ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. LI.

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.

[12th *May* 1815.]

WHEREAS the Laws now in force, are found ineffectual for the Correction of the Disproportions which now exist, or which may from Time to Time take place, in the Assessments of County Rates; be it hereby 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, it shall be lawful for the Justices of the Peace of the several Counties in that Part of *Great Britain* called *England*, assembled at their General or Quarter Sessions, or at any Adjournment or Adjournments thereof, and they are hereby authorized and empowered, whenever Circumstances shall appear to require it, to order and direct a fair and equal County Rate to be made, for all the Purposes to which the County Stock or Rate is now or shall hereafter be made liable by Law, according to the Directions herein-after mentioned; and for that Purpose, to assess and tax every Parish, Township, and other Place, whether Parochial or Extra-parochial, within the respective Limits of their Commissions, rateably and equally, according to a certain Pound Rate (to be from Time to Time fixed and publicly declared by such Justices) of the full and fair Annual Value of the Messuages, Lands, Tenements, and Hereditaments, rateable to the

Justices in General or Quarter Sessions, to make a fair and equal County Rate, whenever Circumstances appear to require it.

Relief of the Poor therein, any Law or Statute to the contrary thereof notwithſtanding: Provided alſo, that nothing in this Act contained ſhall extend or be conſtrued to extend to give any Juriſdiction to the Juſtices of the Peace of the ſaid ſeveral Counties, over any Places ſituate within the Limits of any Liberties or Franchiſes having a ſeparate Juriſdiction, which before the paſſing of this Act were ſubject to Rates in the Nature of County Rates impoſed and aſſeſſed by the Juſtices of the Peace for ſuch Liberties or Franchiſes, or which were exempt from the Rates of the County in which they lie, either in the Whole or in Part; nor to alter any Proportion of County Rate payable by any Liberty or Franchiſe having a ſeparate Juriſdiction, as eſtabliſhed between the County and the ſaid Liberty or Franchiſe, provided ſuch Exemption or Proportion ſhall have been created by or derived from Grant, Charter, or any ſpecial Local Act of Parliament; nor to compel any ſuch Liberty or Franchiſe, paying to ſome One or more of the Rates ſpecified in the Preamble of an Act paſſed in the Twelfth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for the more eaſy aſſeſſing, collecting, and levying County Rates*, to pay to any other Rate therein mentioned, to which ſuch Liberty or Franchiſe was not liable to contribute before the paſſing of the ſaid Act; nor to repeal or alter the Proviſions of any Acts now in force which ſhall have fixed the Times and Places of holding any General or Annual General Seſſions or Adjournment thereof, for the aſſeſſing the Rates of any County, or for the raiſing, levying, or collecting the ſame, but that ſuch Proviſions ſo fixing the Time or Place of holding ſuch General or Annual General Seſſions or Adjournment thereof, and of then and there excluſively tranſacting the Matters therein mentioned reſpecting the County Rates, ſhall be and remain in full Force; and that all the Matters and Things which in and by this Act are authoriſed to be done by the Juſtices of the Peace at their General or Quarter Seſſions, or at any Adjournment or Adjournments thereof, ſhall be done and performed excluſively at ſuch General or Annual General Seſſions or at ſome Adjournment thereof, and at no other Time or Place than ſuch as ſhall have been fixed by any ſuch Act.

Juſtices to require Church-wardens and Overſeers to make Returns of Annual Value of Rateable Property.

II. And for the better enabling the ſaid Juſtices to make ſuch fair and equal County Rates, be it hereby further enacted, That it ſhall be lawful for them, at any General or General Quarter Seſſions of the Peace, or at any Adjournment or Adjournments thereof (to be holden after the paſſing of this Act) and as often as they ſhall deem it expedient, and they are hereby authorized and empowered to iſſue Precepts, ſigned by their Chairman, or by the Clerk of the Peace under the Authority of the ſaid Court, to the High Conſtables, Petty Conſtables, Church-wardens, Overſeers of the Poor, Aſſeſſors and Collectors of Public Rates and Taxes of or for the ſeveral and reſpective Pariſhes, Townſhips, and Places, whether Parochial or otherwiſe, within their Juriſdiction, or to ſuch and ſo many of them as to the ſaid Juſtices ſhall ſeem expedient, requiring the ſaid Conſtables, Churchwardens, and Overſeers of the Poor, Aſſeſſors and Collectors reſpectively, to make Returns in Writing to the Juſtices of their reſpective Diviſions in Petty Seſſions aſſembled (which Returns ſhall be verified on Oath, at the Time of Delivery, before any Two or more ſuch Juſtices,) of the Total Amount of the full and fair Annual Value of the ſeveral Eſtates and rateable Property within the Pariſh, Townſhip, or Place, whether Parochial or otherwiſe, to which they

