ANNO QUINQUAGESIMO

GEORGII III. REGIS.

****

Cap. 1.

An Act for making a fair and equal County Rate for the County of *Cumberland*. [12th *March* 1810.]

WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His present Majesty, intituled *An Act to enable His* 47 G.3.s.2.
Majesty to grant the Citadel Walls of the City of Carlisle, *and* c.32.
certain Grounds adjoining thereto, to the Justices of the Peace for the County of Cumberland, *for building Courts of Justice for the said County, and for other Purposes relating thereto:* And whereas the said Justices were authorized and empowered by the said Act to erect and build a proper Shire Hall and Court Houses, with suitable Offices and Accommodations, for the more convenient holding the Assizes, and for other public Purposes for the said County, as should to them the said Justices appear expedient and necessary; and to pay, discharge, and defray all the Expences, Costs, and Charges attending the erecting and building of the same, and all incidental Expences in the effecting and carrying into Execution the several Purposes of the said Act, by and out of the public County Stock or Rates of the said County, subject to such Restrictions and Provisoes as are therein contained: And whereas it is found that the said County Rates are unequal, and the Payment thereof falls upon the Occupiers of Messuages, Lands, Tenements, and Hereditaments within the said County, in very unequal Proportions; for remedying whereof it is expedient that Power and Authority should be given to the Justices of the Peace for the said County of

Cumberland, from Time to Time, at their General or Quarter Sessions assembled, or at any Adjournment thereof, to make a fair and equal County Rate for all the Purposes to which the County Stock or Rate is by Law applicable, and for that Purpose to assess and tax respectively and in due Proportion all and every the Parishes, Townships, Liberties, Precincts, Villages, Hamlets, and Places within the said County, according to the annual Rent or Value of the Messuages, Lands, and Tenements therein, for and towards the same; but which 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 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 and may be lawful to and for the Justices of the Peace for the said County of *Cumberland*, or the major Part of them, at any of their General or Quarter Sessions of the Peace to be holden for the said County, or at any Adjournment thereof, and they are hereby authorized and empowered from Time to Time, and at all or any Time or Times thereafter, as often as it shall appear to them proper or expedient, to rate and assess all Messuages, Lands, Tenements, Hereditaments, and other Property rateable to the Poor within the said County, to the full and fair annual Value thereof according to their Judgment, not exceeding Eight-pence in the Pound upon such annual Value in any One Year, and to levy and raise the same in such Manner as the County Rates are now by Law and by this Act herein-after directed to be raised and levied, to be applied and disposed of by the said Justices in the same Manner and for the same Purposes as they now are authorized and empowered by Law to dispose of and apply the County Stock or Rate; and for the better enabling the said Justices to make such fair and equal Rate, it shall and may be lawful to and for the said Justices, or the major Part of them, at their General or Quarter Sessions of the Peace to be holden next after the passing of this Act, or at any Adjournment thereof, and afterwards from Time to Time and at all or any Time or Times hereafter at any General or Quarter Sessions of the Peace, or at any Adjournment of the same respectively, and as often as they shall think expedient, and they are hereby authorized and empowered from Time to Time to make an Order or Orders for the Justices of the Peace acting in and for the said County of *Cumberland*, to meet from Time to Time within the several Wards and Divisions of the said County for which they respectively act; and any Two or more Justices assembled at any such Meeting shall from Time to Time issue their Precepts under their respective Hands and Seals to all and every the Overseers of the Poor, as well within the Cities, Boroughs, or Franchises, as otherwise within such their respective Wards or Divisions, thereby commanding them to attend at a Day and Place or Days and Places to be named and appointed for that Purpose by such Precepts, and before the then next General or Quarter Sessions to be holden in and for the said County of *Cumberland*, and to return and produce to the Justices or Justice then and there present the several Rates and Assessments made for the Relief of the Poor within the several Parishes, Townships, Liberties, Precincts, Hamlets, Villages, and Places in the said County of *Cumberland*, for which such Overseers respectively act and are appointed, together

Sessions to make Orders for Justices to meet in their respective Wards.

