ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

C A P. LXXXV.

An Act for the trying and puniſhing in *Great Britain* Perſons holding publick Employments, for Offences committed abroad; and for extending the Proviſions of an Act, paſſed in the Twenty-firſt Year of the Reign of King *James*, made for the Eaſe of Juſtices and others in pleading in Suits brought againſt them, to all Perſons, either in or out of this Kingdom, authorized to commit to ſafe Cuſtody.

[22d *June* 1802.]

WHEREAS Perſons holding and exerciſing publick Employments out of *Great Britain* often eſcape Puniſhment for Offences committed by them, for Want of Courts having a ſufficient Juriſdiction, in or by reaſon of their departing from the Country or Place where ſuch Offences have been committed, and that ſuch

Perſons cannot be tried in *Great Britain* for ſuch Offences as the Law now ſtands, in as much as ſuch Offences cannot be laid to have been committed within the Body of any County: And whereas it is therefore expedient that ſuch and the like Proviſions as are contained in an Act paſſed in the Eleventh and Twelfth Years of the Reign of His late Ma-
11 & 12 Gul. 3. c. 12. jeſty King *William* the Third, intituled, *An Act to puniſh Governors of Plantations of this Kingdom for Crimes by them committed in the Plantations*, and in an Act paſſed in the Thirteenth Year of the Reign of His preſent
13 Geo. 3. c. 63. Majeſty, intituled, *An Act for eſtabliſhing certain Regulations for the better Management of the Affairs of the* Eaſt India *Company, as well in* India *as in* Europe, and in an Act paſſed in the Twenty-fourth Year of the Reign
24 Geo. 3. c. 25. of His preſent Majeſty, intituled, *An Act for the better Regulation and Management of the Affairs of the* Eaſt India *Company, and of the* Britiſh *Poſſeſſions in* India, *and for eſtabliſhing a Court of Judicature for the more ſpeedy and effectual Trial of Perſons accuſed of Offences committed in the* Eaſt Indies, ſhould be extended and applied to the Puniſhment of ſuch Offenders: May it therefore pleaſe Your Majeſty that it may be enacted; and be it 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, if any Perſon who now is, or heretofore has been, or ſhall hereafter be employed by or in the Service of His Majeſty, His Heirs or Succeſſors, in any Civil or Military Station, Office, or Capacity out of *Great Britain*, or ſhall heretofore have had, held, or exerciſed, or now has, holds, or exerciſes, or ſhall hereafter have, hold, or exerciſe any publick Station, Office, Capacity, or Employment, out of *Great Britain*, ſhall have committed, or ſhall commit, or ſhall have heretofore been, or is, or ſhall hereafter be guilty of any Crime, Miſdemeanor, or Offence, in the Execution, or under Colour, or in the Exerciſe of any ſuch Station, Office, Capacity, or Employment as aforeſaid, every ſuch Crime, Offence, or Miſdemeanor may be proſecuted or enquired of, and heard and determined in His Majeſty's Court of King's Bench here in *England*, either upon an Information exhibited by His Majeſty's Attorney General, or upon an Indictment found, in which Information or Indictment ſuch Crime, Offence, or Miſdemeanor may be laid and charged to have been committed in the County of *Middleſex*, and all ſuch Perſons ſo offending, and alſo all Perſons tried under any of the Proviſions of the ſaid recited Act, paſſed in the Reign of King *William* aforeſaid, or this Act, or either of them, for any Offence, Crime, or Miſdemeanor, and not having been before tried for the ſame out of *Great Britain*, ſhall, on Conviction, be liable to ſuch Puniſhment as may, by any Law or Laws now in force, or any Act or Acts that may hereafter be paſſed, be inflicted for any ſuch Crime, Miſdemeanour, or Offence committed in *England*, and ſhall alſo be liable, at the Diſcretion of His Majeſty's Court of King's Bench, to be adjudged to be incapable of ſerving His Majeſty in any Station, Office, or Capacity Civil or Military, or of holding or exerciſing any publick Employment whatever.

Offences committed by Perſons employed in any publick Servcie abroad may be proſecuted in the Court of King's Bench in *England*; and may be laid in *Middleſex*, and the Offenders puniſhed as if the Offences had been committed in *England*.

The Court of King's Bench, on Motion,

II. And be it further enacted, That in all Caſes of Indictments found or Informations exhibited under and by virtue of this Act, it ſhall be lawful

