

Notice of application to be given to the Auditor General who shall make return, and defend if so directed.

Court to decide the particular matter of complaint, and may order payment.

No proceeding for recovering of moneys, &c., to be had without authority of the Lieut. Governor in Council.

Auditor General's chief Clerk, or other person, may be ordered to proceed to any place and examine witnesses, &c. touching Public Accounts.

Power.

Report.

Oath.

Documents to be received as *prima facie* evidence in Courts.

Expenses under this Act to be defrayed from the Surplus Civil List.

Act suspended until Her Majesty's approbation be declared.

Writ of Certiorari to remove into the said Court the said allowance, disallowance or surcharge, under a recognizance to prosecute such Certiorari at the costs and charges of such person, without any wilful or affected delay; and if such allowance, disallowance or surcharge be confirmed, to pay to such Auditor or to the Provincial Treasurer, within one month after the same may be confirmed, his full costs and charges, to be taxed according to the course and practice of the said Court; and a notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such Auditor, who shall, in return to such Writ, return a copy under his hand of the entry or entries on such Account to which such notice shall refer, and shall, if directed to do so by the Lieutenant Governor or Administrator of the Government for the time being, acting by and with the advice of the Executive Council, appear before the said Court and defend the allowance, disallowance or surcharge so impeached in the said Court, and on the removal of such allowance, disallowance or surcharge, the said Court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such Court that the decision of the said Auditor was erroneous, they shall by rule of the Court order such sum of money as may have been improperly allowed, disallowed or surcharged, to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by rule of the Court, order the costs of the person prosecuting such Certiorari to be paid by the said Auditor, as to such Court may seem fit; which rules of Court respectively shall be enforced in like manner as other rules of the said Court are enforceable.

V. Provided always, and be it enacted, That no such proceeding for recovering of moneys, goods or chattels shall take place, unless the Auditor General shall have first made a report in writing upon the case to the Lieutenant Governor or Administrator of the Government for the time being, nor unless the said Auditor General shall have received from the Lieutenant Governor or Administrator of the Government for the time being, acting by and with the advice and consent of the Executive Council, directions to proceed to the recovery of such moneys, goods or chattels.

VI. And be it enacted, That if in any case it shall appear expedient to the Lieutenant Governor or Administrator of the Government, that an examination should be made into the facts connected with the receipt or outlay of any public money, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to appoint the Auditor General's chief Clerk, or some other person, to proceed to any place within this Province to examine witnesses and take evidence as to the receipt or outlay of such public money; and such chief Clerk or other person so appointed shall be, for this special purpose, the Deputy of the Auditor General, and shall have and exercise, whilst so employed, all the powers to summon witnesses, administer oaths, and call for books or papers, which are in this Act given to the Auditor General; and such person shall report in writing all the evidence and information so taken to the Auditor General, who shall thereupon deal with the Account to which they relate in such manner as the aforesaid evidence and information may seem to him to warrant; provided always, that every person so appointed to examine and inquire shall, before he act, make oath before the Lieutenant Governor or Administrator of the Government, or before one of the Justices of the Supreme Court, that he will truly, faithfully and impartially take, record and report all evidence relating to the matter into which he is sent to examine.

VII. And be it enacted, That in all proceedings under this Act it shall be sufficient to produce a copy of any report of the Auditor General, or any other person acting under this Act, certified and signed by the said Auditor, or by such other person, as well as of any minute, order, allowance, or direction of the said Lieutenant Governor or Administrator of the Government, and the Executive Council, certified and signed by the Provincial Secretary or Clerk of the said Council; and such copies, so certified, shall be received as *prima facie* evidence in all Courts that the said reports, minutes, orders, allowances, or directions, were duly made and properly delivered to the party to whom they were addressed, or whom they concerned.

VIII. And be it enacted, That all expenses necessarily incurred in carrying out this Act, so as to insure a true, full and sufficient audit, and all costs on Certiorari which may be ordered to be paid by the said Auditor, shall be defrayed from the Civil List, or from the Surplus of such Civil List now or hereafter in the hands of Her Majesty's Receiver General.

IX. And be it enacted, This this Act shall not come into operation or be in force until Her Majesty's Royal approbation be first had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 3rd day of February, 1851.]