ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 103.

An Act for making a fair and equal County Rate for the County of *Buckingham*. [17th *June* 1814.]

WHEREAS the Assessments by which the County Rates of the County of *Buckingham* are collected, are become very disproportionate and unequal, and it is therefore expedient that Power and Authority should be given to the Justices of the Peace for the said County of *Buckingham*, in their General Quarter Sessions assembled, to make a fair and equal County Rate for the said County, and for that Purpose to assess and tax rateably, and in due Proportions, all and every the Parishes, Townships, Hamlets, Liberties, Precincts, and Places, within the said County, according to the annual Rent or Value of all Estates therein, for and towards the same, with Powers for such Justices to collect and enforce the Payment of such Rate: May it therefore please Your Majesty that 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 from and after the passing of this Act, the Justices of the Peace for the said County of *Buckingham*, in their General Quarter Sessions assembled, or at any Adjournment thereof, shall have full Power and Authority, and they are hereby required to assess and tax to the County Rate every Parish, Township, Hamlet, Liberty, Precinct, and Place, within the said County, rateably, and in due Proportions, according to the annual Rent or Value of all Estates within such Parish, Township, Hamlet, Liberty, Precinct, and Place respectively, in Manner herein-after mentioned.

Justices to make an equal County Rate, according to the annual Rent or Value of Estates.

The Return on Oath of the Amount of the Rental or Value of Estates.

II. And, in order the better to enable the Justices of the Peace for the said County of *Buckingham* to assess and tax rateably, and in due Proportions, every such Parish, Township, Hamlet, Liberty, Precinct, and Place, within the said County, be it further enacted, That the Clerks to the respective Commissioners, and also the Inspectors, Surveyors, Assessors, and other Persons acting within the said County of *Buckingham*, in the Execution of an Act, passed in the Forty-sixth Year of the Reign of His present Majesty, intituled *An Act for granting to His Majesty during the present War, and until the Sixth Day of* April *next after the Ratification of any Definitive Treaty of Peace, further additional Rates and Duties in* Great Britain, *on Profits arising from Property, Professions, Trades, and Offices; and for repealing an Act passed in the Forty-fifth Year of His present Majesty, for granting a Contribution on the Profits arising from Property, Professions, Trades, and Offices; and to consolidate and render more effectual the Provisions for collecting the said Duties*; or such of them as shall be competent thereto, shall and they are hereby required from and after the passing of this Act, upon any Order, Warrant, or Notice, under the Hands and Seals of Two or more Justices of the Peace for the said County, in their General Quarter Sessions assembled, to them or any of them, to be delivered (which Order, Warrant, or Notice, such Justices are hereby authorized and empowered to issue), to make a Return or Returns in Writing of the total Amount of the annual Rent or Value of all Estates within each and every Parish, Township, Hamlet, Liberty, Precinct, and Place, within the said County, charged or assessed, or liable to be charged or assessed, to the Duty under Schedule (A) of the said Act, as the same Amount shall have been or shall be ascertained, charged, or assessed, by the Estimates, Certificates, Valuations, and Assessments, or otherwise, for the Purpose of charging or assessing the said Duty for the Year ending on the Fifth Day of *April* next preceding the Date of such Order, Warrant, or Notice, distinguishing therein each Hundred or Division, and also each Parish, Township, Hamlet, Liberty, Precinct, and Place, within such Hundred or Division, which said Return shall be signed by such Clerk, Inspector, Surveyor, Assessor, or other Person respectively, in the Presence of Two or more Justices of the Peace for the said County, and the said Clerk, Surveyor, Assessor, or other Person respectively, shall also at the same Time verify the same upon Oath, if required, (which Oath such Justices are hereby empowered and required to administer), and the said Returns (being signed by such Two or more Justices before whom the same shall be attested on Oath, and subscribed as aforesaid) shall be delivered by the said Clerk, Inspector, Surveyor, Assessor, or other Person, to the Justices of the Peace for the said County, at their General Quarter Session of the Peace, or at any Adjournment thereof, next after the Date and issuing of such Order, Warrant, or Notice.

Directing how future Returns shall be made.

III. Provided always, and be it further enacted, That when and so soon as the Provisions of the said Act of the Forty-sixth Year of His present Majesty shall cease and be determined either by the Ratification of a Definitive Treaty of Peace or otherwise, then and from thenceforth it shall and may be lawful for the said Justices of the Peace for the said County of *Buckingham*, and they are hereby required when and so often as they shall deem it necessary, to cause such Returns of the total Amount of the annual Rent or Value of all Estates within each and every Parish, Township, Hamlet, Liberty, Precinct, and Place, within the said County, as hereinbefore are mentioned, to be made by the Churchwardens and Overseers

of the Poor of the ſeveral Pariſhes, Townſhips, Hamlets, Liberties, Precincts, and Places, within the ſaid County, in purſuance of ſuch Order, Warrant, or Notice, as before-mentioned, (which Order, Warrant, or Notice, ſuch Juſtices are alſo hereby authorized and empowered to iſſue in Manner herein-before mentioned), or to cauſe and procure ſuch Returns to be made by any other Ways and Means as the ſaid Juſtices ſhall deem neceſſary or expedient.

