ANNO QUINQUAGESIMO NONO

# GEORGII III. REGIS.

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## C A P. LXXXI.

**An Act to amend an Act of the last Session of Parliament, for appointing Commissioners to inquire concerning Charities in *England* for the Education of the Poor; and to extend the Powers thereof to other Charities in *England* and *Wales;* to continue in force until the First Day of *August* One thousand eight hundred and twenty-three, and from thence until the End of the then next Session of Parliament. [6th *July* 1819.]**

WHEREAS an Act was made in the last Session of Parliament, intituled *An Act for appointing Commissioners to inquire concerning Charities in* England *for the Education of the Poor:* And whereas certain Commissioners were appointed for the Execution of the said Act, by a Commission under the Great Seal bearing Date the Twentieth Day of *August* One thousand eight hundred and eighteen; and the said Commissioners have proceeded in the Execution of the said Act; and it is highly expedient that the Provisions of the said Act should be extended to other Charities and Trusts created for charitable Uses or Purposes, in *England* and *Wales,* and that the Number of Commissioners should therefore be increased, and that the said Act should be otherwise amended; 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

58 G.3. c.91.

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Commissioners not exceeding 20 may be appointed for Execution of recited Act and this Act.

Authority of the same, That from and after the passing of this Act it shall and may be lawful for His Majesty to issue a Commission under the Great Seal to any Number of Persons not exceeding Twenty, who shall be constituted Commissioners for the Purposes of the said recited Act and this Act; and that the said Commissioners, or any Two or more of them, shall have all such Powers and Authorities in the Execution of the said recited Act and this Act, as by the said recited Act are given to or vested in the Commissioners, or any Three of them, under the said recited Act, except where it is otherwise provided by this Act; and that it shall and may be lawful for such Commissioners to appoint and employ such Secretary, Clerks, Messengers, and Officers, not exceeding in the whole One Secretary, Five Clerks, Five Messengers, and Two other Officers, as they shall think meet, in such Manner and under such Regulations as are contained in the said recited Act, except as the same is altered by this Act; and that no Remuneration shall be given for and in respect of the Execution of the said recited Act and this Act, to such of the Commissioners to be appointed under this Act as shall be Members of either House of Parliament, nor to any Number exceeding Ten of the other Commissioners to be appointed under this Act; and that it shall and may be lawful for Ten of such last-mentioned Commissioners to receive Remuneration, any Thing in the said recited Act to the contrary notwithstanding; and that the Commissioners to be appointed under this Act, or any Five or more of them, shall, once in each Half Year during the Continuance of their Commission, make such Report and Certificate to His Majesty, of their Proceedings under the said recited Act and this Act, as by the said recited Act is required to be made of the Proceedings of the Commissioners under that Act, by such Commissioners or any Three of them.

Appointment of Secretary, &c.

Ten Commissioners, not being Members of Parliament, may receive Remuneration.

Half-yearly Reports shall be made by Five Commissioners.

Commissioners not obliged to make Reports to Parliament.

II. And be it further enacted, That the said Commissioners shall not be obliged to make any Report or Reports of their Proceedings to the Two Houses of Parliament, or either of them; any Thing in this or any other Act contained to the contrary notwithstanding.

Vacancies may be filled up by the Crown.

III. And be it further enacted, That in case of any Vacancy or Vacancies, by the Death, Removal, or Resignation of any 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.

Providing for Salaries and Expences, &c. of Commissioners.

IV. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer or for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three of them, and he or they is and are hereby authorized and required, from Time to Time to issue and cause to be paid out of the Consolidated Fund of the said United Kingdom, any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds in any one Year, for the Payment of Salaries to any Number of Commissioners, not exceeding Ten of the Commissioners appointed or to be appointed under the

Authority of the said recited Act and this Act respectively, and who shall not be Members of either House of Parliament; and that out of the said Sum not exceeding Ten thousand Pounds to be issued as aforesaid, a Salary at the Rate of One thousand Pounds a Year shall be payable and paid to each of such Ten Commissioners, the same to be payable and paid Half-yearly, free and clear from all Taxes and Deductions whatsoever, on the Tenth Day of *October* and the Fifth Day of *April* in each Year, by even and equal Portions; and that in case of the Resignation or Death of any One or more of the said Commissioners, the Commissioners so resigning, or the Executors or Administrators of such Commissioners so dying, shall be entitled to such proportional Part of such clear Salary as shall have accrued during the Time that such Commissioner shall have executed his said Office; and it shall and may be lawful for the said Lord High Treasurer or Commissioners of the Treasury, or any Three of them, and he and they is and are hereby authorized and empowered, in like Manner to issue and cause to be paid out of the said Consolidated Fund any further Sums of Money not exceeding the Sum of Eight thousand Pounds in any one Year, to be employed for the Payment of the travelling Expences of any of the Commissioners to be appointed under this Act, and of the Secretary, Clerks, Messengers, and Officers of the said Commissioners, and in the paying other necessary Charges in and about the Execution of the said recited Act and this Act, in such Manner and under such Regulations as is directed by the said recited Act with respect to the Sum of Four thousand Pounds in the said Act mentioned.

Powers of Commissioners extended to all Charities in England and Wales.