lawful for His Majeſty's ſaid Court of King's Bench, upon Motion to be made, and ſuch Notice thereof as to the ſaid Court of King's Bench may appear to be ſufficient, by or on Behalf of His Majeſty's Attorney General or other Proſecutor, or of the Defendant or Defendants, to award at the Diſcretion of the ſaid Court, a Writ or Writs of *Mandamus* to any Chief Juſtice and Judges, or any Chief Juſtice or other Judge ſingly for the Time being, of any Court or Courts of Judicature in the Country or Iſland, or near to the Place where the Crime, Offence, or Miſdemeanor ſhall be charged in ſuch Indictment or Information to have been committed, or to any Governor or Lieutenant Governor or other Perſon having any Chief Authority in ſuch Country, Iſland, or Place, or to any other Perſon or Perſons reſiding there, as the Caſe may require, and as to the ſaid Court of King's Bench may, under all the Circumſtances of the Caſe, ſeem moſt expedient for the Purpoſe of obtaining and receiving Proofs concerning the Matters charged in any ſuch Indictment or Information; and the Perſon or Perſons to whom ſuch Writ or Writs ſhall be directed and ſent, are hereby reſpectively authorized and required to hold a Court, Seſſion, or Meeting, with all convenient Speed, for the Examination of Witneſſes and receiving other Proofs concerning the Matters charged in ſuch Indictment or Information reſpectively, and in the mean Time to cauſe publick Notice to be given of the holding the ſaid Court, Seſſion, or Meeting, and to iſſue ſuch Summons or other Proceſs as may be requiſite for the Attendance of Witneſſes, and to adjourn from Time to Time as Occaſion may require; and ſuch Examination or Examinations ſhall be then and there openly and publickly taken *viva voce* in the ſaid Court, Seſſion, or Meeting, upon Queſtions put by any ſuch Proſecutor or Proſecutors, Defendant or Defendants, or any Agent or Agents, Perſon or Perſons on Behalf of the ſaid Attorney General or other Proſecutor or Proſecutors, and Defendant or Defendants reſpectively, if any ſuch ſhall attend for that Purpoſe, and by the Court, Perſon or Perſons to whom ſuch Writ ſhall be directed and ſent as aforeſaid, upon the reſpective Oaths of Witneſſes, and the Oaths of ſkilful Interpreters if neceſſary, adminiſtered according to the Forms of their ſeveral Religions, and ſhall, by ſome Officer or Perſon ſworn for that Purpoſe, be reduced into Writing on Parchment or Paper; and in caſe any Duplicate or Duplicates ſhall be required by or on Behalf of the Proſecutor, or the Defendant or Defendants reſpectively, into Two or more Writings on Parchment or Paper, as the Caſe may require; and ſuch Examination or Examinations ſhall be ſent to His Majeſty in His Court of King's Bench cloſed up, and under the Seal or Seals of the Perſon or Perſons before whom ſuch Examination or Examinations as aforeſaid ſhall have been taken; and the Perſon or Perſons taking ſuch Examination or Examinations as aforeſaid ſhall deliver the ſame to any Perſon or Perſons appointed by the ſaid Court of King's Bench to receive the ſame, or ſhall tranſmit the ſame in ſuch Manner as the ſaid Court of King's Bench ſhall direct; and all ſuch Examinations ſhall, with all convenient Speed, be delivered to One of the Clerks in Court of His Majeſty's Court of King's Bench, in the Crown Office of the ſaid Court, for the ſafe Cuſtody thereof; and every Clerk in the ſaid Court of King's Bench, to whom any Examination or Examinations

may award a Writ of *Mandamus* to any Court of Judicature, or the Governor, *&c.* of the Country where the Offence was committed to obtain Proofs of the Matters charged in the Indictment which ſhall be done by *viva voce* Evidence, and the ſame ſhall be tranſmitted to the Court of King's Bench, and admitted on the Trial, *etc.*

ſhall be delivered, is hereby authorized to adminiſter an Oath to the Perſon delivering the ſame to him, in ſuch Form as the ſaid Court of King's Bench ſhall direct; and ſuch Examination or Examinations ſhall be allowed and read upon the Trial of any ſuch Indictment or Information, or any other ſubſequent Proceeding thereon or relating thereto, and ſhall be deemed as good and competent Evidence as if the Witneſs or Witneſſes, whoſe Examination or Examinations ſhall be ſo read, had been preſent, and ſworn, and examined, *viva voce*, at ſuch Trial, any Law or Uſage to the contrary notwithſtanding, ſaving all juſt Exceptions to be taken to any ſuch Examination or Examinations or any Part thereof when the ſame ſhall be offered to be read as aforeſaid; and all Perſons concerned ſhall be entitled to take Copies of ſuch Examinations in the Cuſtody of ſuch Clerk in Court at their own Coſts and Charges.

Court of King's Bench may order an Examination *de bene eſſe*, in Caſes where *viva voce* Evidence cannot be had.

III. And be it further enacted, That it ſhall alſo be lawful for the ſaid Court of King's Bench upon Motion to be made, and ſuch Notice thereof as aforeſaid, by or on Behalf of His Majeſty's Attorney General, or other Proſecutor, or Defendant or Defendants in any ſuch Indictment or Information, to order an Examination *de bene eſſe* of Witneſſes upon Interrogatories, in any Caſe where the *viva voce* Teſtimony of ſuch Witneſſes cannot conveniently be had, to be taken before an Examiner to be appointed by the ſaid Court, and the Depoſitions taken upon ſuch Interrogatories ſhall be afterwards admitted to be read in Evidence upon the Trial of ſuch Indictment or Information, or in any other ſubſequent Proceeding thereon or relating thereto, and ſhall be deemed good and ſufficient Evidence in the Law, ſaving all juſt Exceptions to be taken to ſuch Depoſitions when the ſame ſhall be offered to be read as aforeſaid.

