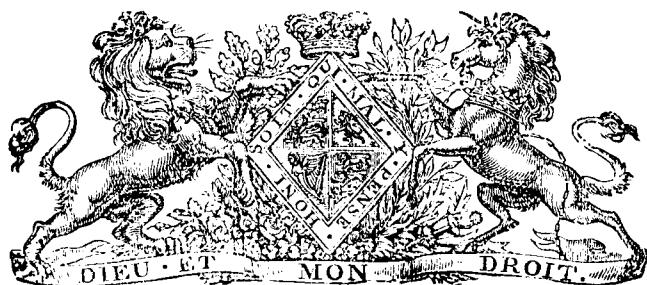


# New South Wales.



ANNO TRICESIMO QUARTO

## VICTORIAE REGINÆ.

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### No. I.

#### An Act to regulate the taking of Evidence by Commissioners under the Great Seal. EVIDENCE BY COMMISSIONERS UNDER GREAT SEAL

[3rd September, 1870.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Wheresoever by any letters patent issued or to be issued under the Great Seal of the Colony any person or persons shall have been or shall be appointed by the Governor in Council a Commission to make any inquiry it shall be lawful for the President or Chairman of such Commission or for any person so appointed as sole Commissioner to summon by writing under the hand of such President Chairman or Commissioner any person whose evidence shall in the judgment of such President Chairman Commissioner or of any member of such Commission be material to the subject matter of such inquiry to attend the said Commission at such place and time as shall be specified in such summons and any person in the Public Service required by any such summons to produce any books documents or writings in his custody or control in his capacity as a public servant shall attend and produce the same before such Commission and any Commissioner may examine any person so summoned upon oath touching the matter to be inquired into by such Commission.

Power of President  
&c. of Commission to  
send for persons and  
papers and administer  
oath.

2. Every person who shall have been served with any such summons whether personally or by the same having been left at his usual place of abode and who shall not attend before such Commission as aforesaid or shall refuse to be sworn or to answer any question put to him shall be liable to a fine not exceeding £100.

Penalty for non-  
attendance or refusal  
to give evidence.

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to him by any such Commissioner touching the subject of inquiry and every person in the Public Service having the custody or control of any books documents or writings required to be produced by any such summons as aforesaid who shall neglect to produce the same at the time and place specified in such summons shall be liable to a penalty not exceeding *twenty pounds* to be recovered in a summary way before any two Justices of the Peace.

Expenses of  
witnesses.

3. The Governor in Council may by regulation under this Act fix a scale of allowances to be paid to any witness summoned as aforesaid for his travelling expenses and maintenance whilst absent from his usual place of abode and the claim to allowance of any such witness certified by the President or Chairman of such Commission or by a sole Commissioner as the case may be shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund or such fund as may be set apart by Parliament for the purposes of the Commission.

Duration of Act.

4. And be it further enacted that this Act shall be and continue in force until the first day of December one thousand eight hundred and seventy and no longer.

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