ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

****

CAP. XLVII.

An Act to appoint Commiſſioners to inquire and examine into the Publick Expenditure, and the Conduct of Publick Buſineſs, in the Military Departments therein mentioned; and to report ſuch Obſervations as ſhall occur to them for correcting or preventing any Abuſes and Irregularities, and for the better conducting and managing the Buſineſs of the ſaid Departments; to continue in force for Two Years, and from thence until the Expiration of Six Weeks after the Commencement of the then next Seſſion of Parliament. [5th *June* 1805.]

WHEREAS it is expedient to appoint Commiſſioners to enquire and examine into the Publick Expenditure and the Conduct of Publick Buſineſs in the Departments herein-after mentioned, and to report ſuch Obſervations as ſhall occur to them, for correcting or preventing any Abuſes or Irregularities that may exiſt therein, and for the better conducting and managing the Buſineſs of the ſaid Departments, and on the Means of enſuring a prompt and regular auditing of Publick Accounts: 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 Major General *Hildebrand Oakes*, Colonel *Frederick Beckwith*, Lieutenant Colonel *John Drinkwater*, *Samuel Compton Cox* Eſquire, *Giles Templeman* Eſquire, *Henry Peters* Eſquire, and *Charles Boſanquet* Eſquire, ſhall be and are hereby conſtituted and appointed Commiſſioners for carrying into Execution the Purpoſes aforeſaid, and to examine into and inveſtigate how far the Regulations recommended by the Commiſſioners appointed under an Act paſſed in the Twentieth Year of the Reign of His preſent Majeſty, and ſeveral ſubſequent Acts, to examine and ſtate the Publick Accounts and other Matters relating thereto, and by the Select Committee of the Houſe of Commons appointed in the Year One thouſand ſeven hundred and ninety-ſeven, to examine into the Publick Expenditure, have been carried into Execution; and whether any other Regulations, or any Alterations and Amendments in any that have been heretofore adopted, may conduce to the Publick Benefit; and ſuch Commiſſioners ſhall report upon and ſtate the ſame to His Majeſty and both Houſes of Parliament.

Commiſſioners appointed to inveſtigate Regulations of Commiſſioners of Publick Accounts and Committee of Publick Expenditure.

II. And be it further enacted, That ſuch Commiſſioners ſhall alſo enquire and examine into the Publick Expenditure and Conduct of Publick Buſineſs in the ſeveral Offices and Departments herein-after mentioned; (that is to ſay) in the Office of Ordnance; the Office of the Secretary at War, including the Mode of iſſuing Subſiſtence, Cloathing, and all other Neceſſaries and Allowances to His Majeſty's Forces; and in the Offices of Adjutant, Quartermaſter, and Barrackmaſter General reſpectively; and in the Office of the Commiſſariat; and in the Royal Hoſpital at *Chelſea*, and the Royal Military College, and the Royal Military Aſylum, and the Medical Department; and alſo what Balances are ſtill remaining in the Hands of any Publick Accountants in any of the ſaid Departments or Offices, and whether any and what Abuſes or Irregularities exiſt, and in any ſuch Caſes as appear to them to require it, whether any or what Abuſes or Irregularities have exiſted in any of ſuch Offices or Departments; or have been practiſed or committed by any Perſon or Perſons that now are or have been concerned in managing, conducting, or tranſacting the Buſineſs of any of the ſaid Offices or Departments, or been in any Manner employed therein; and ſhall report upon and ſtate the ſame to His Majeſty and both Houſes of Parliament, and alſo report on the moſt effectual Means of remedying the ſame; and generally ſhall report on the State and Management of the ſaid Offices and Departments, and ſuggeſt any ſuch Regulations for the better carrying on the Publick Service therein as may appear to them conducive to the Publick Intereſt; and they ſhall alſo enquire into and ſtate any Delays that have ariſen in the examining and auditing the Publick Expenditure, under an Act paſſed in the Twenty-fifth Year of the Reign of His preſent Majeſty, and into the Mode of conducting Publick Buſineſs in the Office of the Commiſſioners appointed under the ſaid Act, and ſuggeſt any Regulations that may appear to them moſt effectual for enſuring a prompt and regular auditing of all Publick Accounts in future.

To enquire into the Expenditure and Conduct of the Offices of Ordnance, Secretary at War, &c. and to report.