Justices to issue Precepts for Overseers to attend their Meetings, and to produce Poor Rates verified on Oath.

with the Names of the several Persons and Parties charged with such Rates, and the Sum and Sums of Money rated or charged on such several Persons or Parties respectively; and every such Rate so returned shall be signed with the Name or Names of the Overseer or Overseers so making such Rate, and shall be verified upon Oath before such Justices or Justice at the Time of delivering in the same by the Person or Persons so delivering them: Provided always, that the said Justices shall not by virtue of any of the Powers by this Act given rate or assess any Moors or Waste Grounds until Six Years after the same shall have been allotted, divided, or inclosed.

Penalty on Overseers neglecting to appear.

II. And be it further enacted, That in case any Overseer of the Poor of any of the several Parishes, Townships, Liberties, Precincts, Villages, Hamlets, or Places within the said County, shall neglect or make default in making any such Returns in manner aforesaid, then and in every such Case each and every such Overseer of the Poor so neglecting or making default (without sufficient Excuse to be allowed by the said Justices so assembled) shall forfeit and pay such Sum and Sums of Money, not exceeding Fifty Pounds, as shall or may be ordered or adjudged by the same Justices so assembled as aforesaid, by Way of Penalty for such Neglect or Default; and in case any such Penalty shall not be forthwith paid, it shall and may be lawful to and for the said Justices so assembled, and they are hereby directed to issue their Warrant to the High or Petty Constable of the Ward or Division wherein such Parish, Township, Liberty, Precinct, Village, Hamlet, or Place shall be situate, directing him to levy such Penalty upon the respective Goods and Chattels of each and every Overseer of the Poor of the Parish, Township, Liberty, Precinct, Village, Hamlet, or Place so neglecting or making Default, in like Manner and with such Powers and Authorities as the said High or Petty Constable is, by a Statute made 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 of County Rates*, vested with for levying on the Overseers of the Poor the Sum assessed for the County Rates. 12 G. 2. c. 29.

Allowing Justices or Clerk of the Peace to call for Books of Property Tax Assessment.

III. And be it further enacted, That in order the better to enable the said Justices of the Peace to form a correct Judgment of the real Amount of the Rental or Value of the Estates as aforesaid, the said Justices of the Peace for the said County, or any Three or more of them, or the Clerk of the Peace for the said County acting under their Authority, shall and may and they and he are and is hereby authorized and empowered from Time to Time, as they or he may think necessary or expedient, to cause any of the Books of the Assessment of the Property or Income Tax, so far as the same relate or refer to or in anywise concern the Statement of Property to be set forth and stated in the Schedule (A.) contained in 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 a Definitive Treaty of Peace, further additional Rates and Duties in* Great Britain *on the Rates and Duties on Profits arising from Property, Professsions, Trades, and Offices, and for repealing an Act passed in the Forty-fifth Year of His present Majesty, for repealing certain Parts of an Act made in the Forty-third Year of His* 46 G. 3. c. 65.

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; and the Rental or Valuation by which such Assessments are made, mentioned, and described within any Parish or Place within the said County, to be brought before them or him, and to take Copies of or Extracts from such Books or Assessments, or any Part or Parts thereof, as they, he, or any of them shall think fit, (such Compensation being made to the Party or Parties producing the same respectively, as the said Justices, or any Three or more of them, shall think reasonable); and if any Person or Persons in whose Custody or Power any of the said Books or Assessments shall be, shall neglect or refuse to attend the said Justices or the said Clerk of the Peace with such Book or Books, Assessment or Assessments, or to permit them, him, or any of them to take Copies thereof or Extracts therefrom as aforesaid, 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 the Sum of Ten Pounds, to be recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, Person or Persons so making default, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any One Justice of the Peace for the said County, rendering the Overplus to the Party or Parties respectively on whose Goods and Chattels such Distress and Sale shall be so made as aforesaid, and the same Penalties or Forfeitures, when recovered and received, shall forthwith be paid to the Treasurer of the said County, to be applied towards the Purposes of this Act.

Justices to certify Amount of Sums rated to the Sessions, who are authorized to make a Rate.

