

## No. VI.

FALSE DECLARATIONS  
BY MEMBERS OF  
LEGISLATURE.

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.  
[12th July, 1849.]

Members of the  
Legislative Council  
making false Declara-  
tions of Qualification  
to be deemed guilty  
of perjury.

7 and 8 Vic. cap. 74.

Title in ejectment  
sufficient *prima facie*  
evidence.

Certain Select Com-  
mittees of the Legis-  
lative Council to  
have power to  
examine and compel  
the attendance of  
Witnesses.

False evidence how  
punishable.

**B**E 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.

2. 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.

3. 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 inquiry 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.

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*Administration of Criminal Justice.*

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4. 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.

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