

ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. XCI.

An Act for appointing Commissioners to inquire concerning Charities in *England* for the Education of the Poor. [10th *June* 1818.]

WHEREAS it is highly expedient that an Inquiry should be made, by Commissioners to be specially appointed, into the Amount, Nature, and Application of the Produce of any Estates or Funds which have from Time to Time been devised or otherwise appropriated by pious and well-disposed Persons to the Purpose of the Education of the Poor; and whether any Breaches of Trust, Irregularities, or Abuses have been practised or happened in the Management and Employment thereof, and whether, by Change of Circumstances or other Causes, the same cannot be beneficially applied for the Purposes originally intended; 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 it shall and may be lawful for His Majesty to issue a Commission under the Great Seal to any Number of Persons not exceeding Fourteen, who shall be constituted Commissioners for the Purposes intended by this Act; and that they the said Commissioners or any Three of them shall and they are hereby empowered and required to examine into and investigate the Amount, Nature, and Application of all Estates and Funds, of what Nature or Kind soever, and the Produce thereof, destined or intended to be applied to the Purpose of educating the

Commissioners appointed to inquire into the Nature and Management of Charities connected with Education; and the State of Education of the Poor.

the Poor in *England* and *Wales*, in ſo far as ſuch Produce ſhall appear to be deſtined or applied for the Purpoſe of educating the Poor, and to examine into and inveſtigate all Breaches of Truſt, Irregularities, Frauds, Abuſes, or ſuppoſed Abuſes or Miſconduct, in relation to and in the Management or Appropriation or Nonappropriation or Miſappropriation of ſuch Eſtates and Funds; and the ſaid Commiſſioners or any Three of them ſhall, once in each Half-year during the Continuance of the ſaid Commiſſion, report and certify, in Writing under their Hands and Seals, to the King's moſt Excellent Majeſty, and to both Houſes of Parliament, their Proceedings, touching the Amount, Nature, Management, Application, and Appropriation of ſuch of the aforeſaid Eſtates and Funds as they ſhall have inquired and examined into, and alſo what is the Nature of ſuch Eſtates and Funds reſpectively, and the actual annual Produce thereof, and what is the actual annual Value thereof, and in whoſe Poſſeſſion as Tenants thereof, any Part thereof conſiſting of Lands, Tenements, or Hereditaments, ſhall be, adding at the ſame Time ſuch Obſervations as ſhall occur to them reſpecting ſuch Mode as they ſhall deem moſt effectual for the recovering of ſuch Part or Parts of ſuch Eſtates or Funds as ſhall appear to them to have been applied in breach of the ſeveral Truſts created in reſpect of the ſame, or ſhall appear to have been omitted to be applied in purſuance of ſuch Truſts, and ſubjoining ſuch Suggeſtions as may ſeem to them expedient reſpecting the moſt effectual Mode of ſecuring ſuch Eſtates and Funds, and their reſpective Produce, againſt any future Miſapplication thereof.

Commiſſioners to report in Caſes where Eſtates cannot be applied to the Purpoſes deſtined.

II. And be it further enacted, That if upon ſuch Inquiry as aforeſaid, it ſhall appear to the ſaid Commiſſioners that from any Cauſe whatſoever it has become impoſſible to apply the Eſtates or Funds aforeſaid, or any Part thereof, to the Purpoſes to which the ſame were deſtined or directed to be applied, the ſaid Commiſſioners ſhall report the ſpecial Circumſtances of each Caſe.

Oath to be adminiſtered to Commiſſioners.

III. And be it further enacted, That the ſaid Commiſſioners to be appointed by virtue of this Act ſhall each of them, previouſly to his entering upon the Execution of the ſame, take an Oath before the Chancellor of the Exchequer or the Maſter of the Rolls for the Time being (which Oath they are hereby reſpectively 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* [*here inſert the Title of this Act*], according to the Tenor and Purport of the ſaid Act.'

Salaries to a certain Number of Commiſſioners.