reſpectively belong, charged or aſſeſſed to the Poors Rate at the Time of making ſuch Return, or liable ſo to be, or charged or aſſeſſed on any other Rate or Aſſeſſment, whether Parochial or Public, without regard nevertheleſs to the actual Amounts or Sums aſſeſſed on the Property therein, ſave and except in ſuch Pariſhes, Townſhips, or Places only, where ſuch Property is aſſeſſed to the full and fair eſtimated annual productive Value.

Juſtices acting for Diviſions empowered to receive Returns.

III. And be it further enacted, That it ſhall be lawful for the ſaid Juſtices ſo aſſembled at their General or Quarter Seſſions as aforeſaid, and they are hereby authorized and empowered from Time to Time, whenever they ſhall deem it expedient for the Purpoſes of this Act, alſo to make an Order or Orders for the Juſtices of the Peace, within the Limits of their Commiſſions, to meet from Time to Time within the ſeveral Diviſions in and for which they reſpectively act, and to fix therein the Time of ſuch Firſt Meeting; and the ſaid Juſtices in their reſpective Diviſions ſhall have Power to adjourn from Time to Time, until the Purpoſes of this Act ſhall be completed; and any Two or more ſuch Juſtices, aſſembled at any ſuch Meeting, ſhall receive the Returns of the ſaid Conſtables, Churchwardens, Overſeers, Aſſeſſors, and Collectors, cauſing the ſame to be verified as before directed, and them and every or any of them to examine on Oath touching any Matters and Things contained in ſuch Returns, as in the Judgement of the ſaid Juſtices may appear neceſſary for the Purpoſes of this Act, and to report their Proceedings to the ſaid Juſtices aſſembled at the next or any ſubſequent General or Quarter Seſſions, as they ſhall have ordered and directed.

Penalty on Churchwardens and Overſeers not making Returns.

IV. And be it further enacted, That in caſe any Conſtable, Churchwarden, Overſeer, Aſſeſſor, or Collector aforeſaid, ſhall neglect or make Default in making any ſuch Return in Manner aforeſaid, to the Precepts which ſhall be iſſued by or under the Authority of the ſaid Juſtices; then and in every ſuch Caſe each and every ſuch Conſtable, Churchwarden, Overſeer, Aſſeſſor, or Collector ſo neglecting and making Default, (without ſufficient Excuſe to be allowed by the ſaid Juſtices in their ſaid General or Quarter Seſſions) ſhall forfeit and pay ſuch Sum and Sums of Money, not exceeding Twenty Pounds, as ſhall or may be ordered or adjudged by ſuch Juſtices ſo aſſembled as aforeſaid, to be levied on the Goods and Chattels of each and every Churchwarden and Overſeer of the Poor ſo neglecting or making Default.

Juſtices in Petty Seſſions aſſembled, empowered to iſſue their Precepts to Officers, requiring them to make Returns in Writing.

V. And be it further enacted, That in caſe of Default by not making due Return of any Matter or Thing required by the Precept of the Juſtices in General or General Quarter Seſſion aſſembled, as before directed, it ſhall be lawful for the Juſtices in their reſpective Diviſions in Petty Seſſions aſſembled, or any Two or more of them, to iſſue their Precepts to any Officer or Officers before deſcribed, who ſhall have made ſuch Default, to make their Returns in Writing, as before required, to them, on a Day and at a Place therein to be named, and ſo from Time to Time as often as ſhall be neceſſary; and in caſe any Officer before deſcribed ſhall neglect or make Default in making any ſuch Return to the Precepts which ſhall be iſſued by any Two or more Juſtices acting for the Diviſion wherein ſuch Default ſhall be made, then and in every ſuch Caſe each and every ſuch Officer before deſcribed, ſo neglecting and making Default as aforeſaid, without ſufficient Excuſe to be allowed by the ſaid Juſtices

acting

acting for such Division, shall forfeit and pay any Sum not exceeding Twenty Pounds, as shall or may be ordered and adjudged by such last-mentioned Justices, to be levied on the Goods and Chattels of the Officers so neglecting or making Default.

