

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. XVI.

An Act for appointing Commiſſioners to enquire and examine into any Irregularities, Frauds, or Abuſes, which are or have been practiſed by Perſons employed in the ſeveral Naval Departments therein mentioned, and in the Buſineſs of Prize Agency; and to report ſuch Obſervations as ſhall occur to them for preventing ſuch Irregularities, Frauds, and Abuſes; and for the better conducting and managing the Buſineſs of the ſaid Departments, and of Prize Agency, in future. [29th *December* 1802.]

WHEREAS

WHEREAS it is highly expedient for the publick Service that an Enquiry ſhould be made, by Commiſſioners ſpecially appointed for that Purpoſe, into any Irregularities, Frauds, or Abuſes, which are or have been practiſed by Perſons employed in the ſeveral Naval Departments herein-after mentioned, and in the Buſineſs of Prize Agency; 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 Sir *Charles Morice Pole* Baronet, *Hugh Leyceſter* Eſquire, *Ewan Law* Eſquire, *John Ford* Eſquire, and *Henry Nichols* Eſquire, ſhall be and they are hereby conſtituted Commiſſioners for making the Inquiries intended by this Act; and that they the ſaid Commiſſioners, or any Three of them, ſhall and they are hereby required to examine into and inveſtigate all ſuch corrupt and fraudulent Practices, Irregularities, Frauds, and Abuſes, or other Miſconduct, as may be found to have exiſted or to exiſt in any of the ſeveral Offices or Departments herein-after mentioned, or to have been practiſed or committed by any Perſon or Perſons that now are or have been concerned in managing, conducting, or tranſacting the Buſineſs thereof reſpectively, or employed in any Manner therein, either at Home or Abroad; that is to ſay, The Office of the Commiſſioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, the ſeveral Offices and Departments of the Commiſſioners of His Majeſty's Navy, the Treaſurer of His Majeſty's Navy, the Commiſſioners for victualling His Majeſty's Navy, the Commiſſioners for taking Care of Sick and Wounded Seamen and Sick Priſoners of War, the Commiſſioners for Tranſports and Priſoners of War, the Commiſſioners for the Receipt of Sixpence a Month paid by all Seamen in the Merchants' Service for the Uſe of *Greenwich Hoſpital*, the Office for the Receipt and Management of the Monies paid on Account of the Cheſt at *Chatham*, His Majeſty's ſeveral Dock Yards and Naval Yards in the Counties of *Kent*, *Hants*, and *Devon* reſpectively, or elſewhere within His Majeſty's Dominions, and the Office of Inſpector General of Naval Works, the Royal Hoſpitals and Naval Hoſpitals for Seamen at *Haſlar* and *Eaſt Stonehouſe* or elſewhere within His Majeſty's Dominions, and the late Priſons for Priſoners of War, Priſon Ships, Priſon Hoſpitals, and Priſon-Ship Hoſpitals in the ſaid Counties of *Kent*, *Hants*, and *Devon* reſpectively, or elſewhere within His Majeſty's Dominions; or in the Buſineſs of Prize Agency; and the ſaid Commiſſioners ſhall, from Time to Time, report and certify their Proceedings, in Writing, under the Hands and Seals of them, or any Three of them, to the King's moſt Excellent Majeſty, and to both Houſes of Parliament, upon each Office and Department, and upon the Buſineſs of Prize Agency reſpectively, ſpecifying the Nature of ſuch Malpractices, Irregularities, Frauds, or Abuſes, as they may have diſcovered or inveſtigated; adding, at the ſame Time, ſuch Obſervations as ſhall occur to them, and ſuch Plans either for correcting and improving, or for aboliſhing or regulating, any of the ſaid Departments or Offices, or for regulating the Buſineſs of Prize Agency, as may appear to them to be proper to be adopted for the Time to come.

Commiſſioners named for inquiring into Abuſes in ſeveral Naval Departments, and in Prize Agency; any Three to act.

Commiſſioners to certify their Proceedings to the King and both Houſes of Parliament, with Plans for Correction and Improvement in future.

II. And

II. And be it further enacted, That, for the better Execution of this preſent Act, the Commiſſioners herein-before named, or any Three of them, are hereby authorized to meet and ſit, from Time to Time, in ſuch Place or Places within the Cities of *London* and *Weſtminſter*, or elſewhere within the United Kingdom, as they ſhall find moſt convenient, with or without Adjournment; and to ſend their Precept or Precepts, under their Hands and Seals, or under the Hands and Seals of any Three of them, for any Perſon or Perſons whomſoever, and for ſuch Books, Papers, Writings, or Records, relating to any of the Offices or Departments herein-before mentioned, or to any Contracts, Dealings, or Tranſactions, which may have taken place with the ſaid Offices or Departments, or to the Buſineſs of Prize Agency, as ſhall be neceſſary for carrying into Execution the Purpoſes of this Act; all which Perſons are hereby required and directed punctually to attend the ſaid Commiſſioners at ſuch Time and Times, Place and Places, as ſhall be by them appointed; and ſuch Perſons as ſhall ſo be ſent for, ſhall have ſuch Coſts and Charges as the ſaid Commiſſioners, or any Three of them, ſhall think fit.

