ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

CAP. XXII.

An Act to authorize His Majesty to appoint Commissioners for the more effectual Examination of Accounts of Publick Expenditure for His Majesty's Forces in the *West Indies* during the present War.

[31st *December* 1800.]

Preamble.

WHEREAS it is expedient that Provision should be made for the speedy and effectual Examination on the Spot of the Accounts of the several Commissaries and other Persons in Publick Employments, who have been or who may be entrusted with the Expenditure of the Publick Money during the present War, in any of the Islands in the *West Indies*, or with any of His Majesty's Forces serving out of this Kingdom; for the Information of the Commissioners for auditing the Publick Accounts, and for the better enabling of the said Commissioners to investigate such Accounts, be it therefore enacted by the King'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, That, from and after the passing of this Act, it shall be lawful for His Majesty to nominate and appoint, by Commission under the Great Seal of *Great Britain*, such and such Number of Persons, not exceeding Five, to be Commissioners

His Majesty may appoint Five Commissioners for examining the Accounts of Commissaries

and others employed in the *West Indies* and on Foreign Service, and making Reports thereon to the Commissioners for auditing Publick Accounts.

Commissioners for examining and investigating the Publick Accounts, of all the Commissaries and other Persons who have been or who may be concerned in the Expenditure of Publick Monies during the present War, in any of the Islands in the *West Indies*, or who have been or may be employed with any of His Majesty's Forces, on any Foreign Service or Station, and making Reports thereon, to the Commissioners for auditing the Publick Accounts: Provided always, That the Governor, or in the Absence of the Governor, the Lieutenant Governor, or Person acting as Governor, and the Commander in Chief of His Majesty's Forces for the Time being, if any such there be in the Island or Place where any Investigation under the Authority of this Act shall take place, and where such Commissioners shall for the Time being act in the Execution of their Offices, shall be of the Number of such Commissioners.

The Governor, *etc.* of the Place, shall always be One.

The Treasury may appoint Officers and Clerks to assist the Commissioners, and allow them Salaries.

II. And be it further enacted, That the Lord High Treasurer, or the Commissioners of the Treasury, or any Three of them, for the Time being, shall be, and he or they are hereby authorized to appoint such Officers and Clerks and other Persons, to aid and assist such Commissioners as aforesaid, in the Execution of their Offices, as shall appear to them to be necessary from Time to Time, with such Salaries to each as they shall judge proper, and to allow such reasonable Sums as to them shall seem fit, from Time to Time, for incidental Charges to be incurred therein; and such Officers, Clerks, and other Persons, shall not in any case whatever, be entitled to, or take, or receive, any Fees, Gratuities, or Perquisites whatever.

Commissioners may call before them all Persons concerned in the Expenditure of Publick Monies, or in furnishing Stores, *&c.*

III. And be it further enacted, That the said Commissioners, or any Two of them, shall be, and they are hereby authorized and required to call before them by Precepts, under the Hands of any Two or more of such Commissioners, all Persons who shall in any Case have been concerned in the Expenditure of any Publick Money, or who shall have been in any way concerned in the supplying or furnishing any Money, Bills, Provisions, Stores, or other Articles for the Publick Service, or any Person who in their Judgement may be likely to give useful Information on the Subject of any Enquiry which may be depending in any such Island or Place aforesaid, or in negociating Bills, and the Agents, Clerks, and Servants of any such Persons aforesaid, to attend upon them personally from Time to Time, as they shall be required, and to exhibit to them the said Commissioners, or any Two or more of them, all such Accounts, Books, Certificates, Warrants, Muniments, Receipts, Bills of Exchange, Notes, or other Papers whatever, in the Possession of any such Person or Persons, or of any other Person or Persons for him, her, or them, which to such Commissioners, or any Two or more of them, shall appear to be necessary for the Purpose of their Examination of any Expenditure of any Publick Monies, or for the Investigation of any Publick Accounts, or of the Rate of Exchange, at which Bills have been or may be drawn, or for the due Execution of any of the Duties imposed upon any such Commissioners aforesaid.

Persons refusing to appear, or to produce Accounts, or answer Questions, may be proceeded

