CHAPTER lxxx.

An Act to amend the law with respect to the rates to be levied within the ancient limits of the City of Bristol and the liberties thereof; and for other purposes. A.D. 1882.

[3rd July 1882.]

WHEREAS by an Act passed in the third year of the reign of King George the Fourth intituled "An Act for the employ- " ment maintenance and regulation of the poor of the city of Bristol " and for altering the mode of assessing the rates for the relief of the " poor and certain rates authorised to be raised and levied within the " said city by certain Acts for improving the harbour there and for " paving pitching cleansing and lighting the same city and for the " relief of the churchwardens and overseers from the collecting of " such rates and for amending the Act for paving pitching cleansing " and lighting the said city" (in this Act referred to as "the Act of 1822") certain persons therein mentioned and their successors were created a body politic and corporate by the name of "the governor " deputy governor assistants and guardians of the poor of the city " of Bristol" and were appointed guardians of the poor of the city and county of Bristol and were invested with all and every the powers and authorities of churchwardens and overseers of the poor (which corporation is in this Act referred to as "the Corporation of the Poor"): 3 Geo. 4. c. xxiv.

And whereas by an Act passed in the first year of the reign of Her present Majesty intituled " An Act for the better assessing and " collecting certain parochial and other rates within the city and " county of Bristol" (in this Act referred to as "the Act of 1837") the Act of 1822 was amended and provision was made for assessing and collecting the rates and assessments then leviable within the ancient limits of the city of Bristol and the liberties thereof: 1 Vict. c. lxxxvi.

And whereas the provisions of the recited Acts with respect to the assessment levying raising and collecting of the moneys thereby directed to be from time to time raised for the purposes therein mentioned and for the hearing and determination of appeals against

A.D. 1882.

such assessments are insufficient and unsatisfactory and it is expedient that provisions should be made such as are in this Act contained for simplifying the same and rendering the same more effectual:

And whereas in pursuance of certain deeds herein-after in this Act more particularly described and for the considerations therein stated to have been paid to and received by the governor deputy governor assistants and guardians of the poor of the city of Bristol and under and by virtue of the recited Acts the Corporation of the Poor have yearly paid certain sums of money for the purposes of having a sermon preached on a certain day in every year in the parish church of Saint Peter and another sermon on a certain day in every year in one of the parish churches of Saint Nicholas or Saint Stephen:

And whereas doubts have arisen as to the legality of such payments and it is expedient that such doubts should be removed and that the Corporation of the Poor should be empowered and authorised to continue to make such payments in the manner in which the same have been heretofore made:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 as follows:—

Short title.

1. This Act may be cited for all purposes as the Bristol Corporation of the Poor Act 1882.

Interpretation.

2. In this Act the expression "the recited Acts" shall mean the provisions of the Act of 1822 and the Act of 1837 now in force.

Construction of Act.

3. The recited Acts as amended by this Act and this Act shall be construed together as one Act.

Power to Corporation of the Poor to make poor's rates.

4. After the twenty-fifth day of March one thousand eight hundred and eighty-three the Corporation of the Poor may and they are hereby authorised and required for the purpose of raising sufficient moneys for the care and maintenance of the poor of the several parishes and precincts within the ancient limits of the city and county of Bristol under the authority of the recited Acts and for all or any of the purposes of the recited Acts to make rates once or more often in every year (such year to be computed from the twenty-sixth day of March in one year to the twenty-fifth day of March in the succeeding year both inclusive) in the same manner as churchwardens

and overseers of the poor of parishes are by law authorised to do for the relief of the poor and such rates shall when made be certified by the Corporation of the Poor by some writing under their common seal to two justices of the peace for the city and county of Bristol and shall be allowed by such justices in manner and form as is required for poor rates by law and such rates when made and certified by the Corporation of the Poor and allowed by such justices shall be as valid and effectual to all intents and purposes as rates for the relief of the poor made by churchwardens and overseers of the poor and allowed by justices and duly published in any parish or other place and the Corporation of the Poor and the collector or collectors appointed to receive the same rates or any part or portion thereof shall have power to collect and enforce the payment of the sums to be levied by the same rates in the same manner and with the same remedies as are provided for the collecting and enforcing payment of rates for the relief of the poor made allowed and published as aforesaid: Provided always that after any such rate has been made and allowed as aforesaid the Corporation of the Poor shall apply to two justices to appoint one or more day or days for holding a petty sessions for hearing appeals against such rate such days to be appointed not earlier than twenty-one days after the said rates shall be deposited as herein-after mentioned and the said justices shall and they are hereby required to appoint such day or days and to hold such sessions accordingly and the said justices may upon any such application fix special occasions for the hearing of such appeals relating to the several parishes subject to such rates or may arrange for the hearing of such appeals in any manner which to them may seem most convenient and they may adjourn from day to day or to any future day the hearing of such appeals and the Corporation of the Poor shall cause the said rates to be deposited at Saint Peter's Hospital in the city of Bristol or such other place as the Corporation of the Poor shall direct during a period of six days and to be open to the inspection of the rated inhabitants between the hours of ten o'clock in the morning and four o'clock in the afternoon of each of the same days and the Corporation of the Poor shall cause notice of the making allowance and deposit of the said rates and of the days so appointed for hearing of appeals to be inserted once in two or more of the several newspapers published and circulated in the said city within ten days after the same shall be so allowed as aforesaid: Provided also that every assessment to be made after the twenty-fifth day of March in the year one thousand eight hundred and eighty-three by the Corporation of the Poor under the authority of this Act shall be so made as to comprise therein and to provide for the levying and raising in addition to the moneys authorised to be raised for the