Parishes may be assessed, although no Return made.

VI. And be it further enacted, That if any Churchwarden or Churchwardens, Overseer or Overseers, Assessor or Assessors, or Collector or Collectors, shall neglect or make Default in making such Return or Returns as aforesaid, or if it shall happen that notwithstanding the incurring of any such Penalty or Penalties as aforesaid, for or on account of such Neglect or Default, a Return for any Parish, Township, or Place, whether Parochial or otherwise, shall not be made within the Time limited for the making thereof, then and in every such Case it shall be lawful for the said Justices, and they are hereby required, either at the said General or Quarter Sessions, or at any Adjournment or Adjournments thereof, or at some subsequent General or Quarter Sessions to be held for the same County, or at some Adjournment or Adjournments thereof, or at some Petty Sessions, or Adjournment or Adjournments thereof respectively, as the Case may be, to ascertain the annual Value of the Property chargeable to the County Rate, within or for each and every the Parish, Township, and Place, whether Parochial or otherwise, of which the Constable or Constables, Churchwarden or Churchwardens, Overseer or Overseers, Assessor or Assessors, Collector or Collectors, shall have so neglected or made Default in making such Return as aforesaid, by issuing fresh Precepts, or by such other Means as may appear to the said Justices the most convenient and proper towards the obtaining a just and fair Estimate of such annual Value; and the said Justices of the Peace of the County in General or Quarter Sessions, or any Adjournment or Adjournments thereof, assembled, acting on their own Discretion, or on the Report of any Two or more Justices acting in and for any Division of such County, as the Case may be, shall order such Allowance or Compensation to be made to the Persons employed in ascertaining the said annual Value and in making such Returns as aforesaid, as to the said Justices so assembled shall appear reasonable; and all such Allowances and Compensations, and other Expences as shall be thereby incurred, shall be by the said Justices so assembled charged upon the Parish, Township, or Place, whether Parochial or otherwise, of which the Churchwarden or Churchwardens, Overseer or Overseers of the Poor, shall have so neglected or made Default as aforesaid, in addition to the Proportion of the said County Rate to be paid by such Parish, Township, or Place, whether Parochial or otherwise; and such Allowances, Compensations, and Expences, shall and may be raised, levied, and collected by such and the like Ways and Means as the said County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made in the Case of every such additional Assessment between the Sum or Sums charged for and on account of any such Expences and the Sum or Sums assessed as and for the County Rate.

Parishes may be assessed where no Overseers or Churchwardens, or where no Poor's

VII. Provided always, and it is hereby further enacted, That in all Cases and Places as aforesaid, where there are no Churchwardens or Overseers of the Poor, or where no Rate is made and collected for the Relief of the Poor, or where the Justices of the Peace of any County or of any Division thereof, assembled as aforesaid, for the Purpose of receiv-

ing such Returns as aforesaid of the Annual Value of the Property chargeable to the County Rate, shall be of Opinion that the Returns made to them do not afford a full, fair, and just Account of the Annual Value of the Property rateable, it shall and may be lawful to and for the said Justices of the Peace so assembled, to summon before them any One or more substantial Inhabitant of such Places respectively, or any other Person or Persons whom they the said Justices may think proper, to give Evidence as to the fair Annual Value of such rateable Property; and then and there to examine such Inhabitant or Inhabitants and other Person or Persons respectively on Oath (which Oath any One or more of the said Justices is and are hereby authorized to administer) as to the Annual Value of such Property.

Rate, or where Returns insufficient.

VIII. And be it further enacted, That in such Place or Places where there is no Poors Rate, or Overseer of the Poor or Churchwarden, or other Officer, necessary for the Execution of the Provisions of this Act, residing within the Limits of the Jurisdiction of the Justices of the Peace of the County requiring such Returns, and in which there is any Property liable to the Poors Rate, but not rated or assessed thereto, it shall and may be lawful for the said Justices of the Peace of the County, assembled as aforesaid, or for the Justices of the Peace resident in and acting for any Division of the County in which such Place or Places are situate, at any Petty Sessions or Adjournment thereof, to be holden by them within such Division as aforesaid, and they are hereby authorized and required, to appoint One or more proper Person or Persons to act as Overseer or Overseers, or other such Officer as aforesaid, who is and are hereby authorized, empowered, and required to act within such Place or Places respectively, for effecting the Purposes of this Act; and such Person or Persons respectively shall have the like Powers vested in him or them, and shall be subject to the same Regulations and Penalties for effecting all such Purposes, as fully and effectually to all Intents and Purposes, as if he or they had been appointed Overseer or Overseers of the Poor, or Churchwarden or Churchwardens, or other Officer or Officers, under any Law or Laws now in force.

