

ANNO QUADRAGESIMO QUARTO  
VICTORIÆ 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;  
[23rd June, 1880.]

**W**HEREAS it is expedient to re-enact certain provisions of an Preamble.  
Act passed in the thirty-fourth year of Her present Majesty numbered one and intituled "*An Act to regulate the taking of evidence by Commissioners under the Great Seal*" Be it therefore 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. Whenever 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 required by any such summons to produce any books documents or writings in his custody or control shall attend and produce the same before such Commission and any Commissioner may examine upon oath any person appearing as a witness whether so summoned or appearing without summons touching the matter to be inquired into by such Commission And every such Commissioner shall in the exercise of his duty as such Commissioner have the same protection and immunity as a Judge of the Supreme Court And any witness appearing before any such Commissioner shall have the same protection and be subject to the same liabilities in any civil or criminal proceeding as a witness giving evidence in any case tried in the Supreme Court.

Power of President  
&c. of Commission to  
send for persons and  
papers and adminis-  
ter 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 without reasonable excuse shall fail to attend before such Commission as aforesaid or shall refuse to be sworn or to answer any question put to him by any such Commissioner touching the subject of inquiry and every person 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.

Penalty for non-  
attendance or refusal  
to give evidence.

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*Census.*

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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 out of the Fund (if any) to be set apart by Parliament for the purposes of the Commission.

When this Act or  
certain provisions  
thereof shall not be  
applicable to  
Commissions.

4. If in any Letters Patent as aforesaid to be issued after the passing of this Act it shall be declared that all or any specified sections of this Act shall not be applicable for the purposes of the inquiry delegated by such Letters Patent then all such sections or such specified sections (as the case may be) shall with respect to such inquiry be taken to be wholly inoperative.

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