Commiſſioners to meet where moſt convenient, and to ſend Precepts for Perſons, Books, *etc.*

Perſons ſent for ſhall have ſuch Coſts and Charges as the Commiſſioners ſhall think fit.

III. 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 the ſaid Commiſſioners, or any Three of them, and they are hereby authorized and required, to examine upon Oath, or Affirmation of Perſons being Quakers, (which Oath or Affirmation they, or any Three of them, are hereby authorized to adminiſter), all Perſons whom they ſhall find Occaſion to call before them, to be examined touching all Matters and Things neceſſary for the Execution of the Powers veſted in them by this Act.

Commiſſioners ſhall examine upon Oath.

IV. And be it further enacted, That if any Perſon or Perſons, ſummoned to appear before the ſaid Commiſſioners, or any Three of them, ſhall wilfully neglect or refuſe to appear before the ſaid Commiſſioners, or any Three of them, or to bring or produce any Accounts, Books, Papers, Writings, or Records, relating to any of the ſaid Offices or Departments, or to any Contracts, Dealings, or Tranſactions with the ſaid Offices or Departments, or any of them, or to the Buſineſs of Prize Agency, that ſhall be in his, her, or their Poſſeſſion, Cuſtody, or Power, and which he, ſhe, or they ſhall have been required by ſuch Summons to produce, or ſhall refuſe to be ſworn, or being Quakers ſhall refuſe to affirm, or being ſworn, or being Quakers having affirmed, ſhall refuſe to anſwer to and before the ſaid Commiſſioners, or any Three of them, any Queſtion, on Oath or Affirmation, touching or concerning any Matter or Thing relating to the ſeveral Offices or Departments above mentioned, or any Contracts, Dealings, or Tranſactions with them, or any of them, or to the Buſineſs of Prize Agency, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three of them, and they are hereby authorized and empowered, to make and iſſue their Warrant or Warrants, under their Hands and Seals, or under the Hands and Seals of any Three of them, for taking and apprehending any ſuch Perſon or Perſons, and committing him, her,

Commiſſioners may iſſue Warrants for apprehending and committing to Priſon Perſons neglecting to attend or to produce Accounts, *etc.* or refuſing to be ſworn, or to anſwer Queſtions.

her, or them, to ſuch Priſon as the ſaid Commiſſioners, or any Three of them, ſhall think fit, there to remain, without Bail or Mainprize, until he, ſhe, or they, ſhall ſubmit to be examined, touching and concerning all Matters and Things neceſſary for the Execution of the Powers given by this Act, or to make ſuch Production as aforeſaid, as the Caſe may be.

No Perſon ſhall be compellable to anſwer any Queſtion or produce any Accounts, *etc.* that may criminate him.

V. Provided always, and be it further enacted, That no Perſon ſhall be compellable to anſwer any Queſtion or to produce any Account, Book, Paper, or Writing, the Anſwer to which or the Production of which may criminate or tend to criminate ſuch Perſon, or to expoſe ſuch Perſon to any Pains or Penalties.

Commiſſioners ſhall take the following Oath.

VI. And be it further enacted, That the ſaid Commiſſioners named in this Act, before they enter upon the Execution of the ſame, ſhall take an Oath before the Chancellor of the Exchequer, or before the Maſter of the Rolls for the Time being (which Oath they and each of them are and is hereby authorized and required to adminiſter), the Tenor whereof ſhall be as followeth; (that is to ſay),

'I *A. B.* do ſwear, That, according to the beſt of my Skill and Knowledge, I will faithfully, impartially, and truly execute the ſeveral Powers and Truſts veſted in me by an Act, intituled, '*An Act for* '[*here inſert the Title of the Act*] according to the Tenor and Purport of 'the ſaid Act.'

Perſons giving falſe Evidence, ſhall be ſubject to the Penalties for corrupt Perjury.