When the Rates are to be made.

IV. And be it further enacted, That the Juſtices of the Peace for the ſaid County, aſſembled at ſuch General Quarter Seſſions of the Peace, to be holden next after the Date and iſſuing of ſuch Order, Warrant, or Notice, as aforeſaid, or at any Adjournment thereof, or at any ſubſequent General Quarter Seſſions of the Peace to be holden for the ſaid County, or at any Adjournment thereof, ſhall, and they are hereby empowered and required to aſſeſs and tax every Pariſh, Townſhip, Hamlet, Liberty, Precinct, and Place, within the ſaid County, rateably and in due Proportions, not exceeding One Penny in the Pound, according to the ſeveral Amounts of the Annual Rent or Value of all Eſtates within each and every ſuch Pariſh, Townſhip, Hamlet, Liberty, Precinct, and Place, within the ſaid County, as the ſame ſhall appear upon the Returns herein-before directed and required to be made.

Penalty for Neglect.

V. And be it further enacted, That every ſuch Clerk, Inſpector, Surveyor, Aſſeſſor, Churchwarden, Overſeer of the Poor, or other Perſon making wilful Default, in any of the Matters required of them by this Act, ſhall, for every ſuch wilful Default, forfeit and pay a Sum not exceeding Ten Pounds, upon Conviction thereof, before One Juſtice of the Peace, for the ſaid County, either on the Confeſſion of the Offender, or on Proof by One or more credible Witneſs or Witneſſes on Oath, which Oath ſuch Juſtice is hereby empowered and required to adminiſter.

How to be levied.

VI. And be it further enacted, That the ſeveral Forfeitures and Penalties inflicted by this Act ſhall, if not immediately paid, be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by virtue of a Warrant, under the Hand and Seal of any Juſtice of the Peace for the ſaid County, rendering to the Offender the Overplus, (if any), on Demand, after the Charges of ſuch Diſtreſs and Sale ſhall be deducted, and in caſe ſufficient Diſtreſs ſhall not be found, then it ſhall be lawful for any ſuch Juſtice to commit ſuch Offender to the common Gaol of the ſaid County, there to remain without Bail or Mainprize, for any Term not exceeding Six Calendar Months, unleſs the Forfeiture and Charges be ſooner paid, and the ſaid Forfeitures when recovered, ſhall be paid One Half to the Informer, and the other Half to the Treaſurer of the ſaid County; to be applied in Aid of the Rates for the ſaid County, and no Perſon ſhall be deemed incompetent to be a Witneſs for the Execution of any of the Purpoſes of this Act, by reaſon of his paying, or being liable to pay towards the Poor Rates, or County Rates within the ſaid County.

In Caſes where Returns are neglected to be made, Juſtices to make a Rate.

VII. And be it further enacted, That if any of the ſaid Clerks, Inſpectors, Surveyors, Aſſeſſors, Churchwardens, Overſeers of the Poor, or other Perſons ſhall make Default in making ſuch Returns to the ſaid Juſtices purſuant to ſuch Order, Warrant, or Notice, as before mentioned; or if it ſhall happen, that notwithſtanding the incurring of any Penalty or Penalties as aforeſaid, for or on account of ſuch Neglect or Default, a Return

a Return as aforesaid, for any Parish, Townships, Hamlet, Liberty, Precinct, or Place, shall not be made within the Time before limited for the making thereof, then and in every such Case it shall and may be lawful to and for the said Justices, and they are hereby required, either at the said General Quarter Sessions of the Peace to which such Return ought to have been made, or at any Adjournment thereof, to rate and assess each and every the Parish, Townships, Hamlet, Liberty, Precinct, and Place, respecting of which the said Clerks, Inspectors, Surveyors, Assessors, Churchwardens, Overseers of the Poor, or other Persons, shall have so neglected or made Default in making such Return as aforesaid, for and towards the said County Rate, according to such Estimate of the just and fair annual Rent or Value of the Estates within such Parish, Townships, Hamlet, Liberty, Precinct, or Place, respectively, as the said Justices shall be able to procure, by any of the Ways and Means herein-before directed, or by such other Ways and Means as to the said Justices shall seem reasonable and proper.

