ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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C A P. LXIII.

An Act to enable Commissioners appointed to inquire into the Failure of the Bank of *Bombay* to examine Witnesses on Oath in the United Kingdom. [16th *July* 1868.]

WHEREAS under an Act of the Governor General of *India* in Council passed in the present Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to appoint a Commission to inquire into the Failure of the Bank of* Bombay, Commissioners have been appointed for the Purpose of inquiring into and reporting on the Causes of the Inability of the Bank of *Bombay* to pay its Debts, and the Circumstances attending such Inability, and to report thereon to the Governor General of *India* in Council, and by the said Act Powers were given to the said Commissioners to examine on Oath Witnesses in *India* in relation to the said Matters:

And whereas it is expedient that the said Commissioners, or any One or more of them, shall have Power to act in the United Kingdom for the Purposes for which the said Commissioners have by the said Act been appointed to act in *India*, and that such One

or more of the said Commissioners as shall act in the United Kingdom shall have such Powers, Rights, and Privileges as are herein-after given to him and them:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power for the Commissioners to act in United Kingdom.

1. The Commissioners for the Time being appointed under the said Act, or any One or more of them, may act in the United Kingdom for the Purposes for which the said Commissioners were by the said Act so as aforesaid appointed to act in *India*.

Commissioners to have Powers in the United Kingdom.

2. Such One or more of the said Commissioners as shall act in the United Kingdom shall have all such Powers, Rights, and Privileges as are vested in any of Her Majesty's Superior Courts, or in any Judge thereof, on the Occasion of any Action or Suit in respect of the following Matters:

1. The enforcing the Attendance of Witnesses and examining them on Oath, Affirmation, or otherwise, as he or they may think fit:
2. The compelling the Production of Documents:
3. The punishing Persons guilty of Contempt:

And a Summons under the Hand or Hands of the Commissioner or Commissioners acting in the United Kingdom may be substituted for and shall be equivalent to any Form of Process capable of being issued at Law in any Action or Suit for enforcing the Attendance of Witnesses or compelling the Production of Documents.

Any Warrant of Committal to Prison issued for the Purpose of enforcing the Powers conferred by this Section shall be under the Hand or Hands of the Commissioner or Commissioners acting in the United Kingdom, and shall specify the Prison to which the Offender is to be committed, and shall not authorize the Imprisonment of any Offender for a Period exceeding Three Calendar Months.

Every Inquiry under this Act shall be conducted in public, and due Notice shall be given of the Time and Place of holding the same, but with Power to the Commissioner or Commissioners acting in the United Kingdom to adjourn any Meeting as Occasion may require.

Indemnity to Witnesses.

3. Any Person examined as a Witness in an Inquiry under this Act, who in the Opinion of the Commissioner or Commissioners acting in the United Kingdom makes a full and true Disclosure touching all the Matters in respect of which he is examined, shall receive a Certificate under the Hand or Hands of such Commissioner or Commissioners, stating that the Witness has upon his Examination

tion made a full and true Disclosure as aforesaid; and if any Criminal Proceeding be at any Time thereafter instituted against such Witness in respect of any Matter touching which he has been so examined, the Tribunal before which such Proceeding is instituted shall, on the Production and Proof of the Certificate, stay the Proceeding.

Provided that no Evidence taken under this Act shall be admissible against any Person in any Criminal Proceeding whatever, except in the Case of a Witness who may be accused of having given false Evidence before such Commissioner or Commissioners. And no Person shall be excused from answering any Question put to him by such Commissioner or Commissioners on the Ground of any Privilege, or on the Ground that the Answer to such Question will tend to criminate such Person.

Penalty for false Swearing, &c.

4. Every Person who upon Examination upon Oath or Affirmation in any Inquiry under this Act wilfully gives false Evidence shall be liable to the Penalties of Perjury.

Expenses of Witnesses.

5. The reasonable Expenses incurred by any Person who may be summoned to give Evidence in any Inquiry under this Act according to a Scale to be approved by the Secretary of State in Council of *India* may be allowed to such Person by a Certificate under the Hand or Hands of the Commissioner or Commissioners acting in the United Kingdom, and shall be paid by the Secretary of State in Council of *India* out of the Revenues of *India*.

Protection to the Commissioners.

6. The Commissioner or Commissioners acting in the United Kingdom shall have such and the like Protection and Privileges in case of any Action brought against him or them for any Act done or omitted to be done in the Execution of his or their Duty as is now by Law given by any Act or Acts now or hereafter to be in force to Justices acting in execution of their Office.

Limitation of Actions.

7. No Action shall be brought against the Commissioners acting under this Act, or any of them, or any other Person whomsoever, for anything done in the Execution of their or his Duty under this Act, unless such Action be brought within Three Calendar Months next after the doing of such Thing.

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