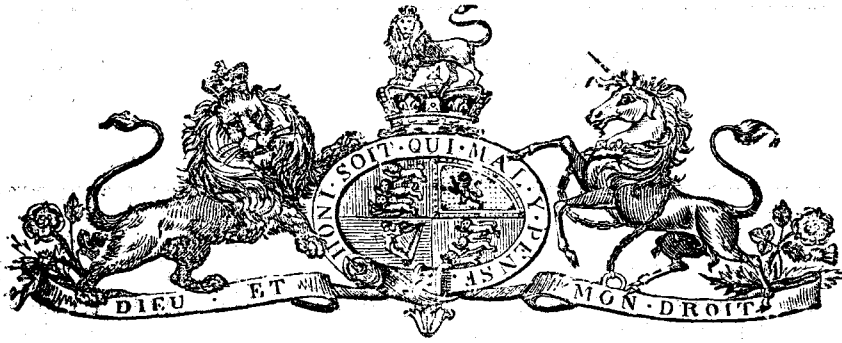


T A S M A N I A.



1 8 7 0.

ANNO TRICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 18.



AN ACT for the further Amendment of the Law of Evidence. [18 October, 1870.]

WHEREAS the discovery of truth in Courts of Justice has been **PREAMBLE.** signally promoted by the removal of restrictions on the admissibility of Witnesses, and it is expedient to amend the Law of Evidence with the object of still further promoting such discovery : Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 The Fourth Section of *An Act to amend the Law of Evidence* is hereby repealed. **Section 4 of 17 Vict. No. 15, repealed.**

2 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 in any action for breach of promise of marriage shall recover a verdict unless his or her testimony shall be corroborated by some other material evidence in support of such promise. **Parties in action for breach of promise of marriage.**

3 The parties to any proceeding instituted in consequence of adultery, and the husbands and wives of such parties, shall be competent to give evidence in such proceeding : Provided that no witness in any proceeding, whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery, unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery. **Parties and their husbands and wives to be witnesses in suits for Adultery.**

Evidence further Amendment Act, 1870.

Persons objecting to take oath may be allowed to make declaration, and be triable for Perjury.

4 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 is satisfied that the taking of an oath would have no binding effect on his conscience, make 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 wilfully and corruptly give false evidence, shall be liable to be proceeded against, tried, and convicted for Perjury as if he had taken an oath.

Short Title.

5 This Act may be cited for all purposes as “ The Evidence further Amendment Act, 1870.”