Where no Poor's Rate or Overseer, Justices to appoint.

IX. And for the better enabling as well the said Justices in General or Quarter Sessions assembled, as the Justices of the several Divisions acting under the Order or Orders of the Justices assembled as aforesaid, respectively, to ascertain the fair Annual Value of all Property liable to be so rated; it is hereby further enacted, That it shall and may be lawful to and for such Justices, or any Two or more of them, from Time to Time, whenever the same may be in the Judgement of such Justices necessary for the more correct Execution of this Act, to cause any of the Books of Assessment of any Rates or Taxes, Parliamentary or Parochial, which have lately been, are now, or shall hereafter be laid on any Part of the Property liable to be assessed towards the Purposes for which a County Rate is applicable, and the Valuation by which such Assessments are or were made, mentioned, and described, within any Parish or Place within the Limits of the Jurisdiction of the said Justices, in the Hands of any Constable, Churchwarden, Overseer, Assessor, or Collector, to be brought before them or him, and to take Copies or Extracts of and from such Books or any Parts thereof, or to order and direct any Person to take such Copies or Extracts from such Books, in the Hands of them or any of them, without

Justices empowered to call for all Parliamentary and Parochial Assessments, &c.

without having the ſame brought before the ſaid Juſtices; or to call before them any ſuch Conſtable, Churchwarden, Overſeer, Aſſeſſor or Collector, to give Evidence reſpecting the ſame, as they or he or any of them ſhall think fit, ſuch Compenſation being made to the Perſon or Perſons employed for any of the Purpoſes aforeſaid, as the ſaid Juſtices or any Two or more of them ſhall think reaſonable; and if any Perſon or Perſons, in whoſe Cuſtody or Power any of the ſaid Books may be, ſhall neglect or refuſe to attend the ſaid Juſtices with ſuch Book or Books, or to permit any ſuch Copies or Extracts to be taken as aforeſaid, or to give ſuch Information or Evidence on Oath as may be required by ſuch Juſtices (which Oath ſuch Juſtices or any One or more of them are and is hereby authorized to adminiſter) then and in every ſuch Caſe, every Perſon who ſhall ſo refuſe or neglect, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds; and moreover it ſhall be lawful for ſuch Juſtices, in the like Caſes, from Time to Time to cauſe Copies of the Total Amount aſſeſſed in each Pariſh, Townſhip, or Place, in reſpect of any Aids or Taxes payable to His Majeſty, His Heirs or Succeſſors, and the Total Amount of the Valuation of the Property on which ſuch Aſſeſſments were made in any Year then elapſed, to be made out by the Clerk to the Commiſſioners of each Diſtrict within the Limits of the Juriſdiction of ſuch Juſtices, ſuch Compenſation being made to the reſpective Clerks as the ſaid Juſtices, or any Two of them, ſhall think reaſonable; and if any ſuch Clerk ſhall neglect or refuſe to make out ſuch Copies within a reaſonable Time after his Receipt of the Order of ſuch Juſtices, every ſuch Clerk ſhall forfeit and pay the Sum of Twenty Pounds.

Perſons authorized to enter upon Lands, to aſcertain Value.

X. And for the better enabling the Churchwardens and Overſeers of the Poor, Chief Conſtables, and other Perſons, to make accurate Returns as herein-before required, in Caſes where Doubts are entertained; be it further enacted, That it ſhall be lawful for them, or any of them, or for ſuch other Perſon or Perſons as they may ſelect for that Purpoſe, by Warrant under the Hands and Seals of any Two or more Juſtices of the Peace of the County in General or Quarter Seſſions aſſembled, to enter upon, view, and examine all and any Lands or other Property chargeable to the County Rate, in order to aſcertain the annual Value at which the ſame ought to be charged: Provided always, that no ſuch Entry ſhall in any Caſe be made, unleſs Fourteen Days previous Notice of the Intention of making ſuch Entry ſhall have been given under the Hands and Seals of the Juſtices authorizing the ſame, to the Churchwardens or Overſeers, or to the Perſon or Perſons appointed to act, in Default of ſuch Churchwardens or Overſeers of the Pariſh, Townſhip, or Place, whether Parochial or otherwiſe, and to the Perſon or Perſons whoſe Lands are to be entered upon for the Purpoſe of making ſuch Valuation.