IV. And be it further enacted, That no Remuneration ſhall be given, for and in reſpect of the Execution of this Act, to ſuch of the ſaid Commiſſioners as ſhall be Members of either Houſe of Parliament, nor to any Number exceeding Eight of the other Commiſſioners; but there ſhall be allowed and paid to every ſuch Commiſſioner ſuch reaſonable Sums, for and in reſpect of ſuch travelling Expences as may come to be incurred in the Execution of this Act, as in the Judgment of the Lords Commiſſioners of His Majeſty's Treaſury, or Lord High Treaſurer for the Time being, ſhall be deemed requiſite; and the ſaid Commiſſioners are hereby authorized

rized to appoint and employ such Secretary, Clerks, Messengers, and Officers, not exceeding in the whole One Secretary, Four Clerks, Four Messengers, and Two other Officers, as they shall think meet, and to administer to the said Secretary, Clerks, and Officers respectively, an Oath for his true and faithful Demeanour in all Things relating to the due Performance of any Trust respecting the Execution of this Act reposed in him by the said Commissioners, and in all other Things touching the Premises; which Secretary, 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 shall think fit to direct and appoint in their 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 Four thousand Pounds, to such Person or Persons as the said Commissioners shall by Writing under their Hands desire or direct, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; which Sums, when so issued and paid, shall be employed for the Payment to the said Commissioners for their travelling Expences, as also for the Payment of such Secretary, Clerks, Messengers, or 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 by Writing under their Hands on 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 shall appoint.

Appointment of Secretary, Clerks, and Messengers.

V. And be it further enacted, That for the Purpose of prosecuting the Inquiries and Examinations by this Act directed, the said Commissioners or any Three of them shall meet, and from Time to Time, with or without Adjournment, hold their Sittings within the City of *Westminster*, or in any other City, Town, Borough, Hamlet, Village, or Place respectively in *England*, which to them shall appear most convenient for executing the Purposes of this Act; and the said Commissioners are hereby authorized to require, by a Precept under their Hands and Seals, or under the Hands and Seals of any Three of them, from any Person or Persons acting as a Trustee for any of the said Estates or Funds, or having any Concern in the Management or Administration of the same, or in the Payment or Receipt of any of the said Funds or Estates, or any Charge upon any Fund or Estate applicable to the Purposes of Education as aforesaid, to render to the said Commissioners a true Account, as far as consists with their Knowledge, of all that relates to such Funds or Estates as aforesaid under their Trust or Management, or on account of which they may have acted in making or receiving Payments; and, as often as Need shall be, 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 whatsoever to attend them, and require such Person or Persons to bring with him or her any Deed, Paper, Writing, Instrument, or other Document, being in his or her Custody and Possession, and relating to any such Estates or Funds, or the Produce thereof, and to the Receipt or

Commissioners to hold Meetings at various Places, and summon Persons, and send for Papers.

or Application or Nonapplication or Misapplication thereof, which shall in the Judgment of such Commissioners be conducive and necessary to the due Execution of the Purposes of this Act; and every Person to whom such Precept shall as aforesaid have been addressed and delivered, is hereby required and directed punctually to attend the said Commissioners, at such Time and Place as shall by them for that Purpose have been appointed; and to every such Person or Persons shall be paid such Sum of Money as in the Judgment of the said Commissioners shall be just and reasonable: Provided always, that no such Person shall be obliged to travel, in obedience to such Precept, more than Ten Miles from his or her Place of Abode.

Purchasers of Premises without Notice not bound to answer Interrogatories.

VI. Provided always, and be it further enacted by the Authority aforesaid, That if any Person who shall be summoned to appear before the said Commissioners, or before any Three of them, shall, upon his or her Examination, allege that he or she hath purchased or obtained for valuable Consideration any Estate or Interest of, in, to, or out of any Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels, touching which he or she shall be sought to be so examined, without Fraud or Covin, having no Notice of any charitable Trust or Use to which the said Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels, or any Charge thereon, have been given, limited, or appointed, then such Person shall not be bound to make further Answer to any Interrogatory of such Commissioners, nor to produce or to shew to the said Commissioners any Deed, Paper, Writing, Instrument, or other Document relating to his or her Estate or Interest in such Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels.

Commissioners empowered to examine upon Oath.

VII. And for the rendering more effectual all such Examinations as are intended to be had under this Act, be it enacted, That the said Commissioners are hereby authorized 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 are by the Provisions of this Act empowered, 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.

Persons not compellable to produce Deeds, without Notice to Mortgagor, &c.