Perſons to whom ſuch Writs of *Mandamus* ſhall be directed, ſhall do all Things neceſſary for the due Execution thereof by compelling the Appearance and giving Evidence of Witneſſes, *etc.*

IV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons to whom any ſuch Writ or Writs of *Mandamus* ſhall be directed, or Order ſent as aforeſaid; and in caſe the ſame ſhall be directed or ſent to more than One Perſon, for ſo many of them as ſhall for that Purpoſe be appointed by the ſaid Writ, or required by the ſaid Order, and who ſhall act in the Execution thereof; and ſuch Perſon and Perſons is and are hereby reſpectively authorized and required to adminiſter all Oaths required to be taken under any of the Proviſions of this Act, or neceſſary for the due Execution of any ſuch Writ or Order, or any Act, Matter, or Thing relating thereto, and to examine upon Oath all Perſons whom he or they find Occaſion to ſummon, and all other Perſons whom he or they ſhall think fit to examine, touching all Matters and Things neceſſary for the due Execution of any ſuch Writ or Order as aforeſaid; and ſuch Perſon and Perſons reſpectively, to whom ſuch Writ ſhall be directed, or Order ſent as aforeſaid, or ſo many of them as ſhall in that Behalf be appointed, and ſhall act in the Execution thereof as aforeſaid, ſhall have full Power and Authority to compel the Appearance and giving Evidence of any Witneſs upon any ſuch Writ or Order, and to iſſue Special Summons or other Proceſs for that Purpoſe, and may

proceed upon ſuch Summons, or other Proceſs, by Impriſonment of the Body of any Perſon refuſing to appear or give Evidence, 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.

Perſons giving falſe Evidence ſhall be ſubject to the Pains inflicted for Perjury.

V. And be it further enacted, That in caſe any Perſon or Perſons in the Courſe of his, her, or their Examination upon Oath, under and by virtue of the ſaid recited Act of the Twenty-fourth Year of His preſent Majeſty, or this Act, 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 Perſons guilty of wilful and corrupt Perjury ſhall be liable to by any Law or Laws then in force in the Kingdom, Iſland, or Place where ſuch falſe Evidence ſhall have been given as aforeſaid.

21 Jac. 1. c. 12.

VI. And whereas it is expedient to extend the Proviſions of an Act, paſſed in the Twenty-firſt Year of the Reign of His Majeſty King *James* the Firſt, intituled, *An Act to enlarge and make perpetual the Act made for Eaſe in pleading againſt troubleſome and contentious Suits proſecuted againſt Juſtices of the Peace, Mayors, Conſtables, and certain other His Majeſty's Officers, for the lawful Execution of their Office, made in the Seventh Year of His Majeſty's moſt happy Reign*, to all Perſons who may by Law commit to ſafe Cuſtody, either in or out of this Kingdom; be it therefore enacted, That, from and after the paſſing of this Act, the ſaid recited Act, and all the Proviſions therein contained ſhall extend, and be deemed, taken, and conſtrued to extend to all Perſons having, holding, or exerciſing, or being employed in, or who may hereafter have, hold, or exerciſe, or be employed in any publick Employment, or any Office, Station, or Capacity, either Civil or Military, either in or out of this Kingdom; and who under and by virtue, or in purſuance of any Act or Acts of Parliament, Law or Laws, or lawful Authority within this Kingdom, or any Act or Acts, Statute or Statutes, Ordinance or Ordinances, or Law or Laws, or lawful Authority in any Plantation, Iſland, Colony, or Foreign Poſſeſſion of His Majeſty, now have or may hereafter have, by virtue of any ſuch publick Employment, or ſuch Office, Station, or Capacity, Power or Authority to commit Perſons to ſafe Cuſtody; and all ſuch Perſons, having ſuch Power or Authority as aforeſaid, ſhall have and be entitled to all the Privileges, Benefits, and Advantages, given by the Proviſions of the ſaid Act as fully and effectually, to all Intents and Purpoſes, as if they had been ſpecially named therein: Provided always, That where any Action, Bill, Plaint, or Suit upon the Caſe, Treſpaſs, Battery, or falſe Impriſonment, ſhall be brought againſt any ſuch Perſon as is in this Act deſcribed as aforeſaid, in this Kingdom, for or upon any Act, Matter, or Thing done out of this Kingdom, it ſhall be lawful for the Plaintiff bringing the ſame to lay ſuch Act, Matter, or Thing, to have been done in *Weſtminſter*, or

Recited Act ſhall extend to Perſons having publick Employment, and who by Law are empowered to commit Perſons to ſafe Cuſtody.

Where any Action ſhall be brought for any Thing done out of this Kingdom, it may be laid in *Weſtminſter*, or in any

County where the Defendant shall reside.

or in any County where the Person against whom any such Action, Bill, Plaint, or Suit, shall be brought, shall then reside; any Thing in this Act to the contrary thereof notwithstanding.

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