



ANNO QUADRAGESIMO QUINTO

# GEORGII III. REGIS.

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## C A P. 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.]

**W**HEREAS 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



Commissioners  
appointed to  
investigate  
Regulations of  
Commissioners  
of Public Ac-  
counts and  
Committee of  
Public Ex-  
penditure.

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.

To enquire  
into the Ex-  
penditure and  
Conduct of  
the Offices of  
Ordnance, Se-  
cretary at  
War, &c. and  
to report.

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.

Commissioners  
not compelled  
to enquire into

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

quire



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* [here insert



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

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.

Persons giving false Evidence to be punished for Perjury.

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.

How Vacancies are to be filled up.

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.

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

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,

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



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.

Continuance of Act.

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.

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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