A.D. 1882.

maintenance of the poor and for the purposes of the recited Acts the whole amount in the pound which shall have been ascertained and determined in manner by the Act of 1837 prescribed to be required to provide for the payment of such proportion of the next immediate borough rate which shall have been ordered as in the Act of 1837 mentioned and apportioned to the several parishes and precincts within the ancient limits of the city of Bristol and the liberties thereof.

Appeal against rates.

5. If any person thinks himself aggrieved by any rate made under the authority of this Act whether it be the first rate in any year or any rate made subsequently thereto in such year he may appeal in the first instance to the justices assembled in petty sessions for the city and county of Bristol in manner by the Act of 1837 prescribed with respect to the appeal to such justices against a first rate and the Corporation of the Poor and any person aggrieved by the decision of the said justices may appeal therefrom subject to the conditions and regulations following (that is to say):—

(1) The appeal shall be made to the next court of quarter sessions for the city and county of Bristol holden not less than twenty-one days after the decision of the justices from which the appeal is made;

(2) The appellant shall within fourteen days after the decision of the justices give a notice of such appeal to the other party and to the justices by whose decision he deems himself aggrieved of his intention to appeal and of the ground thereof such notice may be served in manner following namely upon the justices by leaving the same with their clerk or with some person for him at his office upon the Corporation of the Poor by leaving the same with their clerk or with some person for him at his office upon the other party to the appeal (when the Corporation of the Poor are the appellants) by leaving the same for him at his last-known place of abode or business or if a corporation or company by leaving the same with their clerk or secretary or with some person for him at his office;

(3) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace (and except where the appellant shall be the Corporation of the Poor) with two sufficient sureties conditioned personally to try such appeal and to abide the judgment of the court thereon and to pay such costs as may be awarded by the court or give such other security by deposit of money or otherwise as the justice may allow;

(4) The said court of quarter sessions shall have the same power to amend or quash any rate or assessment and to award costs

between the parties to the appeal as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment or awarding costs on appeals with respect to rates for the relief of the poor and the costs awarded by the said court of quarter sessions under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeals: Provided that notwithstanding the quashing of any rate appealed against all moneys charged by such rate shall if the court of quarter sessions think fit so to order be levied as if no appeal had been made and such moneys when paid shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made;

(5) The decisions of the court of quarter sessions shall be binding on all parties: Provided that in the case of any appeal the court of quarter sessions may on the application of any party to such appeal state the facts by way of special case for the determination of a superior court;

And save as by this section provided no appeal shall be made against any assessment or rate made under this Act.

As to rate collectors and districts.

6. The several collectors nominated or appointed under and by virtue of the Act of 1837 and in office at the time of the passing of this Act shall save as by this Act otherwise provided continue to hold and enjoy their several offices and employments on the same terms and subject to the same conditions as the same were held respectively before the passing of this Act. And the Corporation of the Poor may from time to time remove or suspend any such collector who is in their opinion guilty of misconduct or for any other cause in their opinion sufficient for such removal or suspension. And the Corporation of the Poor may by order alter vary increase or abolish the districts allotted under the provisions of the Act of 1837 to such collectors and may by order make such arrangements for the collection of the moneys which the Corporation of the Poor may from time to time be authorised to assess levy and raise under the recited Acts or any of them and this Act and such collectors shall act in conformity with and obey every such order and discharge their respective duties in accordance therewith. And such collectors shall subject to the provisions of this Act be subject to the performance of the same duties and to the like rules and regulations pains and penalties and shall have and may exercise all such and the same or the like powers and authorities as they were subject to and had and might lawfully exercise before the passing of this Act.

A.D. 1882.

The Corporation of the Poor may from time to time as and when they think fit appoint any person or persons to be a collector or collectors of the moneys which the Corporation of the Poor may from time to time be authorised to assess levy and raise under the recited Acts or any of them and this Act and may if they think fit prescribe the places limits or districts in or within which such collector or collectors shall perform his or their duties respectively and may from time to time alter or vary such places limits or districts or diminish or increase the number of the same or abolish all or any of the same and may from time to time fix the remuneration to be paid to such collector or collectors respectively and the nature and amount of the security to be given by such collector or collectors for the due performance of his or their duties and the Corporation of the Poor may from time to time at their pleasure suspend or remove any collector appointed under this Act.

Corporation of the Poor to pay annual sums for sermon in Saint Peter's Church.

