

the Court, then, after proof of service of the summons, the Court may issue a warrant to compel his attendance.

(6.) Where it is proved that he will not attend to give evidence unless compelled to do so, the Court may issue a warrant in the first instance.

(7.) In civil cases any Court may, where the circumstances appear to justify it, order that the expenses of a witness, on his appearing to give evidence, shall be defrayed by the parties, or any of them.

(8.) A person attending to give evidence before the Court shall not be compelled or allowed to give any evidence, or produce any document, if, in the opinion of the Consul signified by him personally or in writing to the Court, the giving or production thereof would be injurious to His Majesty's service.

82.—(1.) Any person appearing before the Court to give evidence in any case, civil or criminal, may be examined or give evidence on oath in the form or with the ceremony that he declares to be binding on his conscience.

(2.) Any British subject wilfully giving false evidence in any suit or proceeding, civil or criminal, or any arbitration, or in any affidavit, shall be deemed guilty of wilful and corrupt perjury.

83.—(1.) The provisions of "The Evidence Act, 1851" (14 and 15 Vict., cap. 99), sections 7 and 11, relating to the proof of judicial and other documents, shall extend and be applied for all purposes as if Brunei were a British Colony.

(2.) The following Acts, namely:—

"The Foreign Tribunals Evidence Act, 1856;"

"The Evidence by Commission Act, 1859;"

"The Evidence by Commission Act, 1885;"

or so much thereof as is for the time being in force, and any enactment for the time being in force, amending or substituted for the same, are hereby extended to Brunei and the Court, with the adaptations following, namely:—

In the said Acts, the Consul is hereby substituted for a Supreme Court, or the Judge of a Court in a Colony.

(3.) The following Acts, namely:—

"The British Law Ascertainment Act, 1859;"

"The Foreign Law Ascertainment Act, 1861;"

or so much thereof as is for the time being in force, and any enactment for the time being in force, amending or substituted for the same, are hereby extended to Brunei and the Court, with the adaptations following, namely:—

In the said Acts the Consul is hereby substituted for a Superior Court in a Colony.

PART VI.—FOREIGNERS.

84.—(a.) Where a foreigner desires to institute an action against a British subject, or a British subject desires to institute an action against a foreigner, the Court may hear and determine it in accordance with the provisions of this Order.

(b.) Provided that the foreigner (i) first files in the Court his consent to the jurisdiction of the Court; and (ii) also, if required by the Court obtains and files a certificate in writing from a competent authority of his own Government to the effect that no objection is made by that Government to the foreigner submitting in the particular cause or matter to the jurisdiction of the Court; and (iii) also, if required by the Court, gives security, to the satisfaction of the Court, to such reasonable amount as the Court directs by deposit money or otherwise, to pay fees, costs, damages, and expenses, and to abide by and perform the decision to be given by the Court or on appeal.

(c.) A counter-claim or cross-suit cannot be brought or instituted in the Court against a plaintiff, being a foreigner.

85. When, pursuant to the agreement dated the seventeenth September, one thousand eight hundred and eighty-eight, between Her late Majesty Queen Victoria and the Sultan of Brunei, a civil proceeding is brought by a native against a British subject, an officer appointed by the Government of the Sultan shall be entitled to be present at, and to take part in, the proceedings, but shall have no voice in the decision.

PART VII.—DEPORTATION AND REMOVAL.

86.—(1.) Where it is shown on oath to the satisfaction of the Court that there is reasonable ground to apprehend that any British subject in Brunei is about to commit or cause a breach of the public peace, the Court may cause him to be brought before it and require him to give security to the satisfaction of the Court to keep the peace, or for his future good behaviour, as the case may require.

(2.) Where any British subject is convicted under this Order of any crime or offence, the Court may require him to give security to the satisfaction of the Court for his future good behaviour.

(3.) In either of these cases, if the person required to give security fails to do so, the Court may order that he be deported from Brunei to such place as the Court directs.

(4.) The place shall be a place in some part of His Majesty's dominions, the Government whereof consents to the reception therein of persons deported under this Order.

(5.) The person to be deported shall be detained in custody until a fit time and opportunity for his deportation arrives.

(6.) The Consul may order that the person to be deported do pay all or any part of the expenses of, or preliminary to, his deportation.

(7.) The Consul shall forthwith report to the Secretary of State any order of deportation made or confirmed by him, and the grounds thereof.

(8.) Where any person is deported to Singapore, he shall, on his arrival there, be delivered, with the warrant under which he is deported, into the custody of the Superintendent of Prisons of Singapore, who, on receipt of the person deported, with the warrant, shall detain him, and shall forthwith report the case to the Governor, who shall either, by warrant if the person is a native of the United Kingdom and if the circumstances of the case appear to make it expedient, cause the person so deported to be taken to England, and in the meantime to be detained in custody (so that the period of such detention do not exceed three months), or else shall discharge him from custody.

(9.) If any person deported returns to Brunei without the permission of the Secretary of State, or of the Consul, in writing under his hand, he shall be guilty of an offence against this Order, and shall be liable, on conviction, to imprisonment for any term not exceeding one month, with or without hard labour, and with or without a fine not exceeding two hundred dollars, or to a fine not exceeding two hundred dollars, without imprisonment, and also to be forthwith again deported in manner hereinbefore provided.

87.—(1.) Whenever under this Order any person is to be sent, removed, or deported from Brunei, the Court shall for that purpose (if necessary) cause him to be embarked on board one of His Majesty's vessels of war, or if there