IV. And be it further enacted, That in case the Justice or Justices so acting as aforesaid within their respective Wards or Divisions shall be of Opinion that such Rates and Assessments, or any of them, so made and returned, upon Examination thereof, are the fair and just annual Value of the rateable Property mentioned therein, and are in other respects fair and equal, then the said Justice or Justices are and is hereby required from Time to Time to certify under their or his Hands or Hand the gross Amount of the respective Sums on which the said Rates are made and assessed in each Division or Ward in the said County of *Cumberland* for which such Justices or Justice respectively act or acts, to the then next General or Quarter Sessions of the Peace for the same County, to the Intent that at such General or Quarter Sessions of the Peace or at some Adjournment thereof, or at some subsequent General or Quarter Sessions or Adjournment thereof respectively, the Justices assembled at any such General or Quarter Sessions, or Adjournment thereof, may from Time to Time and as often as they shall deem it necessary, and they are hereby authorized and empowered to make a Rate or Rates, Assessment or Assessments, upon all and every the Messuages, Mills, Lands, Tythes, Tenements, and Hereditaments whatsoever, in and throughout the said County of *Cumberland*, rated or liable to be rated to the Poors Rates or Property Tax in the said County of *Cumberland*, in any Sum or Sums of Money not exceeding at any One Time the Sum of Two-pence in the Pound of the several full and fair annual Values of such Messuages, Mills, Lands, Tythes, Tenements, and Hereditaments, and so from Time to Time, at any future General or Quarter Sessions, or Adjournment

thereof, to continue such Rate or Rates, Assessment or Assessments, or to reduce, alter, or vary the same, as the said Justices at their said Sessions shall think necessary and proper, and to raise them again to any Sum not exceeding the said Rate of Eight-pence in the Pound in any One Year; and for the Purpose of levying and raising such Rate or Rates, Assessment or Assessments, it shall and may be lawful for them the said Justices, and they are hereby authorized and empowered to order Warrants to be from Time to Time issued, in the same Manner as now practised and authorized by Law for collecting the County Rates, to the several High Constables within the same County of *Cumberland*, ordering and requiring them to issue their Warrants to the respective Overseers of the Poor within their respective Divisions, to levy and collect and pay to the High Constables, within a Time to be named and limited in the Warrants 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 before the then next General or Quarter Sessions of the Peace, to the Treasurer for the Time being of the said County of *Cumberland*, to be applied and disposed of in such Manner and for such Purposes as the County Stock or Rate is now by Law applicable; and in case any Overseer or Overseers of the Poor of any of the several Parishes, Townships, Liberties, Precincts, Villages, Hamlets, or Places within the said 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 Ward or Division within which such Overseer or Overseers so liable and neglecting to pay as aforesaid shall reside, it shall and may be lawful for any Justice of the Peace for the said County, upon Complaint thereof made by any such High Constable, by Warrant under the Hand and Seal of such Justice, to levy the same by Distress and Sale of the Offender's Goods, not only in the said County of *Cumberland*, 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 such Rate or Rates and the Charges of Distress and Sale shall be paid, to the Owner or Owners of the Goods so distrained and sold; and the Overseers and Overseer of any Parish, Township, or Place maintaining its own Poor within the said County, shall and may and is and are hereby authorized and empowered to levy and raise, by an equal Rate or Assessment upon all and every the Messuages, Mills, Lands, Tythes, Tenements, and Hereditaments rateable to the Relief of the Poor within their respective Parishes, Townships, or Places, such Sum and Sums of Money as shall be required and necessary in order to raise the several Sums assessed or imposed upon such Parishes, Townships, or Places respectively, or to reimburse such Overseers or Overseer 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 Messuages, Mills, Lands, Tythes, Tenements, and Hereditaments respectively: Provided always, that every Tenant or Occupier paying such Rate as aforesaid may deduct and retain out of the Rent payable to his Landlord for the

Rates when collected to be paid to the Treasurer.

Equal Rates to be assessed on the respective Parishes, &c.

