ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXIII.

An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties.

[19th *July* 1844.]

WHEREAS the Constitution of Boards of Guardians for Parishes and Unions of Parishes for the Administration of the Laws for the Relief of the Poor in *England*, together with the Appointment of Treasurers holding Funds contributed by such Parishes, affords great Facility for the Collection of County Rates, Hundred Rates, Police Rates, and other like Rates authorized to be levied in Counties or Parts of Counties; and it is expedient to relieve High Constables from the Duties of collecting and paying to the County Treasurer the said Rates, and from attending at the Quarter Sessions of the Peace of their several Counties in certain Cases, and from the Performance of certain other Duties at present by Law imposed on them: 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, That from and after the First Day of *October* in this present Year, so soon as any Vacancy occurs in the Office of High Constable of any Hundred, by the Expiration of

Justices of the Peace shall send Precepts directly to

Guardians of Unions for the Payment of County Rates, &c.

of his Appointment, or otherwise, then, as often as the Justices of the Peace within the respective Limits of their Commissions in *England* have made a County Rate or a Police Rate, or any other Rate which may by Law be raised in like Manner as County Rates, or any Two or more such Rates, such Justices assembled at their General or Quarter Sessions, or at any Adjournment thereof, shall order Precepts in the Form shown in the Schedule annexed to this Act, or as near thereto as may be, to be issued to the Guardians of every Union of Parishes, of which Union any Parish is situate within such Limits, stating the Sum or Sums assessed and charged for each such Rate on each Parish in the Union, the whole of which Parish is situate within such Limits, and to the Guardians of every single Parish situate within such Limits, stating the Sum or Sums assessed and charged on such Parish for each such Rate, and requiring the Guardians of such Union or Parish respectively, within such Time as may be limited in such Precepts, to cause the aggregate of the said several Sums so stated to be paid by them, out of the Monies held by them on behalf of each such Parish, to the Treasurer of the County or Place for which such Justices act, and may cause such Precepts to be sent by Post, or otherwise, to such Guardians; and such Precepts shall have force in every such Union so far as concerns such Parishes as are within the Limits of the Commission of the said Justices, notwithstanding that the Place of meeting of such Guardians may not be situated within such Limits, and without being endorsed with the Signature of any Justice of the Peace having ordinary Jurisdiction in the Place of meeting of the Guardians; and such Guardians shall raise the Monies required by such Precepts to be paid in like Manner as the Money required by such Guardians for the Relief of the Poor, and shall pay such Monies at the Time limited and in the Manner prescribed by such Precepts; and if the Treasurer of such Guardians, or any Person on his or their Behalf, tender to the Treasurer of the County or Place for which such Justices act the aggregate of the said several Sums, or if he so tender the whole Sum assessed on any such Parish or Parishes in respect of any such Rate or Rates, together with a Copy of such Precept in which are specified the Parish or Parishes, and the Rate or Rates, in respect of which the same is so tendered, the Treasurer of the County shall receive the Sum so tendered, notwithstanding that the Sums required to be paid on behalf of other of such Parishes or of other of such Rates be not then tendered, and shall give a Receipt for the Sum or Sums received by him accordingly, but he shall not receive any Sum on behalf of any such Parish less than the whole of the Sum assessed and charged thereon in respect of one such Rate; and the Receipt of the Treasurer of such County or Place shall be a good Discharge for the Payment of the Sums specified in any such Precept or of any of them.

Guardians to pay such Rates.

County Treasurer to receive the same.

If the Guardians fail to pay such Rates, the Justices may issue Warrants to the

II. And be it enacted, That in case Guardians do not pay within the Time limited in such Precept the Sum or Sums of Money therein required to be paid on behalf of any Parish, the said Justices assembled as aforesaid may cause to be issued and sent, by Post or otherwise, to the Overseers of the Poor of such Parish, or to the Petty Constable or Peace Officer, or other Person or Persons empowered in any Place

to rate and levy the Monies assessed as such County Police or other Rate, Warrants to collect and pay to the Treasurer of the County or Place in which such Justices act, within a Time to be named and limited in such Warrants, the Rate or Rates charged on such Parish or Place respectively, together with an Addition to such Rate or Rates in the Proportion of One Shilling to every Ten; and such additional Sum shall be applied and disposed of in like Manner as the County Rate; and such Overseers of the Poor, Petty Constables, Peace Officers, or other Persons may reimburse themselves, as well for such additional Sums as for the original Amount of Rate or Rates, out of the Monies which they are respectively empowered to rate and levy for the Purpose of such County, Police, or other Rate, but shall not receive or take from the County Rate, or any other Rate, any Allowance or Compensation for their Trouble or Expences incurred in collecting, levying, or paying such County, Police, or other Rate.

