

No. VI.

An Act to punish false Declarations by Members of the Legislative Council, and to give certain Select Committees thereof power to examine and compel the attendance of Witnesses. [Assented to, 12th July, 1849.]

Members of the Legislative Council making false Declarations of Qualification to be deemed guilty of perjury.

7 and 8 Vic., Cap. 74.

Title in Ejectment sufficient *prima facie* Evidence.

Certain Select Committees of the Legislative Council to have power to examine, and compel the attendance of Witnesses.

False Evidence how punishable.

In Actions against the Speaker, or any Officer of the Legislative Council, the general issue may be pleaded.

BE it enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That if any person shall hereafter knowingly and wilfully make a false Declaration respecting his Qualification as an Elective Member of the Legislative Council of the said Colony, under and by virtue of the provisions of the third section of the Act of Parliament, passed in the seventh and eighth year of the reign of Her Majesty Queen Victoria, intituled, "*An Act to explain and amend the Act for the Government of New South Wales and Van Diemen's Land*," such person shall, on conviction thereof before any Court of competent Jurisdiction, be deemed to be guilty of a misdemeanor, and shall suffer the like pains and penalties as persons guilty of wilful and corrupt perjury.

II. And be it enacted, That on the trial of such misdemeanor, it shall be sufficient *prima facie* evidence that the person making such declaration is not seised of the lands or tenements in such declaration mentioned, if a title be proved in some other person which would be sufficient to maintain an ejectment for such lands or tenements against the person making such declaration.

III. And be it enacted, That all Select Committees of the Legislative Council of the said Colony, or a Quorum thereof, and of any future Council or Assembly which may be established in this Colony, to whom any private Bill, or any enquiry respecting the Qualification of a Member, shall be referred, shall have power to compel the attendance of Witnesses; and that any person refusing to attend, or to submit himself to examination, or prevaricating before such Committee or a Quorum thereof, shall be deemed guilty of a misdemeanor; and that any person wilfully and knowingly giving false evidence before such Committee or a Quorum thereof, shall be deemed guilty of wilful and corrupt perjury.

IV. And be it enacted, That in any action hereafter to be brought against the Speaker, Sergeant-at-Arms, the Clerk of the Legislative Council, or other Officer thereof, for anything done in the execution of their duty, they, or any of them, may plead the general issue and give the special matter in evidence.

CHARLES NICHOLSON,

Speaker.

Passed the Legislative Council, this fourth day of July, one thousand eight hundred and forty-nine. } In the name and on the behalf of Her Majesty, I assent to this Act.

W^M. MACPHERSON, CH^S. A. FITZ ROY,

CLERK OF THE COUNCIL. GOVERNOR.

Govt. House, Sydney, 12th July, 1849.