III. Provided always, and be it further enacted, That nothing in this Act contained ſhall be conſtrued to compel the ſaid Commiſſioners to enquire

Commiſſioners not compelled to enquire into

quire into any Abuſes, Frauds, or Irregularities that have exiſted and no longer exiſt in any of the Departments or Offices herein named, in ſuch Caſes as may not appear to them to require it. Abuſes that no longer exiſt.

IV. And whereas the Commiſſioners appointed to examine certain Publick Expenditures in the *Weſt Indies*, have proceeded in the Execution of their Duty to inveſtigate the ſame, and have reported thereon to the Commiſſioners of the Treaſury: And whereas it has been aſcertained by the ſaid Commiſſioners, under the ſaid laſt recited Act, that great Abuſes have exiſted and great Frauds have been committed in the Expenditure of the Publick Money in the *Weſt Indies*: And whereas it is highly neceſſary that Regulations ſhould be adopted for the Prevention of ſuch Abuſes in future; be it therefore enacted, That the Commiſſioners under this Act ſhall, and they are hereby required to take into Conſideration all ſuch Abuſes and Frauds, and the Reports made thereon; and to aſcertain and report to His Majeſty and both Houſes of Parliament, the beſt and moſt effectual Regulations and Checks for the Prevention thereof in future. Commiſſioners to report on the Means of preventing Abuſes and Frauds in Expenditure of Publick Money in the Weſt Indies.

V. 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, 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 convenient, and to ſend Precepts for Perſons, Papers, and Records.

VI. And, for the rendering more effectual all ſuch Examinations as are intended to be had under this Act, be it enacted, That it ſhall 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 to examine on Oath.

VII. 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, Perſons neglecting to attend or to produce Accounts, or refuſing to be ſworn, or to anſwer Queſtions, may be committed.

Departments, or any of them 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 Thing relating to the ſeveral Offices or Departments above mentioned, or any Contracts, Dealings, or Tranſactions with them or any of them, or any Profit made on any Sums or Balances of Publick Money in the Cuſtody of any Perſon or Perſons belonging to any of the ſaid Offices or Departments, either by ſuch Perſon or Perſons, or by any Perſon or Perſons on his or their Behalf, then and in every ſuch Caſe it ſhall be lawful 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, 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.

But no Perſon ſhall be compellable to anſwer any Queſtion or produce Papers which may criminate himſelf.

VIII. 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.

A Writ of Habeas Corpus may be awarded for bringing Perſons in Cuſtody in England before the Commiſſioners to be examined.

IX. And whereas it is expedient to make Proviſion for bringing Perſons detained in Cuſtody under Civil or Criminal Proceſs, to be examined before the Commiſſioners herein-before named, touching ſuch Matters and Things as are neceſſary for the Execution of the Powers veſted in them by this Act; be it therefore further enacted, That, from and after the paſſing of this Act, it ſhall be lawful for any Judge of His Majeſty's Courts of King's Bench and Common Pleas reſpectively, or for any Baron of His Majeſty's Court of Exchequer of the Degree of the Coif, at his Diſcretion to award a Writ or Writs of *Habeas Corpus*, for bringing any Priſoner or Priſoners, detained in any Gaol or Priſon in that Part of the United Kingdom called *England*, before the Commiſſioners herein-before named, or any Three of them, to be by them examined, touching the Matters and Things aforeſaid.

Commiſſioners to be ſworn.

X. 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* [*there inſert*

' *insert the Title of the Act*], according to the Tenor and Purport of the ' ſaid Act.'

Perſons giving falſe Evidence to be puniſhed for Perjury.

XI. 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.

How Vacancies are to be filled up.

XII. 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 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.

No Commiſſioner to hold any Civil Office of Profit during His Majeſty's Pleaſure.

XIII. And be it further enacted, That no Perſon appointed a Commiſſioner by this Act ſhall accept of or hold any Civil Office of Profit during Pleaſure from or under His Majeſty during the Continuance of this Act.

Commiſſioners may appoint Clerks who ſhall receive ſuch Reward as the Commiſſioners ſhall direct.

XIV. 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.

Limitation of Actions.

XV. 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.

General Issue.

Treble Costs.

Act may be altered or repealed this Session.

XVI. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be made in this Session of Parliament.

Continuance of Act.

XVII. And be it further enacted, That this Act shall continue in force for the Space of Two Years, and from thence until the Expiration of Six Weeks after the Commencement of the then next Session of Parliament.

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