

ACT No. XV. OF 1854.

[Received assent of G. G. on the 21st July, 1854.]

Recites a Commission and expediency of vesting Commissioners with powers.

1. *Prescribes oath to be taken by Commissioners.*
2. *Empowers them to summon witnesses with papers.*
3. *In order to procure discovery provides for indemnification of witnesses.*
- 4, 5, 6. *Empowers Commissioners to examine witnesses on oath, &c. and (5) on default of witness to appear or refusal to answer, to punish witness and (6) makes the giving of false evidence perjury.*
7. *Limits right of action against Commissioners to six calendar months after Act done.*
8. *In case of death of one Commissioner, survivor may execute Commission.*

An Act to facilitate the proceedings of the Commissioners appointed to inquire into certain matters connected with the position of Sir James Brooke, Her Majesty's Commissioner and Consul General in Borneo.

Whereas the Governor General of India in Council has, by a Commission bearing date the seventh day of July, in the year of our Lord One thousand Eight hundred and Fifty-four,

nominated and appointed Charles Robert Prinsep, Esq., Barrister at-Law and Advocate-General of Fort William in Bengal, and the Hon'ble Humphrey Bohun Devereux, in the Civil Service of the East India Company on their Bengal Establishment, to inquire into certain matters connected with and arising out of the position of Sir James Brooke, Her Majesty's Commissioner and Consul General in Borneo; and whereas it is expedient that the Commissioners aforesaid should be invested with certain legal powers within the territories in the possession and under the Government of the East India Company, It is enacted as follows:

I. Each of the said Commissioners shall, before beginning
Commissioners to be sworn. to act in the execution of the Commission
aforesaid, take and subscribe, before one of
the Judges of Her Majesty's Supreme Court of Judicature, at
Fort William in Bengal, the following oath, that is to say:—

“I do swear, that I will truly and faithfully, accord-
ing to the best of my knowledge and judgment, execute the
powers and trusts vested in me by the Governor General of
India in Council, by a Commission bearing date the Seventh day
of July, in the year of our Lord one thousand eight hundred
and fifty-four, and by Act No. XV. of 1854. So help me God.”

And the Judge of the Supreme Court, before whom such oath
shall be taken, shall transmit the same to the Secretary to the
Government of India in the Foreign Department, to be filed
among the records of his office.

II. It shall be lawful for the Commissioners aforesaid, by a
To summon witnesses,
&c. summons under their hands, or under the
hand of either of them, to require the
attendance before them, at a time and place to be mentioned in
such summons, of any person or persons whomsoever, residing
or being within the Jurisdiction of the Court of Judicature of
the Settlement of Prince of Wales' Island, Singapore and
Malacca, whose evidence shall, in the judgment of the Commis-
sioners aforesaid, be material to any of the matters directed by
the Governor General of India in Council to be enquired of, and
to require the person or persons so summoned to bring and pro-
duce before them all such books, papers, deeds and writings, as
to them, the said Commissioners, shall appear necessary for

arriving at the truth of the matters directed to be enquired into
by the said Commissioners, all which persons shall accordingly
attend the said Commissioners and shall produce such books,
papers, deeds and writings as shall be required of them and
shall be in their custody and control, or in the custody and con-
trol of any one of them, according to the tenor of the summons.
Provided always that no person shall be compellable to answer any
question or to produce any book, paper, deed or writing, the
answer to which, or the production of which, may criminate or
tend to criminate such person, or to expose such person to any
pains or penalties.

III. And whereas it may appear to the Commissioners aforesaid desirable to examine as witnesses several persons touching the matters directed to be enquired into, the evidence of which persons may tend to expose them to penal consequences, every person who shall be examined as a witness and give evidence before the Commissioners aforesaid touching the matters in question, and who shall, upon such examination make a true discovery to the best of his knowledge touching all matters to which he or she shall be so examined, shall be freed from all penal actions, forfeitures, punishments, disabilities and incapacities and all criminal prosecutions to which he or she may have been, or may become, liable or subject within any part of the said territories in the possession and under the Government of the East India Company for any thing done by such person in respect of any acts relating to which he shall be examined. Provided that where any witness shall be so examined as aforesaid, such witness shall not be indemnified under this Act, unless or until he or she shall receive from the Commissioners aforesaid, under their hands, a certificate in writing, stating that such witness has upon his or her examination made a true disclosure touching all matters to which he or she has been so examined.

IV. It shall be lawful for the Commissioners aforesaid, or one of them, to administer an oath, or in the case of persons allowed by law to make affirmation instead of taking an oath, an affirmation, in such form as to them, the said Commissioners, shall seem fit, to all persons who shall be examined before them touching the matters

directed, or which may be directed to be enquired into, by them as aforesaid.

V. If any person, upon whom any such summons shall be served by the delivery thereof to him or her, or by the leaving thereof at his or her usual place of abode, being a person subject to the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore or Malacca, shall, without reasonable cause (to be allowed by the Commissioners aforesaid,) fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be,) or shall not make answer to such questions as shall be put to him or her touching the matters directed, or which may hereafter be directed, to be inquired into by the Commissioners aforesaid, or shall refuse or fail, without reasonable cause (to be allowed by the Commissioners aforesaid,) to produce and show to the said Commissioners any such paper, book, deed or writing being in their possession or under their control, as to the Commissioners aforesaid shall appear necessary for arriving at the truth of the matters directed to be inquired into by them, the Commissioners aforesaid shall have the same powers in all respects touching any such persons so failing to appear, or refusing to be sworn or to make affirmation, or not answering such questions as shall be put to him or her, or refusing to produce and show any such book, paper, deed or writing as aforesaid, as the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence on any issue joined in any action depending in such Court.

VI. Every person, who upon examination upon oath, or affirmation before the Commissioners aforesaid, shall wilfully give false evidence, shall be liable to the pains and penalties of perjury.

VII. No action shall be brought against the Commissioners aforesaid, or any other person or persons whomsoever, for anything done in the execution of this Act, unless such action shall be brought within six calendar months next after the doing of such thing.

VIII. In case of the death or resignation of either of the

In what cases one Commissioner may act. said Commissioners, or in the event of either of them becoming incapable of acting, it shall be lawful for the other Commissioner to act alone; and every part of this Act, shall be deemed to apply to such Commissioner as if he alone had been mentioned herein.
