

No. 11. *Commissioners' Powers Conferment of.* 1937.

TRINIDAD AND TOBAGO.

(Published as a Supplement to the "Gazette Extraordinary" issued on the  
1st September, 1937.)

No. 11—1937.

*Repealed by sec: 21 of Ord 35 of 1938*

I ASSENT,

[L.S.]

M. FLETCHER,  
*Governor*  
28th August, 1937

*1st September, 1937.*

AN ORDINANCE to confer certain powers on the Commissioners appointed by the Secretary of State to enquire into and report upon the origin and character of the recent disturbances in the Colony, and other kindred matters.

WHEREAS the Secretary of State has appointed JOHN FORSTER, Barrister-at-Law, Sir ARTHUR PUGH, Knight, Commander of the Most Excellent Order of the British Empire, Justice of the Peace, THOMAS FITZGERALD, Companion of the Most Distinguished Order of St. Michael and St. George, Officer of the Most Excellent Order of the British Empire, KENNETH VINCENT BROWN, one of the Puisne Judges of Trinidad and Tobago, and GWILYM ARTHUR JONES, Commissioner of Agriculture of the Imperial College of Tropical Agriculture, Trinidad, to be Commissioners to enquire into and report upon the origin and character of the recent disturbances in the Colony and all matters relating thereto, to consider the adequate steps to be taken to deal with these disturbances, and to make recommendations

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And Whereas it is expedient to confer certain powers on the said Commissioners.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

- Short title.** 1. This Ordinance may be cited as the Commissioners' Powers (Conferment of) Ordinance, 1937.
- Definition.** 2. The said Commissioners, JOHN FORSTER, Barrister-at-Law, Sir ARTHUR PUGH, Knight, Commander of the Most Excellent Order of the British Empire, Justice of the Peace, THOMAS FITZGERALD, Companion of the Most Distinguished Order of St. Michael and St. George, Officer of the Most Excellent Order of the British Empire, KENNETH VINCENT BROWN, one of the Puisne Judges of Trinidad and Tobago, and GWILYM ARTHUR JONES, Commissioner of Agriculture of the Imperial College of Tropical Agriculture, Trinidad, are hereinafter called "The Commissioners".
- Quorum.** 3. Any two Commissioners shall be a quorum and may exercise the powers given by this Ordinance.
- Powers of Commissioners with regard to summoning witnesses, production of evidence, &c.** 4. The Commissioners shall have the following powers:—
- (a) to procure all such evidence, written or oral, and to examine all such persons as witnesses as the Commissioners may think it necessary or desirable to procure or examine;
  - (b) to require the evidence (whether written or oral) of any witness to be made on oath or declaration, such oath or declaration to be that which could be required of the witness if he were giving evidence in the Supreme Court;
  - (c) to summon any person in the Colony to attend any meeting of the Commissioners to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;

- (d) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the Commissioners, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding twenty-four dollars; such fine shall be recoverable in the same manner as a fine imposed by the Supreme Court;
- (e) to fine in a sum not exceeding twenty-four dollars any person who being required by the Commissioners to give evidence on oath or declaration or to produce a document or other thing, refuses to do so and does not excuse such refusal to the satisfaction of the Commissioners; such fine shall be recoverable in the same manner as a fine imposed by the Supreme Court:
- Provided always that, if any witness objects to answer any question on the ground that it will tend to incriminate him or on any other lawful ground, he shall not be required to answer the question nor be liable to any penalties for refusing to answer;
- (f) to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;
- (g) to admit or exclude the public from any meeting of the Commissioners;
- (h) to admit or exclude the press from any meeting of the Commissioners;
- (i) to award any person who has attended any meeting of the Commissioners, including any interpreter appointed under Section 5 of this Ordinance, such sum or sums as in the opinion of the Commissioners may have been reasonably incurred by him by reason of such attendance.

Interpreters.

5. (1) The Commissioners shall have the power to appoint any person, whether in the Government service or not, to act as interpreter in any matter brought before them and to translate any books, papers or writings produced to them.

(2) Any interpreter under this section shall take and subscribe the following oath, or, as the case may be, make and subscribe before the Commissioners the following affirmation or declaration, viz.:—

"I, ..... do swear (or solemnly affirm or declare) that I will faithfully perform the duties of interpreter, and will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and that I will not except as authorized by the Commissioners directly or indirectly reveal the contents of such documents as may be entrusted to me, nor the evidence given by witnesses which may have been interpreted by me."

Allowances to witnesses, interpreters, &amp;c.

6. Any sums awarded by the Commissioners under Section 4 (i) of this Ordinance shall be paid out of the public funds of the Colony.

False evidence and false interpretation.

7. (1) Any person who shall give false evidence before the Commissioners, upon oath or declaration as provided for in Section 4 (b) of this Ordinance, shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding two years.

(2) Any person who, being appointed by the Commissioners to act as interpreter in any matter brought before them or to translate any documents produced to them, and having taken the oath or made the affirmation or declaration prescribed in Section 5 of this Ordinance, shall wilfully give a false interpretation of any evidence or make an untrue translation of any such document, shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding two years.

Use of evidence taken under this Ordinance in Judicial Proceedings.

8. No evidence taken under this Ordinance shall be admissible against any person in any civil or criminal proceeding whatever, except in the case of a person charged under Section 7 of this Ordinance with giving false evidence before the Commissioners.

**9. (1)** Any person who threatens, insults or injures any person for having given evidence, or on account of the evidence which he has given before the Commissioners, shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding two years. Penalty for threats, &c., to witnesses.

(2) Any person who hinders or attempts to hinder any person from giving evidence before the Commissioners or by threats deters or attempts to deter any person from giving such evidence, shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding two years.

**10.** Any person who commits an act of contempt as defined hereafter against the Commissioners or any of them is guilty of an offence and shall be liable to a fine not exceeding four hundred and eighty dollars or to imprisonment for a term not exceeding three months. Penalty for contempt.

**11.** The following shall be deemed to be an act of contempt within the meaning of Section 10 hereof:— Definition of contempt.

(i) Any act of disrespect and any insult or threat offered to the Commissioners or any of them while sitting in Commission;

(ii) Any act of disrespect and any insult or threat offered to a Commissioner at any other time and place on account of his proceedings in his capacity as a Commissioner.

**12. (1)** Where an act of contempt is committed in the presence of the Commissioners sitting in Commission, the Commissioners may after hearing the offender in his defence pass sentence upon him forthwith in accordance with Section 10 hereof. Method of dealing with contempt.

(2) In any other case the Commissioners may summon the offender to appear before them at a time and place to be specified in such summons, there to show cause why he should not be judged to have committed an act of contempt and be dealt with accordingly.

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(3) If any person who has been summoned in accordance with sub-section (2) hereof fails to attend at the time and place specified in the summons, the Commissioners may issue a warrant to compel the attendance of such person and order such person to pay all costs which may have been occasioned in compelling his attendance and may also fine such person a sum not exceeding twenty-four dollars, such fine to be recoverable in the same manner as a fine imposed by the Supreme Court.

Passed in Council this twenty-seventh day of August, in the year of Our Lord one thousand nine hundred and thirty-seven.

W. E. BOARDMAN,  
*Clerk of the Council.*