Two-thirds of the Rate to be borne by the Land-

lord, and One-third by the Tenant.

the Premises in respect of which such Rate is payable, the full Amount of Two-third Parts of all and every Sum and Sums of Money so paid, it being the Intent and Meaning of this Act that Two-thirds of such Rate shall be borne by the Landlord, and the remaining One-third only by the Tenant or Occupier, and every Landlord and Owner of such Messuages, Mills, Lands, Tythes, Tenements, and Hereditaments shall and are hereby required to allow and make such respective Deductions and Payments accordingly; and every such Tenant or Occupier paying such Part of the said Rates or Assessments as are herein-before directed to be borne by the Landlord, or on whom the same shall have been levied, shall be and is hereby acquitted and discharged of and from so much Money as the same shall amount unto, as fully and effectually as if the same had been actually paid unto such Landlord or Landlords in part of the Rent due from such Tenant.

Rates to be levied by Distress.

V. And be it further enacted, That if any Person or Persons shall, after Demand made, or Notice thereof in Writing left at his last usual Place of Abode, refuse or omit to pay the Sum or Sums of Money rated or assessed upon him, her, or them, by virtue of this Act, for or in respect of the Messuages, Mills, Lands, Tythes, Tenements, and Hereditaments occupied by him, her, or them as aforesaid, for the Space of Ten Days, it shall and may be lawful for any Justice of the Peace for the said County, upon Complaint thereof made by any such Overseer or Overseers, by Warrant under his Hand and Seal, to levy the same by Distress and Sale of the Defaulter's Goods, not only in the said County of *Cumberland*, but in any other County (the Warrant or Warrants for levying the same in such last-mentioned Case being first indorsed by some Justice of the Peace for the County where any Goods and Chattels of the respective Person or Persons shall be found), returning the Overplus (if any), after such Rate and the Charges of the Distress and Sale shall be paid, to the Owner or Owners of the Goods so distrained and sold.

Power for Justices where there are no Overseers.

VI. Provided always, and it is hereby further enacted, That in all Cases and Places within the said County of *Cumberland* where there are no Overseers of the Poor, or where the Justices of the said County assembled for the Purpose of receiving such Returns from the said Overseers of the Rates and Assessments made for the Relief of the Poor within the several Parishes, Townships, Villages, Hamlets, Precincts, and Places as aforesaid, shall be of Opinion that the Rates or Assessments produced to them at their respective Meetings are not fair and equal Rates and Assessments, or according to the full and fair annual Value of the rateable Property, it shall and may be lawful to and for the said Justices of the Peace for the said County assembled at such their respective Meetings, and they are hereby authorized and required to summon before them any Two or more of the substantial Inhabitants of such Places respectively for which there are no Overseers of the Poor, or where any of the Messuages, Tenements, and Hereditaments liable to the Poor's Rates are not assessed, or in the Opinion of them the said Justices are not equally assessed and rated, or are not rated and assessed to the full or fair Value, or any other Person or Persons whom they the said Justices may think necessary and proper, to give Evidence as to the fair annual Value of such Messuages, Tenements,

Tenements, or Hereditaments, and then and there examine such Inhabitants or other Person or Persons respectively on Oath (which Oath any One or more of them the said Justices are hereby authorized to administer) as to the annual Values of such the respective Messuages, Mills, Lands, Tythes, Tenemẽnts, and Hereditaments liable to the Poor's Rates, and thereupon to ascertain the Sums on which the Rate or Rates, Assessment or Assessments, to be made in pursuance of this Act, ought to be levied and collected.

Collectors to be appointed for extra-parochial Places.

VII. And be it further enacted, That if in the said County of *Cumberland* there be any extra-parochial, peculiar, or other Places in which there are no Poor's Rate or Overseers of the Poor or other Officer necessary for the executing of the Provisions of this Act, and in which there are any Messuages, Mills, Lands, Tenements, Tythes, or Hereditaments liable to the Poor's Rates, but not rated or assessed thereto, it shall and may be lawful for the said Justices of the Peace of the said County resident in or acting for the Division of the said County in which such extra-parochial, peculiar, or other Places are situate, at any Petty Sessions 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 in the Nature of and to act as Overseer or Overseers, or other such Officer as aforesaid, who is and are hereby required, authorized, and empowered to act within and for such extra-parochial, peculiar, or other Places respectively, for effecting the Purposes of this Act, and such Person and Persons respectively shall have the like Powers vested in him or them 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 other Officer, under any of the existing Statute Laws.