Juſtices of Diviſion to certify Value aſcertained to Juſtices in Quarter Seſſions.

XI. And be it further enacted, That whenever the Juſtices in General or Quarter Seſſions aſſembled ſhall have ordered any County Rate to be made, which they are hereby authorized to order from Time to Time whenever the ſame ſhall be neceſſary, and the Juſtices in Petty Seſſions ſhall by any of the aforeſaid Ways and Means have aſcertained to their own Satisfaction the fair and juſt annual Value of any or of all the rateable Property within their reſpective Diviſions, and they are hereby required from Time to Time to certify under their Hands the true Amount thereof, to the then next General or Quarter Seſſions of the Peace for the ſame County,

County, to the Intent that at such General or Quarter Sessions, or at some Adjournment or Adjournments thereof, or at some subsequent General or Quarter Sessions, or Adjournment or Adjournments thereof, the Justices there assembled may from Time to Time, and as often as they shall deem it necessary, make a fair and equal Rate on all such rateable Property, or correct any Inequalities which upon Appeal shall be shown to their Satisfaction to exist in any Rate now existing or hereafter to be made.

Justices authorized to issue Warrants for levying new Rates, according to usual Practice.

XII. And be it further enacted, That it shall be lawful to and for the Justices of the Peace of any County, or the major Part of them, in General or Quarter Sessions, or at any Adjournment or Adjournments thereof, assembled, as often as they shall have deemed it necessary to make a Rate or Rates, Assessment or Assessments on all the rateable Property within the Limits of their Jurisdiction, according to the fair annual Value of the same, as derived from any or all of the several Sources of Information which are herein-before mentioned, and they are hereby authorized and empowered to order Warrants to be from Time to Time issued, in the same Manner as now authorized and practised by Law for collecting the County Rates, to the several High Constables within their respective Counties, ordering and requiring them to issue their Warrants to the respective Overseers of the Poor within their respective Divisions, to levy, collect, and pay to the said High Constables, within a Time to be named and limited in the Warrant to be issued from the Sessions as aforesaid, all such Rate or Rates, Assessment or Assessments, which each High Constable shall and he is hereby directed and required to pay, at such Time as shall be specified in such Warrant, to the Treasurer of the County for the Time being, to be applied and disposed of in such Manner and for such Purposes as the County Stock or Rate is now applicable or may hereafter be made applicable by Law; and in case any Overseer or Overseers of the Poor, or other Person appointed to act as such under the Provisions of this Act, in any of the several Parishes, Townships, or Places, whether Parochial or otherwise, within any County liable to pay the same, shall neglect, make default, or refuse to pay the same within the Time to be specified and limited for that Purpose as aforesaid, to the High Constable of the Division within which such Overseer or Overseers, or other Person or Persons so liable and neglecting to pay, shall reside or be appointed to act, it shall and may be lawful for any Justice of the Peace of the said County, upon Complaint thereof made by any such High Constable, by Warrant under the Hand and Seal of any such Justice, to levy the same by Distress and Sale of the Offenders Goods; and the Overseer or Overseers of the Poor of any Parish, Township, or Place, whether Parochial or otherwise, or other Person or Persons appointed to act as such Overseer or Overseers, shall and may and is and are hereby empowered to levy and raise by an equal Rate or Assessment upon all and every the several Estates and Property rateable to the Relief of the Poor, within their respective Parishes, Townships, or Places, whether Parochial or otherwise, such Sum and Sums of Money as shall be required and necessary, in order to raise the several Sums assessed upon such Parishes, Townships, or Places respectively, or to reimburse such Overseer or Overseers, or other Person or Persons as aforesaid, such Sum or Sums of Money as they shall respectively have paid on account of the same; such Rate or Assessment to be

paid by the Occupier or Occupiers for the Time being of ſuch Eſtates and rateable Property as aforeſaid.

In Places where Poor Rate does not ſeparately apply, Juſtices may order County Rate to be levied as where no Poor Rate.