IV. And be it further enacted, That if any Person or Persons summoned to appear before such Commissioners, or any Two of them, shall neglect or refuse to appear before such Commissioners as aforesaid, or any Two of them, or to bring or produce any Accounts, Books, Certificates;

tificates, Warrants, Muniments, Receipts, Bills of Exchange, Notes, or other Papers whatever, that ſhall be in his, her, or their Poſſeſſion or Cuſtody, or in the Cuſtody or Poſſeſſion of any other Perſon or Perſons for him, her, or them, or ſhall refuſe to anſwer to ſuch Commiſſioners, or any Two of them, any Queſtion on Oath or Affirmation, touching or concerning any Matter or Thing relating to any ſuch Accounts, Books, Certificates, Warrants, Muniments, Receipts, Bills of Exchange, or other Papers, or ſhall refuſe to anſwer any Queſtion on Oath or Affirmation, relating to any Matter or Thing in anywiſe reſpecting the Expenditure of the Publick Money inquired of by the ſaid Commiſſioners, or any Two of them, or in the Execution of their Office under this Act, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners to make or cauſe to be made ſummary Application to any Court or Courts of Juſtice in any ſuch Iſland or Place aforeſaid, in that Behalf, if any ſuch Court ſhall be then ſitting, or if no ſuch Court ſhall be then ſitting, then ſuch Application ſhall be made to the Chief Juſtice or other Judge of any ſuch Court, and every ſuch Court or Chief Juſtice or Judge reſpectively, is hereby authorized and ſtrictly required, on ſuch Application ſo made as aforeſaid, to iſſue ſuch ſpecial Proceſs againſt the Perſon or Perſons who ſhall have been guilty of ſuch Default as aforeſaid, as ſuch Court or Chief Juſtice or Judge may deem neceſſary, to compel the Appearance before ſuch Commiſſioners of any ſuch Perſon or Perſons, or the Production of any ſuch Accounts, Books, Certificates, Warrants, Muniments, Receipts, Bills of Exchange, or other Papers as aforeſaid, or to compel ſuch Perſon or Perſons to anſwer any ſuch Queſtion or Queſtions as aforeſaid; and ſuch Commiſſioners may thereupon proceed upon ſuch ſpecial Proceſs by Impriſonment of the Body of any ſuch Perſon as aforeſaid, in like Manner as any Court or Courts of Record within this Kingdom, having competent Authority for that Purpoſe, may proceed againſt any Perſon or Perſons, for any Contempt committed againſt the Authority of any ſuch Court.

againſt in Manner herein-directed.

V. And, for the rendering more effectual all ſuch Examinations as are intended to be had under this Act, be it enacted, That it ſhall and may be lawful for any ſuch Commiſſioners as aforeſaid, or any Two of them, and they are hereby reſpectively authorized and required to examine upon Oath, (which Oath they, or any Two or more of ſuch Commiſſioners, are hereby authorized to adminiſter), all Perſons whom they ſhall find occaſion to call before them, and all other Perſons whom the ſaid Commiſſioners, or any Two or more of them, ſhall think fit to examine, touching all Matters and Things neceſſary for the due Execution of the Powers veſted in any ſuch Commiſſioners as aforeſaid.

Commiſſioners may take Examinations on Oath.

VI. And be it further enacted, That in caſe any Perſon or Perſons in the Courſe of their Examination upon Oath before any ſuch Commiſſioners as aforeſaid, ſhall wilfully and corruptly give falſe Evidence, ſuch Perſon or Perſons ſo offending, and being thereof duly convicted, ſhall be, and is and are hereby declared to be ſubject and liable to ſuch Pains and Penalties as by any Law now in being in this Kingdom, or by any Law or Laws in force for the Time being, in any Iſland or Place aforeſaid, where ſuch Offence ſhall be committed, as Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Perſons giving falſe Evidence ſubject to the Puniſhment for Perjury.

VII. Pro-

Act not to affect the Powers of the Commissioners for auditing Publick Accounts,

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to the preventing the Commissioners for auditing the Publick Accounts from investigating or passing or making up any Accounts, or Declarations of Accounts, or in any Manner to the limiting the Jurisdiction, or Powers or Authorities of the Commissioners for auditing the Publick Accounts, or to the transferring to any Commissioners acting under the Authority of this Act, any of the Powers or Authorities of the Commissioners for auditing the Publick Accounts, but that, on the contrary thereof, that all Commissioners acting under the Authority of this Act shall act in Aid only of the said Commissioners for auditing the Publick Accounts, and shall, from Time to Time, whenever required so to do, by the said Commissioners for auditing the Publick Accounts, or any Three of them, transmit or deliver to such Commissioners for auditing the Publick Accounts, all Papers, Vouchers, Documents, and Examinations, procured or taken in any Investigation under this Act, for the Purpose of enabling such Commissioners for auditing the Publick Accounts finally to audit, declare, and pass such Accounts as aforesaid; and it shall be lawful for the said Commissioners for auditing the Publick Accounts to proceed therein upon any Report of any Commissioners acting under this Act, signed by any Three or more of any such Commissioners, in like Manner, in every Respect, as if the Investigation of the Accounts contained in any such Report had been made in this Kingdom, under and by virtue of any Powers or Authorities vested in such Commissioners for auditing the Publick Accounts, by an Act, passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act for better examining and auditing the Publick Accounts of this Kingdom.*

who may proceed on any Report of the Commissioners under this Act, as if Investigation had been made in this Kingdom.

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