Allowing an Appeal.

VIII. Provided always, and be it enacted, That if the Overseer or Overseers of the Poor of any Parish, Township, Liberty, Precinct, Village, Hamlet, or Place in the said County, shall at any Time or Times have reason to believe that such Parish, Township, Liberty, Precinct, Village, Hamlet, or Place is over-rated by any Rate to be made in pursuance of this Act, then and in every such Case it shall and may be lawful to and for such Overseer or Overseers of the Poor to appeal to the Justices of the Peace for the said County at their next General or Quarter Sessions, or at any Adjournment thereof, against such Part of the Rate only as may affect the Parish, Township, Liberty, Precinct, Village, or Place in which such Overseer or Overseers shall serve such Offices respectively; and the said Justices are hereby empowered to hear and finally determine the same, and to give such Appellant or Appellants such Relief as to them the said Justices in their Discretion shall appear fair, just, and equitable: Provided nevertheless, that upon such Appeal no such Rate shall be quashed or destroyed in regard to any other Parish, Township, Liberty, Precinct, Village, Hamlet, or Place, or Person or Persons assessed thereby, any thing in this Act, or any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding: Provided also, that if any Person or Persons shall think himself, herself, or themselves aggrieved by any Act, Matter, or Thing done in pursuance of this Act, or the Powers hereby given, then and in every such Case, on giving Fourteen Days Notice to such Overseer

Rate appealed against, not to be quashed in respect of other Parishes, &c.

Appeal in other Cases.

or Overseers, he, she, or they may appeal to the said Justices of the Peace for the said County, at their next General or Quarter Sessions to be holden next after every such Cause of Appeal shall have arisen; and the Justices at such General or Quarter Sessions assembled, or at any Adjournment or Adjournments thereof, shall and are hereby empowered to hear and finally determine the same, and to give to all such Appellants such Relief as in their Discretion shall seem fair and just.

Expences of Appeals to be borne by the Parties.

IX. 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 or Persons and 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, 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.

Extending Powers of former Acts to this.

13 G. 2. c. 18.

X. And be it further enacted and declared, That all and every the Clauses, Powers, Directions, Provisions, and Authorities contained in the said recited Acts made in the Twelfth Year of the Reign of King *George* the Second, and in the Forty-seventh Year of the Reign of His present Majesty, and so much of an Act made in the Thirteenth Year of the Reign of 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 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 the 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 for 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 (save and except such Parts thereof as are hereby varied or altered), shall be good, valid, and effectual for carrying this Act into Execution.

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

XI. Provided always, and be it enacted, That all the Costs, Charges, and Expences of obtaining this Act, and of carrying the several Powers and Purposes thereof into Execution, shall be borne and paid by the said County of *Cumberland* by, from, and out of the Rates to be made in pursuance of this Act.

Power for Justices to borrow Money.

XII. And be it further enacted, That it shall and may be lawful for the Justices of the Peace for the said County, or the major Part of them, at any General or Quarter Sessions of the Peace to be holden in and for the said County, or at any Adjournment thereof assembled, to borrow and take up at Interest such Sum and Sums of Money as they shall think fit for the Purpose of carrying the said recited Act and this Act into Execution, upon the Credit of the Rates arising by virtue of this Act, from the Whole of the said County, or from any Ward or Division thereof, and by Writing under their Hands and Seals, or the Hands and Seals of any Two or more of them present at such General or Quarter Sessions of the Peace or Adjournment thereof as aforesaid, to assign over the said Rates (the Charges of such Mortgages or Assignments to be paid out of the said Rates) to any Person or Persons as a Security or Securities for the Repayment of the several Sums respectively which shall be borrowed, with the Interest thereof; which Assignment shall be in the Words or to the Effect following; (that is to say),

Form of Assignment.

'BY virtue of an Act of Parliament made in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*], we of His Majesty's Justices of the Peace in and for the County of *Cumberland*, present at the General Quarter Sessions of the Peace holden at in and for the said County, on the Day of in consideration of the Sum of to the Treasurer of the said County in Hand paid by do hereby grant, bargain, sell, and demise unto the said Executors, Administrators, and Assigns, the Rates arising by virtue of the said Act from the said County [*or* from the Ward or Division of in the said County], to be had and holden from the Day of until the said Sum of with lawful Interest for the same shall be repaid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord.'