XIII. And whereas it would be inconvenient and oppreſſive to many Townſhips or Places, that the Sum of Money which may be aſſeſſed on them, as or for a County Rate under this Act, ſhould be paid out of any Rate made for the Relief of the Poor, where ſuch Poor Rate doth not apply ſeparately and diſtinctly to the Pariſh, Townſhip, or Place; be it further enacted, That it ſhall be lawful for the Juſtices of the Peace, at their General or Quarter Seſſions, or at any Adjournment thereof, if they ſhall think convenient, to order the Sum of Money directed to be aſſeſſed as or for the County Rate on any ſuch Pariſh, Townſhip, or Place, whether Parochial or otherwiſe, to be paid and levied on the Churchwardens, Overſeers, or Petty Conſtables, of or for any ſuch Pariſh, Townſhip, or Place, 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.

Pariſhes aggrieved may appeal.

XIV. Provided always, and be it enacted, That if the Churchwarden or Churchwardens, Overſeer or Overſeers of the Poor, or other Inhabitant or Inhabitants of any Pariſh, Townſhip, or Place, whether Parochial or otherwiſe, where there is no Churchwarden or Overſeer, or Perſon appointed to act as ſuch, ſhall at any Time have Reaſon to think that ſuch Pariſh, Townſhip, or Place, is aggrieved by any Rate now exiſting or hereafter to be made, either in purſuance of this Act or of any Act or Acts now in force, whether it be on account of the Proportions aſſeſſed upon the reſpective Pariſhes, Townſhips, or Places being unequal, or on account of ſome one or more of them being without ſufficient Cauſe omitted altogether from the Rate, or on account of ſuch Pariſh, Townſhip, or Place being rated at a higher Proportion of the Pound Sterling according to the fair annual Value of the rateable Property therein, or on account of ſome other Pariſh or Pariſhes, Townſhip or Townſhips, Place or Places being rated at a lower Proportion of the Pound Sterling according to the fair annual Value of the rateable Property therein, than has been fixed and declared by the Juſtices of the Peace of the ſaid County, in Seſſions aſſembled, as the Baſis of the Rate of the ſaid County, or on account of any other juſt Cauſe of Complaint whatſoever; it ſhall be lawful for ſuch Churchwarden or Churchwardens, Overſeer or Overſeers of the Poor, or other Inhabitant or Inhabitants where there is no Churchwarden or Overſeer, or Perſon appointed to act as ſuch, to appeal to the Juſtices of the Peace for the County, at any General or Quarter Seſſions, againſt ſuch Part of the Rate only as may affect the Pariſh or Pariſhes, Townſhip or Townſhips, Place or Places, which are unequally rated, or which ſhall appear to be over-rated or under-rated, or omitted altogether from the Rate; and the ſaid Juſtices are hereby empowered to hear and finally determine the ſame, and either to confirm ſuch Parts of the Rate as have been appealed againſt, or to correct ſuch Inequalities, Diſproportions, or Omiſſions, as ſhall be proved to exiſt therein, in ſuch Manner as to them the ſaid Juſtices ſhall appear fair, juſt, and equitable; any Thing in this Act, or any former Act or Acts, or any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding: Provided nevertheleſs, that

that upon such Appeal, no such Rate shall be quashed or destroyed in regard to any other Parish, Township, or Place, unless in Cases where the Justices of the Peace of any County, in General or Quarter Sessions assembled, or the major Part of them, shall deem it necessary to proceed to the making of an entire new Rate, and shall proceed therein according to the Provisions of this Act.

Expense of Appeals to be paid by Parishes, or Persons appealing.

XV. And be it further enacted, That in case of any Appeals, Actions, Suits, or Proceedings at Law, respecting any Thing done in pursuance of this Act, or any other Act or Acts relating to the County Rate, the Expenses of all such Appeals, Actions, Suits, or Proceedings at Law, shall be borne and paid by such respective Parishes, Townships, Places, and Persons, or such of them, and in such Proportions, as the said Justices shall upon any Appeal, in their General or Quarter Sessions, award and order; 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.

Power to Justices to compensate Persons employed, out of County Rate.

XVI. And be it further enacted, That it shall and may be lawful for the Justices of the Peace of any County, in General or Quarter Sessions, or any Adjournment thereof, from Time to Time assembled, to order such Allowances and Compensations to be made to the Overseers, Churchwardens, Constables, Assessors, Collectors, Clerks, or other Persons employed in the Execution of this Act, which have not herein-before been provided for, from, by, and out of the Monies assessed, levied, and collected by any County Rate made under this or any former Act or Acts, as to the said Justices shall appear reasonable and proper.