How to levy the Rate in those Places where there is no Poor Rate.

VIII. And be it further enacted, That in any Parish, Townships, Hamlet, Liberty, Precinct, or Place, in the said County of *Buckingham*, where no Rate is or shall be made and collected for the Relief of the Poor, it shall and may be lawful to and for the Justices of the Peace for the said County, in their General Quarter Sessions assembled, to order and direct the Sum of Money which shall from Time to Time be assessed as or for the County Rate upon such Parish, Townships, Hamlet, Liberty, Precinct, or Place, to be rated and levied on the Inhabitant or Inhabitants, or Occupier or Occupiers of Lands therein, by such One or more Inhabitant or Inhabitants, or Occupier or Occupiers, (to whom the chief Constable of the Hundred or Division shall give the Notice herein-after mentioned for Payment of such Rate), in such and the same Manner as any Rate for the Relief of the Poor is by Law directed to be rated or levied; which Sum so rated and levied shall be paid by such One or more Inhabitant or Occupier, or Inhabitants or Occupiers, to the chief Constable of the Hundred or Division wherein such Parish, Townships, Hamlet, Liberty, Precinct, or Place, doth lie, within the Space of Twenty-one Days after Demand thereof made in Writing, to be given to such One or more Inhabitant or Inhabitants, or Occupier or Occupiers, or left at his, her, or their Dwelling House or Houses, by the said chief Constable of such Hundred or Division, which Demand the chief Constable is hereby required to make at such Times as the said Justices of the Peace shall by their Order in Sessions direct; and in case such One or more Inhabitant or Occupier, or Inhabitants or Occupiers, shall neglect or refuse to pay the Sum or Sums so assessed as or for a County Rate, after Demand made as aforesaid, such chief Constable shall and is hereby empowered to levy the same by Distress and Sale of the Goods and Chattels of such One or more Inhabitant or Inhabitants, or Occupier or Occupiers, so refusing or neglecting to pay the same as aforesaid, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the said County of *Buckingham*, rendering the Overplus (if any) on Demand, after deducting the Money assessed, and the Charges of the Distress and Sale, to the Owner or Owners thereof; and if such One or more Inhabitant or Inhabitants, or Occupier or Occupiers, shall pay such Sum or Sums so assessed as or for a County Rate before the same shall be so levied as aforesaid, he, she, or they, may afterwards rate and levy the same, or shall and may be allowed and reimbursed the said Sum of Money by a Rate made or to be made

made upon all and every the Inhabitant or Inhabitants, or Occupier or Occupiers, of Lands within such Parish, Township, Hamlet, Liberty, Precinct, or Place, which any Two or more Justices of the Peace for the said County shall order and direct, and shall be subject and liable to the same Powers and Remedies for the Recovery thereof by Distress and Sale, in Cases of Non-payment, as are herein-before given to the chief Constable.

How to levy the Rate in Places when not paid out of the Poor Rate.

IX. And whereas it may be inconvenient and oppressive to many Parishes, Townships, Hamlets, Liberties, Precincts, or Places, in the said County of *Buckingham*, that the Sum of Money which shall be assessed as or for the County Rate under this Act should be paid out of any Rate made for the Relief of the Poor of such Parish, Township, Hamlet, Liberty, Precinct, or Place; be it therefore enacted, That it shall and may be lawful to and for the Justices of the Peace for the said County, at their General Quarter Sessions assembled, if they shall think convenient, to order the Sum of Money directed to be assessed as or for the County Rate on any Parish, Township, Hamlet, Liberty, Precinct, or Place, to be paid by and levied on the Churchwardens, Overseers of the Poor, or Petty Constables, of or for any such Parish, Township, Hamlet, Liberty, Precinct, or Place, and to be reimbursed in such Manner as the same is herein directed to be paid and levied in Cases where no Rate is made for the Relief of the Poor, any Thing herein contained, or any Law, Usage, or Custom to the contrary notwithstanding.

General Appeal.

X. And be it further enacted, That if the Churchwardens and Overseers of the Poor within any of such Parishes, Townships, Liberties, Precincts, or Places, or any other Person or Persons shall think themselves, himself, or herself, aggrieved by any Act, Matter, or Thing, to be done in pursuance of this Act, or the Powers hereby given, he, she, or they shall and may appeal to the said Justices of the Peace for the said County at their General Quarter Sessions to be holden for the said County, next after any such Cause of Complaint shall arise, upon giving Fourteen Days Notice in Writing, stating the Cause of Complaint unto the chief Constable of the Hundred or Division wherein such Complaint shall arise, which Justices are hereby empowered to hear and finally determine the same, and to give such Appellants or Appellant such Relief as in their Discretion shall appear fair and just.

