

SCHEDULE.

PUBLIC HOLIDAYS.

New Year's Day—or if that day falls on a Sunday the next following Monday.

Easter Monday.

Whit Monday.

The Festival of Corpus Christi.

The Day appointed to be kept as the Sovereign's Birthday.

The Day after Christmas Day, when Christmas Day falls on a Sunday.

No. 14.—1872.

1st October.

AN ORDINANCE for the further Amendment of the
Law of Evidence.

(L.S.) W. H. RENNIE, *Administrator.*

3rd October, 1872.

WHEREAS it is expedient that the law of evidence in this Colony should be further assimilated to the law of England: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

1. This Ordinance may be cited for all purposes as the "Evidence Amendment Ordinance, 1872."

2. In this Ordinance the words "Court of Justice," and the words "Presiding Judge," shall be deemed to include any person or persons having by law authority to administer an oath for the taking of evidence.

3. 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.

4. 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.

5. The parties to any information or proceeding in the Supreme Civil Court for the recovery of any penalty for the breach of any law relating to the revenue, shall be competent to give evidence in any such information or proceeding.

6. 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 the oath would have no binding effect on his or her 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 or she had taken an oath.

Passed in Council this first day of October in the year of our Lord one thousand eight hundred and seventy-two.

A. C. ROSS,
Clerk of the Council.