7. Whereas under and by virtue of a deed poll bearing date the tenth day of April in the year of our Lord one thousand seven hundred and one and made by the governor deputy-governor assistants and guardians of the poor of the city of Bristol and for the consideration therein stated to have been paid and received by them they did covenant promise and grant that the yearly sum of twenty shillings should be paid to such minister as should on the day in every year therein mentioned preach a sermon in the parish church of Saint Peter's in the city of Bristol and that a further yearly sum of two shillings and sixpence should be paid to the parish clerk for the time being of the said parish church and that a further yearly sum of two shillings and sixpence should be paid to the sexton for the time being of the said church: And whereas the Corporation of the Poor who are the successors under the recited Acts of the said governor deputy governor assistants and guardians of the poor have from time to time paid the said sums and it is expedient that they should from time to time continue so to do therefore the Corporation of the Poor may in every year pay the said several sums of twenty shillings two shillings and sixpence and two shillings and sixpence respectively to such minister parish clerk and sexton respectively as aforesaid in accordance with the covenant promise and grant in the said deed poll contained and may raise in manner prescribed by the recited Acts and this Act such sums together with and as part of the moneys which they are authorised to raise for the care and maintenance of the poor of the several parishes and precincts within the ancient limits of the city of Bristol and the liberties thereof under the recited Acts.

A.D. 1882.

Corporation of the Poor to pay annual sums for sermon in Saint Nicholas' or Saint Stephen's Church.

8. Whereas under and by virtue of a deed poll bearing date the sixth day of January in the year of our Lord one thousand six hundred and ninety-eight and made by the governor deputy governor assistants and guardians of the poor of the city of Bristo for the consideration therein stated to have been paid to and received by them they did covenant promise and grant (among other things) that the yearly sum of fifteen shillings should be paid to such minister as should by the appointment of the mayor of the city of Bristol for the time being preach a sermon on the day in every year therein mentioned in one of the parish churches of Saint Nicholas or Saint Stephen within the city of Bristol and that a further yearly sum of two shillings and sixpence should be paid to the parish clerk for the time being of such church where such sermon should be preached and that a further yearly sum of two shillings and sixpence should be paid to the sexton of the same church: And whereas the Corporation of the Poor who are the successors under the recited Acts of the said governor deputy governor assistants and guardians of the poor have from time to time paid the said sums and it is expedient that they should from time to time continue so to do therefore the Corporation of the Poor may in every year pay the said several sums of fifteen shillings two shillings and sixpence and two shillings and sixpence to such minister parish clerk and sexton respectively in accordance with the covenant promise and grant in the said deed poll contained and may raise in manner prescribed by the recited Acts and this Act such sums together with and as part of the moneys which they are authorised to raise for the care and maintenance of the poor of the several parishes and precincts within the ancient limits of the city of Bristol and the liberties thereof under the recited Acts.

Repeal of enactments in schedule.

9. From and after the twenty-fifth day of March one thousand eight hundred and eighty-three the Acts specified in the first column of the schedule to this Act annexed are hereby repealed to the extent specified in the second column of the said schedule: Provided that this repeal shall not affect—

(A) Anything duly done or suffered under any enactment hereby repealed;

(B) Any right of appeal or any right or liability acquired accrued or incurred under any enactment hereby repealed;

(C) Any assessment levying raising payment and application of any moneys or amounts which before the said twenty-fourth day of March one thousand eight hundred and eighty-three may have been made ordered and appointed and any such assessment levying raising payment and application may be carried on or

A.D. 1882.

made in the same manner and with the same remedies for the recovery of rates as if this Act had not been passed;

(D) Any legal proceedings or remedy in respect of any such right liability assessment levying raising payment or application and any such legal proceeding or remedy may be carried on as if this Act had not been passed.

Saving for powers of Local Government Board. 39 & 40 Vict. c. 61.

10. Nothing in this Act shall take away or prejudicially affect any power of the Local Government Board under section 11 of the Divided Parishes and Poor Law Amendment Act 1876 or any other power of that Board relative to the dissolution of a union and the constitution of a new union.

Costs of Act.

11. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act may and shall be paid by the Corporation of the Poor and may be raised in manner prescribed by the recited Acts and this Act together with and as part of the moneys which they are authorised to raise for the care and maintenance of the poor of the several parishes and precincts within the ancient limits of the city of Bristol and the liberties thereof under the recited Acts.

The SCHEDULE referred to in the foregoing Act.

Title of Acts.	Extent of Repeal.
3 Geo. IV. Cap. xxiv. "An Act for the employment maintenance and regulation of the poor of the city of Bristol and for altering the mode of assessing the rates for the relief of the poor and certain rates authorised to be raised and levied within the said city by certain Acts for improving the harbour there and for paving pitching cleansing and lighting the same city and for the relief of the churchwardens and overseers from the collecting of such rates and for amending the Act for paving pitching cleansing and lighting the said city."	Section 62 and so much of section 86 and of section 87 as relates to assessments or rates and section 88.
1 Vict. Cap. lxxxvi. "An Act for the better assessing and collecting certain parochial and other rates within the city and county of Bristol."	Section 10 section 16 section 18 and section 19.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.