ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

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CAP. LXXXV.

An Act to explain and amend several Acts relating to the assessing, levying, and collecting the County Rates. [2d *July* 1821.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of His Majesty King *George* the Second, for the more easy assessing, levying, and collecting of County Rates: 12 G. 2. c. 29. And whereas an Act was passed in the Thirteenth Year of the Reign of His said Majesty King *George* the Second (amongst other Purposes), for extending the Powers and Authorities of Justices of the Peace of Counties, touching County Rates, to the Justices of the Peace of such Liberties and Franchises as have Commissions of the Peace within themselves: 13 G. 2. c. 18. And whereas an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of His late Majesty King* George *the Second, for the more easy assessing, collecting, and levying of County Rates:* 55 G. 3. c. 51. And whereas an Act was passed in the Fifty-sixth Year of the Reign of His said late Majesty, to explain and amend the said last-mentioned Act: 56 G. 3. c. 49. And whereas an Act was passed in the Fifty-seventh Year of the Reign of His said late Majesty, to amend the said last-mentioned Act: 57 G. 3. c. 94. And whereas there are several Parishes, Townships, Hamlets, and Places, situated in and extending into Two or more Counties, Ridings, or Divisions, having separate and distinct Commissions of the Peace, Part of such Parishes, Townships, Hamlets, and other Places being situated in one County, Riding, or Division, and other Part or Parts thereof in another County or other Counties, Riding or Ridings, Division or Divisions, and the Messuages, Lands, Tenements, and Hereditaments situated in such Parishes, Townships, Hamlets, or other Places, are rateable to the Relief of the Poor therein, and to the County Rates of the respective Counties,

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Ridings,

Ridings, or Divisions, in which such Messuages, Lands, Tenements, and Hereditaments are respectively situated; but the Constables, Churchwardens, and Overseers are appointed for the whole of such Parishes, Townships, Hamlets, or Places, and it frequently happens that such Constables, Churchwardens, and Overseers are resident in one Division of such Parishes, Townships, Hamlets, or other Places, and that there are no Constables, Churchwardens, or Overseers residing in the other Division thereof, or within the Limits of the Jurisdiction of the Justices making such County Rate or Rates, whereby considerable Difficulties have in such Cases arisen in raising the County Rates in such Divisions: For Remedy whereof, 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 from and after the passing of this Act, all and every the Powers and Provisions, Clauses, Pains, Penalties, and Forfeitures, given, granted, provided, made, or imposed, by the said recited Acts or any of them, shall extend, and be deemed, construed, and taken to extend, to all Cases and Places as aforesaid, where there are no separate Churchwardens or Overseers of the Poor, or where no separate or distinct Rate is made and collected for the Relief of the Poor of any such Division, or Part of any Parish, Township, or Place, situated in and extending into Two or more Counties, Ridings, or Divisions as aforesaid, as fully and effectually to all Intents and Purposes, as if the said several Powers, Provisions, Clauses, Pains, Penalties, and Forfeitures, were herein and hereby repeated and re-enacted, as to all such Cases and Places as aforesaid; and that from and after the passing of this Act, all and every the Constables, Churchwardens, and Overseers of any such Parishes, Townships, Hamlets, or other Places as are situated in and extend into Two or more Counties, Ridings, or Divisions, having separate and distinct Commissions of the Peace as aforesaid, shall be subject to the Precepts, Warrants, Orders, and Directions of the several Justices of the Peace for the respective Divisions or Parts of such Parishes, Townships, Hamlets, or other Places, so far as the same may relate to the making of the Returns required by the said recited Acts or any of them, and the assessing, levying, and collecting of the Proportion of the County Rate for such respective Divisions or Parts of such Parishes, Townships, Hamlets, or other Places, or otherwise to the Execution of the said recited Acts, and of any other Acts relating thereto, within the Parts of such Parishes, Townships, Hamlets, or other Places, as shall be situated within the Limits of the Jurisdiction of the Justices making and issuing such Precepts, Orders, Warrants, and Directions, and shall be subject to the same Fines, Penalties, and Forfeitures, for Neglect and Disobedience of the Precepts, Warrants, Orders, and Directions of such Justices, so far as the same shall relate to the Matters aforesaid or any of them, or otherwise to the Execution of the said recited Acts or any other Acts relating to the assessing, levying, and collecting of the County Rate within the Limits of the Jurisdiction of the Justices making and issuing such Precepts, Warrants, Orders, and Directions as such Constables, Churchwardens and Overseers, or other Officers would by the Laws now in force be subject and liable to, if such Constables, Churchwardens, Overseers, or other Officers had resided within the Limits of the Jurisdiction of the Justices making and issuing such Precepts, Warrants,

Powers of recited Acts to extend to Places where there are no separate Churchwardens, &c. or where no separate or distinct Poor Rate is made for any Place extending into Two or more Counties, &c.

Warrants, Orders, and Directions: Provided always, that nothing herein contained shall extend, or be construed, deemed, or taken to extend to authorize any Justice or Justices of the Peace to act in the Cases aforesaid, or any of them, beyond the Limits of the Jurisdiction within which he or they shall be generally appointed and authorized to act as such Justices.

Justices not to act beyond their Jurisdiction.