VIII. Provided also, and be it enacted, That no Person having the Custody of any Deed, Paper, Writing, Instrument, or other Document, as Mortgagee, Trustee or Agent, Solicitor or Attorney, shall be compellable to produce the same, or to give any Evidence as to the Contents thereof, without Notice being first given to his Mortgagor, Cestuique Trust, or Principal, and the said Mortgagor, Cestuique Trust, or Principal, being examined touching the same by the said Commissioners; and in case such Mortgagor, Cestuique Trust, or Principal shall by the Provisions of this Act be exempted from producing the said Deed, Paper, Writing, Instrument, or other Document, then the Mortgagee, Trustee or Agent, Solicitor or Attorney, shall not be bound to produce or shew the same, or give any Evidence of the Contents thereof, to the said Commissioners: Provided also, that no Person shall be compellable to answer any Question, or to produce any Deed, Paper, Writing, Instrument, or other Document, 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.

IX. Pro-

IX. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners or any Three of them from Time to Time to direct and authorize any Three or more of their own Number to resort to such City, Town, Borough, Hamlet, Village, or Place in *England*, as to them the said Commissioners or any Three of them shall appear most convenient for executing the Purposes of this Act; and that any Three such Commissioners shall have the same Powers of issuing Precepts, administering Oaths, and conducting the Examinations prescribed by this Act, and under the same Rules and Regulations, as are hereby vested in the said Commissioners: Provided always, that such Three Commissioners shall and they are hereby required to cause the Examinations which shall be taken before them, and all Papers and Documents, being Parts of such Examination, to be from Time to Time transmitted to the Secretary of the said Commissioners at their Office in *Westminster* aforesaid. Commissioners may appoint Three of their Number to resort to any Place in England for executing the Purposes of this Act.

X. And be it further enacted, That in case any Person, upon Examination on Oath, or being a Quaker upon Affirmation, before the said Commissioners, or before any Three of them, 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 under any Law now in force may be inflicted on Persons convicted of wilful and corrupt Perjury. Penalties of Perjury for false swearing.

XI. And be it further enacted, That in case of a Vacancy or Vacancies by the Death, Removal, or Resignation of any one of such Commissioners, it shall be lawful for His Majesty, His Heirs and Successors, to nominate and appoint such Person or Persons as he or they may think proper for the supplying of such Vacancy or Vacancies. Vacancies to be filled up by the Crown.

XII. And be it further enacted, That none of the Provisions herein-before contained shall be construed to extend to either of the Universities of *Oxford* or *Cambridge*, nor to any College or Hall within the same, nor to any Schools or other Endowments of which the said Universities, Colleges, or Halls are Trustees, nor to the Colleges of *Westminster*, *Eton*, or *Winchester*, or to the Charterhouse, or the Schools of *Harrow* or *Rugby*, or any of them, nor to any Cathedral or Collegiate Church within *England*, nor to any College, Free School, or other charitable Institution for the Purposes of Education, which have Special Visitors, Governors, or Overseers appointed by their Founders, nor to any Funds applicable to the Purposes of Education for the Benefit of any Persons of the *Jewish* Persuasion, or the People called *Quakers*, or Person or Persons of the *Roman Catholic* Persuasion, and which shall be under the Superintendence and Control of Persons of such Persuasions respectively: Provided always, that the said Commissioners shall report, as herein-before directed, the Names of all such Charities aforesaid as have Special Visitors, Governors, or Overseers appointed. Powers not to extend to Universities, Public Schools, &c.

XIII. And be it further enacted, That any Action or Suit which shall be brought or commenced against any such Commissioners, for any Thing done or acted by him or them under this Act, shall be commenced within Six Calendar Months next after the Fact committed (in respect of which such Action or Suit shall be brought or commenced), and not afterwards; Limitation of Actions.

afterwards; and the Defendant or Defendants in every ſuch Action or Suit may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon; and if ſuch Action or Suit ſhall be brought or commenced after the Time ſo limited for bringing the ſame, then the Jury ſhall find a Verdict for the Defendant or Defendants; and in ſuch Caſe, or if the Jury ſhall find a Verdict for the Defendant or Defendants upon the Merits, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action after Appearance, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, which he or they ſhall and may recover in ſuch and the ſame Manner as any Defendant can by Law in other Caſes.

General Iſſue.

Treble Coſts.

Act may be altered this Seſſion.

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

Continuance of Act.

XV. And be it further enacted, That this Act ſhall continue and be in force until the Firſt Day of *Auguſt* One thouſand eight hundred and twenty, and until the End of the next Seſſion of Parliament.

Public Act.

XVI. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

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