Overseers of Parishes, &c. to pay the same.

III. And be it enacted, That if any Overseer, Petty Constable, Peace Officer, or other Person as aforesaid refuse, make default, or neglect to pay to the Treasurer of the County or Place, within the Time limited as aforesaid, the Sum or Sums of Money specified in the said Warrants, and if the Clerk of the Peace or Treasurer of the County or Place make complaint thereof, then any Justice of the Peace of such County or Place may by Warrant under his Hand levy the same by Distress and Sale of the Goods of the Offender; and the Justices assembled as aforesaid may pay to any Clerk, Constable, Messenger, or other Person who may have been employed in making such Complaint, or in obtaining, drawing, or executing such Warrant, such reasonable Compensation out of the County Stock as to the said Justices may seem fit.

If the Overseers, &c. fail to pay, the Justices may levy the Rate by Distress and Sale.

IV. And be it enacted, That in every Case where any Parish comprised in an Union has, on or before the Day on which any Precept as aforesaid should be obeyed, contributed Money sufficient to enable the Guardians of the Union to pay any Sum or Sums required by such Precept in respect of such Parish, as well as to provide for the immediate Relief of the Poor of such Parish, and to satisfy all other Obligations of the said Guardians in respect of such Parish in force on that Day, and where, through the Default of any other Parish or Parishes in the same Union in contributing Money to such Guardians, or through the Neglect of such Guardians to demand sufficient Contributions from any other Parish or Parishes in the same Union, the said Guardians have applied the Money of such first-mentioned Parish to the Use of such other Parish or Parishes, and are thereby rendered unable to pay any Money so required by such Precept on behalf of such first-mentioned Parish, and such Parish is by reason thereof compelled to pay the additional Sum of One Shilling in every Ten as herein-before provided, in every such Case the Guardians of the Union shall reimburse such first-mentioned Parish such additional Sum, and all Costs incurred by reason of the Premises, out of the Monies of such other Parish or Parishes which may next thereafter come into the Hands of such Guardians; and in case more than One Parish be in default as aforesaid

Parishes not in arrear with Contributions to be reimbursed by those which are in arrear.

said the said Guardians shall charge such additional Sum and Costs to every such Parish, in proportion to the Amount of the Deficiency of the Contribution of each Parish respectively on the Day on which the said Precept should have been obeyed.

Justices may issue Precepts to the Overseers of Parishes, &c. not comprised in Unions, or only partly within the Jurisdiction of the Justices, without the Intervention of the High Constable.

V. And be it enacted, That in the Case of every Parish not comprised within any Union, and in which the Laws for the Relief of the Poor are not administered by a Board of Guardians, and in the Case of every Parish comprised in a Union the Guardians of which are not empowered to relieve the Poor, and in the Case of any Parish comprised within a Union, or in which the Laws for the Relief of the Poor are administered by a Board of Guardians, of which Parish a Part only is situated within the Limits of the Commission of any Justices, for which Part no separate Rate is levied for the Relief of the Poor, and in the Case of every Place not maintaining its own Poor, but liable to the Payment of County, Police, or other Rates as aforesaid, the Justices assembled as aforesaid may, so soon as any Vacancy occurs in the Office of High Constable as aforesaid, issue their Warrant to the Overseers, Petty Constables, Peace Officers, or other Persons empowered by Law to rate and levy County, Police, or other Rates in such Parish, Part of a Parish, or Place, to pay to the County Treasurer, or to transmit to him in such Manner as the said Justices may from Time to Time direct, within a Time limited in such Warrant, the County Rate, Police Rate, or other Rate or Rates as aforesaid charged on them, without the Agency or Intervention of any High Constable, and such Justices may cause such Warrant to be sent by Post or otherwise; and in case the said Overseers, Petty Constable, Peace Officer, or other Person refuse or neglect to pay any such Rate within the Time limited in such Warrant, the same Remedy may be had against them as now by Law exists against Overseers neglecting to pay on the Warrant of the High Constable.

Delivery of Precepts, &c. by Post, and Evidence thereof.

VI. And be it enacted, That whenever Precepts or Warrants as provided by this Act are to be sent by Post, the Clerk of the Peace shall send every such Precept or Warrant by Post as a registered Letter, according to the Regulations of the Postmaster General in force for the Time being in that Behalf; and every Precept or Warrant delivered or tendered as a registered Letter at the Address of the Person to whom it is addressed, whether a Receipt be given for the same or not, shall be deemed to have been served on the Person to whom the same was so delivered or tendered; and if delivered or tendered to the Clerk or other like Officer acting for any Guardians, shall be deemed to have been served on the whole of such Guardians; and if delivered or tendered to any One Overseer of a Parish, shall be deemed to have been served on the whole of the Overseers of such Parish.

