CHAP. 68.

An Act for the further Amendment of the Law of Evidence. A.D. 1869.
[9th August 1869.]

WHEREAS the discovery of truth in courts of justice has been 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 enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 4. of 14 & 15 Vict. c. 99. and part of sect 2. of 16 & 17 Vict. c. 83. repealed.

1. The fourth section of chapter ninety-nine of the statutes passed in the fourteenth and fifteenth years of Her present Majesty, and so much of the second section of the "Evidence Amendment Act, 1853," as is contained in the words "or in any proceeding instituted in consequence of adultery," are hereby repealed.

Parties in actions for breach of promise of marriage.

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 and their husbands and wives to be witnesses in suits for adultery.

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.

Persons objecting to take oath

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

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may be allowed to make declaration, and be triable for perjury.

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 indicted, 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, 1869."

Extent of Act.

6. This Act shall not extend to Scotland.

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