where a person is examined respecting the character of any witness

c 51—

But

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Evidence Further Amendment.

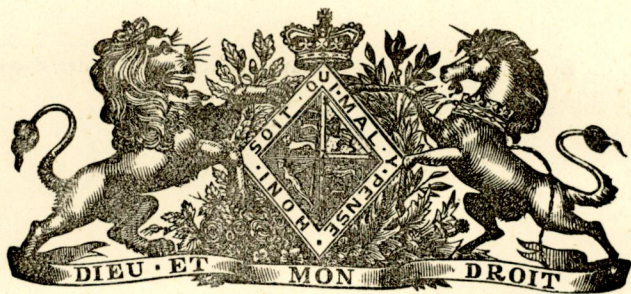
But no witness shall be allowed to state that he would not believe another on his oath and evidence to the character of the accused shall in all cases be received and dealt with as evidence on the question of his guilt.

- 5 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 a solemn ^{Declaration in lieu of oath.} the following promise and declaration in lieu
10 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 and declaration shall wilfully and corruptly give any false evidence shall be deemed guilty of perjury.
- 15 4. This Act may be cited for all purposes as the “Evidence Further Amendment Act 1876.” ^{Short title.}

[3d.]

Sydney: Thomas Richards, Government Printer.—1876.

New South Wales.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

No. VIII.

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

WHEREAS it is expedient further to amend the Law of Evidence Preamble.
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 :—

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

2. Every person called on behalf of an accused person as a Witnesses to
witness to his character shall be permitted to give evidence not only character.
as to the general repute if 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

A

But

Evidence Further Amendment.

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.

Declaration in lieu of
oath.

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.

Short title.

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

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1876.

[3d.]