Expences of Appeals to be paid by Parishes appealing.

XI. And be it further enacted, That in case of any Appeals, Actions, Suits, or Proceedings at Law, as between Parish and Parish, or between any Person and Persons, or any Parish or Parishes, or any Person or Persons, respecting any Thing done in pursuance of this Act, or any other Act or Acts relating to the County Rate, the Expences of all such Appeals, Actions, Suits, or Proceedings at Law, shall be borne and paid by such respective Parishes and Persons, or such of them and in such Proportions as the said Justices upon any Appeal in their General or Quarter Sessions shall award and order the same, or as such Courts wherein such Actions, Suits, or Proceedings, shall be instituted, shall adjudge and order, and shall not be charged to or be paid out of the County Rate.

Powers of 12 G. 2. continued, except where altered by this Act.

XII. And be it further enacted and declared, That all the Powers and Authorities in and by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the more easily assessing, collecting, and levying of County Rates*, and also so much of

of another Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Second, intituled *An Act to continue several Laws therein mentioned, for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes; for repairing Highways, or Locks, or other Works, erected by Authority of Parliament, for making Rivers navigable; for preventing Exactions of the Occupiers of Locks and Wears upon the River of* Thames, *Westward, and for ascertaining the Rates of Water Carriage upon the said River; for preventing frivolous and vexatious Arrests; and for better securing the lawful Trade of His Majesty's Subjects to and from the* East Indies, *and for the more effectual preventing all His Majesty's Subjects trading thither under foreign Commissions; and for limiting the Time for suing forth Writs of Certiorari upon Proceedings before Justices of the Peace, and for regulating the Time and Manner of applying for the same; for the better and more speedy Execution of Process within particular Franchises or Liberties; and 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,* as relates to County Rates, shall be and continue in full Force and Effect, (except where altered by this Act,) with respect to the said County of *Buckingham,* and that all such Powers and Authorities shall be used and exercised in the Execution of this Act.

Act not to extend to the Boroughs of Buckingham and Chepping Wycombe.

XIII. Provided always nevertheless, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to subject or render liable the Boroughs of *Buckingham* and *Chepping Wycombe* respectively, or either of them, to the Payment of any Sum or Sums towards any County Rate to be levied under the Authority of this Act, other than and except so far as the same Boroughs were subject or liable to before the passing of this Act; and that the Jurisdiction of the Justices of the Peace for the said several Boroughs of *Buckingham* and *Chepping Wycombe* respectively shall remain unprejudiced and unaffected by this Act, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Accounts to be produced at the Quarter Sessions.

XIV. And be it further enacted, That it shall be lawful to and for any Two Justices of the Peace in and for the County of *Buckingham,* being present at the General Quarter Sessions then assembled, or at any Adjournment thereof, to direct and compel the Treasurer of the said County Stock to attend and produce his Accounts, with their Vouchers, for the Inspection of the said Justices and the Court.

Expences of this Act to be paid out of the County Rates.

XV. And be it further enacted, That the Treasurer of the said County of *Buckingham* shall be and he is hereby authorized and required to pay and discharge the Costs, Charges, and Expences, of obtaining this Act, and of making and collecting of the Returns of the said Clerks, Inspectors, Surveyors, Assessors, Churchwardens, Overseers of the Poor, or other Persons, in pursuance of this Act; such Costs, Charges, and Expences, being first examined and allowed by the said Justices at their General Quarter Sessions.

Empowering Justices to order Payment of contingent Expences.

XVI. And be it further enacted, That it shall and may be lawful to and for the Justices of the Peace for the said County of *Buckingham,* in their General Quarter Sessions, from Time to Time assembled, or at any Adjournment thereof, to order such Allowances and Compensation to be made to

the Treasurer of the said County Stock, and also to chief Constables or other Persons employed in the Execution of this Act, from and out of the Rates to be levied in pursuance thereof, as to the said Justices shall appear reasonable, just, and proper.

Limitation of Actions.

XVII. And be it further enacted, That no Action at Law shall be brought or commenced, or any Proceeding had against any Person for any Thing done by virtue or under the Authority of this Act, until Thirty Days Notice thereof shall have been given to, or left at the usual Place of Abode of the Person or Persons against whom such Action or Proceeding is intended to be commenced or had therein, setting forth the particular Cause of such Action or Proceeding, or after Tender of sufficient Amends hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Cause of such Action shall have arisen; and every such Action shall be laid and tried in the County of *Buckingham* and not elsewhere; and the Defendant or Defendants in such Action shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action shall be brought before the Expiration of Thirty Days next after Notice shall have been given as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, or after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

Public Act.

XVIII. 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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