V. And be it further enacted, That it shall and may be lawful for the Commissioners to be appointed under the Authority of this Act, and they are hereby authorized, empowered, and required, to examine into and to 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 either to the Purposes in the said recited Act mentioned, or to the Support of any Charity or Charities, or charitable Donation or Donations, for the Benefit of poor Persons in *England* and *Wales*, or held under Trusts created for any charitable Uses or Purposes whatever in *England* or *Wales* (except as is herein-after provided and excepted), and to examine into and to 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, in like Manner and with the like Powers, and under the like Regulations and Restrictions in all Respects, as are mentioned and contained in the said recited Act with respect to the Charities mentioned in the said recited Act, except only so far as the same are expressly repealed or altered, or otherwise provided for by this Act.

No Stamp Duties on Proceedings;

VI. And be it further enacted, That no Petition or Information presented, filed, or prosecuted under this Act, nor any Answer thereto, nor any Depositions, Interrogatories, Affidavits, or Proceedings, nor any Order or Decree upon the same or in relation thereto, nor any Copies of any such Petition, Information, Answer, Depositions, Inter-

Interrogatories, Affidavits, Order or Decree, nor of any other Proceedings whatsoever under this Act, shall be subject or liable to the Payment of any Stamp Duty whatever; and that whenever any Copy of any Will relating to any Charity, or any Extract from any such Will, shall be required for the Purposes of this Act, by any Order signed by the said Commissioners under this Act, or any Two of them, from the Office of the Prerogative Court of the Archbishop of *Canterbury* in *Doctors Commons*, or from any other Offices where such Will shall have been proved; or whenever any Copy or Extract of any Deed or Deeds shall be so required by such Commissioners from any Person or Persons, such Copy or Extract shall not be subject or liable to the Payment of any Stamp Duty whatever; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

nor on Copies of Wills, &c. required by Commissioners.

Powers not to extend to Universities, Public Schools, &c.

VII. Provided always, and be it enacted, That this Act or any of the Provisions therein contained shall not extend or 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*; nor to the *Charter-house*; nor to the Schools of *Harrow* or *Rugby*, or any of them; nor to any Cathedral or Collegiate Church within *England* or *Wales*; nor to the Corporation of the *Trinity House* of *Deptford Strond*; nor to any College, Free School, or other charitable Institution, or Donation or Charity whatever, which has Special Visitors, Governors or Overseers, appointed by the Founders; nor to any Funds applicable to the Benefit of any Persons of the Jewish Persuasion, or of the People called Quakers, or of Persons of the Roman Catholic Persuasion, and which shall be under the Superintendence and Controul of Persons of such Persuasions respectively: Provided always, that the said Commissioners shall report the Names of all such Charities aforesaid as have Special Visitors, Governors, or Overseers appointed, to His Majesty, and both Houses of Parliament.

Act not to extend to Charities chiefly supported by voluntary Contributions.

VIII. Provided also, and be it enacted, That this Act or any of the Provisions therein contained shall not extend or be construed to extend to any Institution, Establishment, or Society for charitable Purposes, wholly or principally maintained by voluntary Contributions, and under the Superintendence and Controul of any Committee or Governors, or other Person or Persons chosen or appointed out of or by voluntary Subscribers thereto; and that the Application of any Donation or Bequest to the general Purposes of any such Institution, Establishment, or Society, in aid of such voluntary Contributions, shall not be subject to the Examination or Interference of the Commissioners appointed under this Act: Provided always, that the Management and Application of the Rents and Profits of any Lands, Tenements, or Hereditaments belonging to such Institution, Establishment, or Society, for the Period of Twenty Years or upwards before the passing of this Act, shall in all such Cases be subject to the Examination of the said Commissioners at their Discretion.

IX. Provided also, and be it enacted, That nothing in this Act contained shall alter, invalidate, infringe or impugn any Act, Matter or Thing whatsoever, which at any Time before the passing of this Act hath been done or performed, or which after the passing of this Act and before the Appointment of Commissioners under the Authority of this Act, shall or may be done or performed by any Commissioners appointed under the said recited Act of the last Session of Parliament, or by their Secretary, Clerks, Officers or Servants, or by any Person or Persons under the Orders of the said Commissioners, or any of them, in the Execution of the Powers of the said recited Act; but that all such Acts, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if this Act had never been passed or made; any Thing in this Act to the contrary thereof in anywise notwithstanding. Acts of Commissioners under recited Act shall not be affected by this Act.

X. And be it further enacted, That the said recited Act of the last Session of Parliament, so far as the same is not expressly altered or repealed by this Act, shall remain in force; and that the said recited Act and this Act shall be construed together as one Act, so far as the same are compatible and consistent with each other, and as if the Clauses and Provisions in this Act contained had been inserted in the said recited Act of the Fifty-eighth Year aforesaid, and had made Part thereof. Recited Act and this Act shall be construed together.

XI. And be it further enacted, That any Action or Suit which shall be brought against any Commissioners appointed or to be appointed under the Authority of the said recited Act or this Act, or against any Person or Persons acting under the Authority or by the Order of such Commissioners, or any of them, for any Thing done or acted by him or them under the said recited Act or 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; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give the said recited Act and 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 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. Limitation of Actions. General Issue. Treble Costs.

XII. And be it further enacted, That the said recited Act and this Act shall continue in force until the First Day of *August* One thousand eight hundred and twenty-three, and from thence until the End of the then next Session of Parliament. Continuance of Acts.

Act may be amended this Session.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1819.