Where Special Sessions are required to be holden Notice of the same to be sent to each Justice.

VII. And whereas it is expedient to relieve High Constables from the Duty of serving Notices of the holding of Special Sessions on the Justices of the Peace of the Division of Special Sessions personally; be it enacted, That from and after the passing of this Act, in all Cases in which Special Sessions are required to be holden for any Division of any County or Place, if Notice of the intended holding

of

of such Special Sessions be signed by any One Justice of the Peace usually acting within such Division, and if a Copy of such Notice be sent by Post a reasonable Time before the Day on which such Sessions are to be holden, addressed to each Justice of the Peace resident and usually acting within such Division at his Residence in such Division, such Notice shall be deemed to have been duly given to or served on each such Justice of the Peace, any Law or Custom to the contrary notwithstanding.

High Constable now appointed at Quarter Sessions to be appointed at Special Sessions.

VIII. And whereas it is expedient to relieve High Constables, in certain Cases, from the Duty of attending at the Court of Quarter Sessions; be it enacted, That where High Constables have heretofore been usually appointed at Courts of Quarter Sessions the High Constables of such Places shall hereafter be appointed by such Justices as may be present at the Special Sessions of their Division held for the Purpose of hearing Appeals against the Rates of the several Parishes in such Division, or at any Adjournment thereof, but if the Hundred or other like Division of the County for which any High Constable is to be appointed be not included within the Limits of any One Division of the County for which such Special Sessions are held, then the Justices of the Peace for the County assembled at General or Quarter Sessions, or any Adjournment thereof, may from Time to Time determine the Division of the Special Sessions at which such High Constable is to be appointed, and shall cause Notice of such Determination to be sent by Post, or otherwise, to the High Constable for the Time being of such Hundred or other like Division; and every High Constable, whether appointed at a Special Sessions, or at an Adjournment thereof, or at a Court Leet, or any other Special Court, shall, if present at the Time of his being appointed, then and there take his Oath for the due Execution of his Office, and if otherwise, he shall forthwith, on the Receipt of his Appointment, go before the next or some other Justice of the Peace for the County in which he resides, and then and there take his said Oath of Office, and he shall not, in virtue of his Office of High Constable, be required to take any other Oath than the said Oath for the due Execution of his Office.

High Constables to take only the Oath for due Execution of their Office.

Construction of the Words "Parish," "Union," "Guardians."

IX. And be it enacted, That in the Construction of this Act the Word "Parish" shall be construed to include any Township, Vill, or Place maintaining its own Poor, whether parochial or extra-parochial, or any Part of a Parish, Township, Vill, or other Place for which a separate Poor Rate may be made; the Word "Union" shall be construed to mean and include any Number of Parishes united under the Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in *England*," or under an Act passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, "for the better Relief and Employment of the Poor," or under any local Act; and the Word "Guardians" shall mean and include any Board of Guardians acting under the Provisions of the said Act passed in the Fifth Year of His late Majesty King *William* the Fourth, and empowered to relieve the Poor of any Parish or Union, and the Visitors, Guardians, Directors,

Managers, Acting Guardians, Vestrymen, or other Officers in a Union appointed to act in the ordering of Relief of the Poor from the Poor Rate under any general or local Act of Parliament; and the Word "Hundred" shall mean and include any Hundred, Wapentake, Ward, or other District in the Nature of a Hundred, by whatever Name denominated.

SCHEDULE to which this Act refers.

Form of Precept.

County of to wit. } To the Guardians of the Union.

THESE are to require you, the Guardians of the Union, from and out of the Monies paid into the Hands of the Treasurer of your Union for the Uses and Purposes of the said Union, to pay or cause to be paid, on or before the Day of into the Hands of *A. B.*, Treasurer of the said County, appointed to receive the same, the Sum of being the Amount of the several and respective Sums of Money hereunder set down and expressed opposite to and against the Names of the several Parishes, Townships, or Places comprised within your said Union, the said several Sums being respectively charged and assessed thereon as the Proportion of the several Parishes, Townships, or Places towards the general County Rate, at in the Pound, made at the last Quarter Sessions [*or* General Sessions] of the Peace held at in and for the said County [and towards a Police Rate, at in the Pound, made at the same Time and Place].

[*Signature of the Clerk of the Peace.*]

NAMES OF PARISHES.	County Rate, at in the Pound.	Police Rate, at in the Pound.
	£ s. d.	£ s. d.

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