And Copies of all such Mortgages or Assignments shall be entered in a Book to be kept for that Purpose by the Clerk of the Peace for the said County of *Cumberland*; and all Mortgages or Assignments which shall be made in Manner and Form aforesaid, shall be good, valid, and effectual to all Intents and Purposes; and all Persons to whom such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest, or Benefit in and to the said Security, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security in the Presence of One credible Witness; which Transfer shall be in the Words or to the Effect following; (that is to say),

Form of Transfer.

'I Do transfer the within Mortgage, and all Principal and Interest now due thereon, unto Executors, Adminstrators, and Assigns. Witness my Hand and Seal this Day of.'

All which Transfers shall be produced and certified to the said Clerk of the Peace within One Calendar Month after the Date thereof, who shall cause an

an Entry or Memorial to be made thereof, containing the Dates and Names of the Parties and Sums of Money specified therein, in a Book to be kept for that Purpose, for which the said Clerk of the Peace shall be paid the Sum of Five Shillings, and no more; and after such Entry made, every such Transfer shall entitle the respective Assignees or Persons to whom the same shall be made, their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee shall and may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person making such Assignment or Transfer afterwards to make void, release, or discharge the same Security, or any Money thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Rates in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

Mortgagees to be Creditors in equal Degree, and to be paid off in Fourteen Years.

XIII. And be it further enacted, That all Persons to whom such Mortgages or Assignments shall be made shall be, in proportion to the Sum or Sums therein respectively mentioned, Creditors on the said Rates and Assessments so to be mortgaged as aforesaid, in equal Degree one with another, and shall not have any Preference with respect to the Priority of advancing any such Monies, or of the Dates of their respective Mortgages in respect to the Payment of the Interest thereof; and that the Principal thereof shall be paid in such Course and Order, according to Dates, Numbers, or Advances, as the said Justices, or any Three of them, shall from Time to Time direct and appoint, but so that the whole Money to be secured upon the Credit of such Rates and Assessments shall or may be discharged within Fourteen Years from the Time of passing this Act.

Notice to be given of paying off Securities.

XIV. Provided always, and be it further enacted, That the Treasurer of the said County do and shall give Notice by Advertisement in the *Carlisle Chronicle*, or some other public Newspaper usually circulated within the said County, of the Intention of the said Justices to pay off the Principal of all or any of the said Securities, specifying the Time when and what Securities are intended to be paid off, at least Three Calendar Months before the Time of such intended Payment, and that from the Time specified in such Notice all Interest upon such Securities respectively shall cease and be at an End; and the Principal thereof, together with the Interest due up to that Period, shall be placed in the Hands of the said County Treasurer, to be paid to the Owner or Owners of such respective Securities whenever the same shall be demanded.

Interest to be paid Half-yearly.

XV. And be it further enacted, That the Interest of the Money which shall be borrowed on Mortgage as aforesaid shall, from the Time the respective Principal Monies so to be lent or paid shall have been advanced, be paid Half-yearly to the several Parties entitled thereto.

Power for Justices to make Allow-

XVI. And be it further enacted, That it shall and may be lawful for the Justices of the Peace for the said County of *Cumberland*, in their General

General or Quarter Sessions from Time to Time assembled, to order such Allowances and Compensation to be made to the Constables and other Persons from, by, and out of the Monies to be collected and received under the Provisions of this Act, as to the said Justices shall appear reasonable, just, and proper. ance for Constables.

XVII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, One Calendar Month before such Action shall be commenced, of such intended Action, signed by the Plaintiff or Plaintiff's Attorney, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court. Plaintiff not to recover unless Notice is given, nor if sufficient Amends are tendered.

XVIII. 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 or in pursuance of this Act, after Six Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every such Action shall be brought and laid in the County of *Cumberland*, 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 the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall have been brought before the Expiration of One Calendar Month next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or 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 of the said Cases 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 Actions or Suits, 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 Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such and 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. Limitation of Actions.

Public Act.

XIX. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1826.