Further Allowance to the Treasurer.

12 G. 2. c. 29.

XVII. And whereas the Allowance which the Justices of the Peace are authorized to make to the Treasurer or Treasurers for his or their Care and Pains in the Execution of his or their Office, stands limited by the before recited Act made in the Twelfth Year of the Reign of His Majesty King *George* the Second, to a Sum not exceeding Twenty Pounds a Year: And whereas such Sum has been in some, and may be found in many Cases inadequate to remunerate him or them for such Care and Pains; be it hereby further enacted, That so much of the said Act as limits the said Allowance to Twenty Pounds a Year, is hereby repealed; and that it shall and may be lawful for the said Justices of the Peace, at their respective General or Quarter Sessions, or the greater Part of them then and there assembled, to allow to the Treasurer or Treasurers of their Counties, and to every of them insisting on the same, such reasonable Sum or Sums of Money for such Purpose as aforesaid, as they in their Discretion shall think fit, of which they are hereby empowered to direct the Payment out of the Monies arising by the Rates of their respective Counties: Provided always, that no such Augmentation of Allowance shall be made at any such General or Quarter Sessions, unless Application for such Augmentation shall have been made by the said Treasurer or Treasurers, or the Justices of the Peace at some previous General or Quarter Sessions assembled, and unless Notice of the Intention of taking the said Augmentation into Consideration shall have been advertised for Three successive Weeks in some Newspaper usually circulating in such County, in the Month immediately preceding the Time fixed for considering the same.

Treaſurers of Counties, or of Diviſions of Counties, to publiſh once in every Year, an Abſtract Account of their Receipts and Expenditures.

XVII. And be it further enacted, That the ſaid ſeveral Treaſurers of Counties, or of Diviſions of Counties, ſhall and they are hereby required, once in every Year, to publiſh in ſome one of the Newſpapers uſually circulating in the County or Diviſion of the County in which they reſpectively act, a true and accurate Abſtract of the Account of their Receipts and Expenditures, under their ſeveral Heads, for the Year immediately preceding the Publication of ſuch Abſtract, ſigned by the Juſtices of the Peace who ſhall have audited the ſame, under a Penalty of Fifty Pounds for every Omiſſion of ſuch Publication.

High Conſtables to give Security.

XIX. And be it further enacted, That the Juſtices of the Peace of the ſaid ſeveral Counties are hereby authorized and empowered to demand and take, whenever they ſhall think fit, good and ſufficient Security, to be approved of by the ſaid Juſtices in General or Quarter Seſſions aſſembled, from the High Conſtables employed in the collecting and levying the Rates; and that if any ſuch High Conſtable, upon being ſo called upon by the ſaid Juſtices, ſhall neglect or refuſe to give ſuch Security as ſhall be approved by them, it ſhall then be lawful for the ſaid Juſtices of the Peace in Quarter Seſſions aſſembled, to order and direct the Churchwardens and Overſeers of the Poor, or other Perſons appointed to aſſeſs, collect, and levy the Rates of any Pariſh, Townſhip, or Place, to pay the Quota which ſhall be aſſeſſed thereupon towards the County Rate, to the Treaſurer of the County, Diviſion, or Place in which ſuch Pariſh, Townſhip, or Place, ſhall be ſituate; and the Receipt of ſuch Treaſurer ſhall be a ſufficient Diſcharge for the ſame.

Extending former Acts to this Act.

XX. And be it further enacted and declared, That all and every the Clauſes, Powers, Directions, Proviſions, and Authorities contained in the ſaid Act made in the Twelfth Year of His late Majeſty King *George* the
12 G. 2. c. 29. Second, intituled *An Act for the more eaſy aſſeſſing, collecting, and levying County Rates*; and alſo ſo much of another Act made in the Thirteenth Year of the Reign of His ſaid late Majeſty King *George* the Second, intituled
13 G. 2. c. 18. *An Act to continue ſeveral Acts 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 Weirs 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 and 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 (ſave and except ſuch Parts thereof reſpectively as are hereby varied, altered, or repealed) ſhall be good, valid, and effectual, for the Purpoſes of aſſeſſing, levying, collecting, and enforcing the Payment of the Rate or Rates hereafter to be made in purſuance of this Act, and for carrying this Act into Execution.