II. And whereas by the said recited Act of the Fifty-sixth Year of the Reign of His late Majesty, it was enacted, that all Messuages, Lands, Tenements, and Hereditaments situate, lying, or being in any extra-parochial Place, or other Places, whether rated to the Relief of the Poor or not so rated, although the same might not be deemed rateable to the Relief of the Poor within such extra-parochial Places, or other Places where no Rate is made for the Relief of the Poor, should be and the same were thereby declared to be subject to be assessed, taxed, and rated by and under the Order, Direction, and Authority of Justices of the Peace, in such and the same Manner as the Messuages, Lands, Tenements, and Hereditaments within any Parishes or Places where a Rate is made for the Relief of the Poor; and that the Justices of the Peace should, in all Cases where the same might be necessary, appoint proper Persons within such extra-parochial or other Places, as directed in and by the said therein recited Act of the Fifty-fifth Year of the Reign of His late Majesty, for the assessing, taxing, and rating such extra-parochial Messuages, Lands, Tenements, and Hereditaments, and levying, collecting, and paying over such Assessments, Taxes, or Rates under the Provisions of the said recited Act: And whereas there are extra-parochial and other Places where no Rate is made for the Relief of the Poor, in which there are no Messuages, or no Person or Persons resident proper to be appointed for the assessing, taxing, and rating such extra-parochial or other Places, and levying, collecting, and paying over such Assessments, Taxes, or Rates under the Provisions of the said last recited Act; and it is expedient that in those Cases the Justices of the Peace should be authorized and empowered, in their Discretion, to appoint proper Persons, who do not reside within such extra-parochial or other Places, to assess, tax, and rate all Messuages, Lands, Tenements, and Hereditaments situated in such extra-parochial or other Places; be it therefore further enacted, That the Justices of the Peace in and for any County, Riding, or Division, shall in all such Cases, where they shall deem it necessary, appoint proper Persons within such County, Riding, or Division, as directed in and by the said recited Act of the Fifty-fifth Year aforesaid, whether such Persons do or do not reside within such extra-parochial or other Place as aforesaid, to assess, tax, and rate all such Messuages, Lands, Tenements, and Hereditaments as are situated in such extra-parochial or other Places as aforesaid, any thing in the said last-recited Act to the contrary in anywise notwithstanding.

In extra-parochial Places, where no Poor Rate is made, Justices may appoint Persons to tax and assess County Rate.

III. And, for the more effectually levying Money assessed for the Purposes aforesaid, be it enacted, That the Goods of any Person assessed, or by the said recited Acts, or this or any of them, made liable to pay the Rates thereby authorized to be raised and levied, or any Proportion thereof, for any County, Riding, Division, City, Borough,

The Goods of Persons liable to pay Rates may be seized by Warrant of Distress in

any other Place than the Place of Assessment, &c.

Borough, Town Corporate, or Place, and refusing to pay, may be levied by Warrant of Distress, not only in the Place for which such Assessment was made, but in any other Place within the same County or Precinct; and if sufficient Distress cannot be found within the said County, Riding, Division, City, Borough, Town Corporate, or Place, on Oath made thereof before some Justice of any other County or Precinct (which Oath shall be certified under the Hand of such Justice on the said Warrant), such Goods may be levied in such other County, Riding, Division, City, Borough, Town Corporate, or Place, by virtue of such Warrant and Certificate; and if any Person shall find him or herself aggrieved by such Distress as aforesaid, it shall and may be lawful for such Person to appeal to the next General or Quarter Sessions of the Peace for the County or Precinct where such Assessment was made, and the Justices there are hereby required to hear and finally determine the same.

Appeal to Quarter Sessions.

Where sufficient Distress cannot be found in one County, &c. Justices of other Counties may indorse the Warrant, and direct Distress to be levied.

IV. And be it further enacted, That in all Cases where any Penalty, Forfeiture, Fine, or other Money may, under or by virtue of the said recited Acts or this Act, or any of them, by the Warrant of any Justice or Justices of the Peace, be directed to be levied by Distress and Sale of the Goods and Chattels of any Person or Persons, if sufficient Distress cannot be found within the Limits of the Jurisdiction of the Justice granting such Warrant of Distress, on Oath thereof made by one Witness before any Justice of the Peace of any other County, Riding, Division, City, Borough, Town Corporate, or Place, (which Oath shall be by him certified by Indorsement on such Warrant), such Penalty, Forfeiture, Fine, or other Money, or so much thereof as may not have been before levied or paid, shall and may, by virtue of such Warrant and Indorsement, be raised and levied by the Person or Persons to whom such Warrant of Distress shall have been originally directed, by Distress and Sale of the Goods and Chattels of such Person or Persons in such other County, Riding, Division, City, Borough, Town Corporate, or Place; and the Money arising by such Distress and Sale shall be applied and disposed of for such Purpose, and in like Manner, as if sufficient Goods and Chattels of such Person or Persons had been found within the Jurisdiction of the Justice originally granting such Warrant; and if no such Distress can be found, such Offender or Offenders shall and may be forthwith proceeded against according to Law.

Justices not accountable for Irregularities.

V. Provided always, and be it further enacted, That no Justice who shall endorse any Certificate upon, or authorize the Execution of any such Warrant of Distress, which may not have been granted within his Jurisdiction, shall be answerable or accountable for any Irregularity which may have been committed or done, in or about the obtaining or granting of such Warrant of Distress.

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