VII. And be it further enacted, That in caſe any Perſon or Perſons upon Examination upon Oath, or being Quakers, upon Affirmation, before the ſaid Commiſſioners, or any Three of them reſpectively as before mentioned, ſhall wilfully and corruptly give falſe Evidence, every ſuch Perſon ſo offending, and being thereof duly convicted, ſhall be and is hereby declared to be ſubject and liable to ſuch Pains and Penalties, as by any Law now in Force Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Vacancies of Commiſſioners may be filled up by His Majeſty.

VIII. And be it further enacted, That in caſe of a Vacancy or Vacancies by Death or Reſignation of any One or more of the ſaid Commiſſioners, during the Continuance of this Act, it ſhall and may be lawful for His Majeſty to nominate and appoint ſuch Perſon or Perſons, not being a Member or Members of the Houſe of Commons, as He may think proper to ſupply ſuch Vacancy or Vacancies; and that every Perſon ſo nominated and appointed, having taken the Oath of Office above mentioned, ſhall be held and conſidered to be inveſted with all the ſame Powers as are delegated to the Commiſſioners appointed by this Act in whoſe room ſuch Perſon is ſo nominated.

Commiſſioners may appoint Clerks, *etc.* who ſhall receive only ſuch Reward

IX. And be it further enacted, That the ſaid Commiſſioners ſhall be, and they, or any Three or more of them, are hereby authorized to appoint and employ ſuch Clerks, Meſſengers, and Officers, as they ſhall think meet, and to give to every of the ſaid Clerks and Officers an Oath for his true

and faithful Demeanour in all Things relating to the due Performance of the Truſt repoſed in him by the ſaid Commiſſioners, and in all other Things touching the Premiſes; which Clerks and Officers are hereby required faithfully to execute and perform the ſaid Truſt in them ſeverally and reſpectively repoſed, without taking any Thing for ſuch their Service other than ſuch Salary or Reward as the ſaid Commiſſioners, or any Three of them, ſhall think fit to direct and appoint in that Behalf; and the Lords Commiſſioners of the Treaſury, or Lord High Treaſurer for the Time being, are hereby authorized and required to iſſue and cauſe to be paid any Sums of Money not exceeding Two thouſand Pounds, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Three of them, ſhall by Writing under their Hands deſire or direct, out of the Conſolidated Fund of *Great Britain*; which Sums ſo iſſued and paid ſhall be employed for the Payment of Clerks, Meſſengers, and other Officers, and in defraying all other neceſſary Charges in or about the Execution of the Powers of this Act, and in ſuch Manner and in ſuch Proportions as ſhall be appointed by the ſaid Commiſſioners, or any Three of them, by Writing under their Hands and Seals in that Behalf; the ſame to be accounted for by the Perſon or Perſons to whom the ſame ſhall be iſſued or paid according to the Courſe of His Majeſty's Exchequer, without any Fees or other Charges to be taken or demanded for the iſſuing and Payment of the ſame, on the paſſing of the ſaid Accounts, other than ſuch Sum as the ſaid Commiſſioners, or any Three of them, ſhall appoint.

as the Commiſſioners ſhall direct.

Treaſury may iſſue 2,000 *l.* out of the Conſolidated Fund for Payment of Clerks, *etc.*

X. Provided always, and be it further enacted, That no Action ſhall be brought againſt any of the ſaid Commiſſioners, or any other Perſon or Perſons whomſoever, for any Matter or Thing whatſoever, done or committed under or by virtue or in the Execution of this Act, unleſs ſuch Action ſhall be brought within Six Calendar Months next after the doing or committing of ſuch Matter or Thing: Provided alſo, that if any Action or Suit ſhall be hereafter commenced or proſecuted againſt any Perſon or Perſons for any Matter or Thing done under, by virtue, or in the Execution of this Act, ſuch Perſon or Perſons may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence; and if the Plaintiff ſhall become nonſuited, or ſuffer Diſcontinuance, or forbear further Proſecution, or if Judgement ſhall be given for the Defendant or Defendants, ſuch Defendant or Defendants ſhall recover Treble Coſts; for which he, ſhe, or they, ſhall have the like Remedy, as where Coſts by Law are given to Defendants.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XI. And be it further enacted, That this Act may be altered, varied, or repealed, by any Act to be paſſed in this preſent Seſſion of Parliament.

Act may be altered or repealed this Seſſion.

XII. And be it further enacted, That this Act ſhall be deemed and taken to be a publick Act; and ſhall be judicially taken Notice of as ſuch without ſpecially pleading the ſame.

Publick Act.

Continuance of Act.

XIII. And be it further enacted, That this Act ſhall continue in Force for the Space of Two Years, and from thence to the End of the then next Seſſion of Parliament, in ſo far as the ſame ſhall not be altered, varied, or repealed, by any Act to be paſſed in this preſent Seſſion of Parliament.

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