XXI. And

XXI. And whereas ſeveral Acts have paſſed in the Reign of His preſent Majeſty, and are now in force, empowering the Juſtices of the Peace of certain Counties to make fair and equal County Rates within their reſpective Counties; be it hereby enacted, That it ſhall and may be lawful to and for the ſaid Juſtices reſpectively, and they are hereby empowered, at any Time and at all Times after the paſſing of this Act, to proceed in the aſſeſſing, levying, and collecting and enforcing the Payment of the County Rate, and in all Matters relating to the equalizing the ſame, either under the Authority and according to the Proviſions and Enactments of this Act, or under the Authority and according to the Proviſions and Enactments of the particular Acts affecting their reſpective Counties, as to them ſhall ſeem fit and proper, in all Caſes in which the Proviſions and Enactments of this Act are not inconſiſtent with the Proviſions and Enactments of ſuch particular Acts. Counties where Rates have been regulated by particular Acts, authorized to make uſe of the Proviſions of this Act.

XXII. 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 Offenders Goods and Chattels, by virtue of any Warrant under the Hand and Seal of any One Juſtice of the Peace for the County, not only in the County in which the Offence ſhall have been committed, but in any other County, City, Town, Borough, Franchiſe, or Place (the Warrant or Warrants for levying the ſame being in ſuch laſt-mentioned Caſe firſt indorſed by ſome Juſtice of the Peace for the County, or Mayor, or other Head Officer of the City, Town, Borough, or Franchiſe, where any Goods of the reſpective Defaulters ſhall be found) returning the Overplus (if any) 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 ſuch Juſtices to commit the Offender to the Common Gaol of the ſaid County, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs the Forfeitures and Charges be ſooner paid; and the ſaid Forfeitures, when recovered, ſhall be paid to the Treaſurer of the County, or of any Diviſion thereof, in which they ſhall have been incurred, to be applied in aid of the Rates of the ſaid County or Diviſion thereof; and no Perſon ſhall be deemed incompetent to be a Witneſs for the Execution of the Purpoſes of this Act, or in any Appeal or other Proceeding inſtituted by virtue thereof, by reaſon of his paying or being liable to pay towards the Poor Rates or County Rates within the ſaid County. Forfeitures, &c. how to be levied and applied.

XXIII. Provided alſo, and be it further enacted, That no Action or Suit ſhall be brought, commenced, or proſecuted againſt any Perſon or Perſons, for any Thing done or to be done by virtue of or in purſuance of this Act, after Three Calendar Months next after the Fact committed; and every ſuch Action ſhall be brought and laid in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead, at his, her, or their Election, this Act ſpecially or 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 or by the Authority of this Act; and if upon Trial of ſuch Action or Suit it ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought after the Time limited for bringing the ſame as aforeſaid, or be brought or laid in any other County than as aforeſaid, then and in every the ſaid Caſes Limitation of Actions.

the Jury ſhall find a Verdict for the Defendant or Defendants; and in all Caſes where a Verdict ſhall be found for any Defendant or Defendants in ſuch Action or Suit, or the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame after the Defendant or Defendants ſhall have appeared thereto, or ſhall be nonſuited, or if upon Demurrer Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for recovering the ſame as any Defendant or Defendants hath or have for recovering Coſts of Suit in any other Caſes by Law.

Extending the Proviſions of this Act to Places that have Commiſſions of the Peace within themſelves.

XXIV. And be it further enacted, That where any Ridings or Diviſions have ſeparate Commiſſions of the Peace, or where any Cities, Towns, or other Places, within that Part of *Great Britain* called *England*, have Commiſſions of the Peace within themſelves, and are not ſubject to the Juriſdiction of the Commiſſions of the Peace for the Counties at large in which ſuch Liberties or Franchiſes lie, and do not, nor did before the paſſing of this Act, contribute or pay to the ſeveral Rates made for the ſaid Counties at large, it ſhall and may be lawful to and for the Juſtices of the Peace of ſuch ſeparate Juriſdictions within the reſpective Limits of their Commiſſions, to have, uſe, and exerciſe all and ſingular the Powers, Authorities, and Methods, given or preſcribed by this Act; and all ſuch ſeparate Juriſdictions are hereby declared to be ſubject thereto, in the ſame Manner to all Intents and Purpoſes as Counties at large; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

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