

*Repealed by Ord 5 of 1933*

**CHAPTER 258.**

**COMMISSIONERS (EXAMINATION OF  
(WITNESSES.)**

[No. I of 1862.]

[2nd April, 1862.]

Short title.

**1.** This Ordinance may be cited as the Commissioners (Examination of Witnesses) Ordinance.

Power to Commissioners of Inquiry to summon witnesses and examine them upon oath.

**2.** All commissioners at any time appointed by the Governor under the public seal of the colony to inquire into the conduct of any public officer, or into any matter relating to the public service, or into any matter of public interest or concern, may summon all witnesses when they consider necessary, and who they have reason to believe will not attend voluntarily, and may examine every witness upon oath touching the subject-matter of the inquiry.

Mode of giving evidence.

**3.—(1)** Every witness examined in pursuance of this Ordinance shall, if so directed by the commissioners, give his evidence upon oath, which may be administered by any one of the commissioners.

**(2)** Every witness who wilfully gives false evidence shall be deemed guilty of perjury and liable to punishment accordingly.

Service of process.

**4.—(1)** All summonses issued under this Ordinance shall be served and executed by the registrar, or one of the marshals, of court.

**(2)** For the making and service of each copy of a summons, the registrar shall be allowed to charge the sum of fifty cents and no more, and for travelling expenses or distance money the fees prescribed by rules of court.

Liability to punishment of witness in contempt :

**5.** If a witness residing in any part of the colony whose evidence is required before any commissioners of inquiry refuses or neglects to attend without lawful excuse, or

refuses to be sworn or to give evidence when sworn, or is guilty of any other contempt or of disobedience to the lawful order of the commissioners, a judge of the Supreme Court may, on application made to him by any person interested in the proceedings, cause the witness to be brought before him, and sentence the witness to a fine not exceeding ninety-six dollars, and to imprisonment for any term not exceeding thirty days unless the fine is paid, and make any order as to costs to him seeming proper :

Provided that no process shall issue against any witness aforesaid unless the judge is satisfied that he was duly summoned, and that a sum had been tendered to him or lodged with the registrar sufficient for the payment of his reasonable travelling expenses, and for his remuneration at a daily rate according to the scale in force for the payment of witnesses summoned before the Supreme Court in its criminal jurisdiction. Proviso.

6. All witnesses summoned by any commissioners of inquiry under this Ordinance shall be paid from and out of the vote for the contingent expenses of justice, upon the warrant of the Governor, on their bills being duly taxed by the registrar of court according to the scale of fees prevailing in that Court. Payment of witnesses.

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