

Aborigines

WESTERN AUSTRALIA

ANNO TRIGESIMO NONO

VICTORIÆ REGINÆ

No. 2

An Act to further amend the Law of Evidence.

[Assented to 21st December, 1875.]

Preamble

WHEREAS it is expedient further to amend the law of Evidence, by enabling certain persons to be admitted under certain circumstances to act as interpreters without taking the usual oath: Be it therefore enacted by his Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation clause

1. The word 'Court' shall include any person or persons having by law authority to administer an oath.

Aboriginal natives to be admitted as interpreters on affirmation

2. If any aboriginal native of this Colony shall be called to act as interpreter in any Court of Justice, or before any person or persons having by law authority to administer an oath, he shall be admitted to act as such interpreter in the same way as if he had taken the usual oath required of a person so called, on his making the following affirmation, that is to say:—

'I affirm that I will well and truly interpret the evidence given to the Court.'

Provision as to other persons

3. If any person, not being an aboriginal native as aforesaid, shall be called to act as interpreter as aforesaid, and 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 other person or persons having by law authority as aforesaid is or are satisfied that the taking of an oath would have no binding effect on his conscience, be admitted to act as interpreter in the same way as if he had taken the usual oath required of a person so called, on his making the following promise or declaration:—

'I solemnly promise and declare that I will well and truly interpret the evidence given to the Court.'

Such persons guilty of perjury if they falsely interpret

4. Any person who, having made such affirmation, promise, or declaration, shall wilfully and corruptly falsely interpret, shall be liable to be indicted, tried and convicted for perjury as if he had taken an oath.

WILLIAM C. F. ROBINSON,
GOVERNOR.