ANNO DUODECIMO

VICTORIÆ REGINÆ.

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Parish are made to bear more than their fair Proportion of the parochial Burdens; and it is therefore expedient that better Provisions should be granted for managing the Affairs of the said Parish, for rating of such Tenements, and for the Collection of such Rates; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act the Owner of every Tenement within the said Parish of *Epsom*, the rateable annual Value whereof shall not exceed Ten Pounds, from Time to Time to be ascertained according to the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or which shall be let to weekly or monthly Tenants, or shall be let furnished or in lodgings or in separate Apartments, or at Rents payable or collected at any shorter Period than Three Months, shall be hereafter rated and assessed to the Rates for the Relief of the Poor, for the Repairs and Services of the Church, for the Repairs of the Highways, for lighting, watching, and cleansing, and every other parochial, local, district, and other Rate within the said Parish, in respect of such Tenement, instead of the actual Occupier thereof.

Owners of Property not exceeding annual Value of 10*l.*, ascertained according to 6 & 7 W. 4. c. 96., to be rated instead of Occupiers.

II. And be it enacted, That in all Cases where any Owner shall have been or shall be liable to be rated in pursuance of this Act in respect of any such Tenement as aforesaid, it shall be lawful for such Owner to give Notice to the Officers authorized to make or collect any such Rate, of his Intention to compound for the same by Payment of a reduced Rate, whether such Tenement be occupied or not, and that in every such Case every such Owner shall thenceforth, until he shall give like Notice for determining such Composition, be liable to pay Two Thirds of such Rate only, and all such Compositions shall be entered in the Rate Books of such Officers, and such Owners shall be thenceforth rated accordingly.

Owners may compound for Rates.

III. And be it enacted, That the said Officers respectively shall, once at least in every Year, hold, at some convenient Time and Place within the said Parish, a Meeting for the Purpose of entering into such Compositions with such Owners as aforesaid, and of the Time and Place of every such Meeting shall respectively give or cause to be given Seven clear Days Notice, in the same Manner as Notices of Vestry Meetings are now by Law required to be given, and that the first yearly Meeting for entering into Compositions for the said Rates respectively shall be held within Fourteen Days after the Publication of the first of such Rates respectively made after the passing of this Act, and that every such Meeting in all future Years shall be held within Fourteen Days after the Publication of the first of such Rates respectively which shall be so made next after the Twenty-fifth Day of *March* in every Year, and that every Notice of such Meeting respectively shall be signed by the Officers or a Majority of the Officers convening the same.

Meetings to be held for compounding, and Notice to be given.

IV. And

Recovery of Rates or Compositions by Action.

IV. And be it enacted, That upon Nonpayment of any Rate, or of any Compositions for any Rate, by such Owner as shall be liable to the Payment thereof, the same, together with the Costs and Charges of recovering and levying the same, shall and may be levied upon and recovered from him, and his Goods and Chattels, wherever the same may be found, in like Manner as Rates within the said Parish may by Law be levied and recovered upon and from the Occupier, or the same may be recovered from such Owner by Action of Debt, at the Suit of the Party authorized to make or recover such Rate, with Costs, in any Court of Law having competent Jurisdiction.

How Action may be brought.

V. And be it enacted, That in any such Action or other Proceeding it shall be sufficient to sue by the Name of the Officer respectively authorized to make or collect the Rate, and whether the same shall have become due during his own Tenure of Office or that of any of his Predecessors, and without specifying the Name of such respective Officer for the Time being, and no such Action or other Proceeding shall abate or be discontinued by the Death, Removal, or Retirement of such Plaintiff in such Action or Proceeding.

Notice of Action to be given.

VI. Provided always, and be it enacted, That before any such Action shall be commenced a Notice signed by the Person or Persons intending to bring such Action, or by his or their Attorney, shall be sent by Post to, or left at the Dwelling House or last known Place of Abode of, the Person so made liable to the said Rates or Compositions, or if his Dwelling House or last known Place of Abode cannot be discovered, then such Notice shall be left at or upon the Premises in respect of which he shall be assessed to the Rate, which said Notice shall state that certain Rates or certain Compositions for Rates (describing them) are due from such Person, and that, at the Expiration of Fourteen Days from the posting or delivery of the said Notice an Action at Law will be commenced for the Recovery of such Rates or for such Compositions (as the Case may be), unless the same shall in the meantime be discharged: Provided also, that no such Action shall be commenced under the Authority of this Act after the Expiration of Eighteen Calendar Months from the Time when such Rate or Compositions (as the Case may be) shall have become due.

Persons receiving Rents to be deemed the Owners.

VII. And in order to prevent Disputes touching the Designation of the Parties intended to be made liable by this Act to the Payment of Rates as Owners, be it enacted, That the Person actually receiving the Rent of any Tenement from the Tenant or Occupier thereof, whether for his own Benefit as the Owner, or as Trustee, Agent, or Receiver for any other Person or Purpose, as well the actual Owner as the Landlord, Lessee, or Mortgagee in receipt of such Rents, or other Person in any other Capacity or Character claiming to be entitled, shall be deemed and taken to be the Owner of the same for the Purposes of this Act, and shall be liable to the Payment of all such Rates, although such Person shall have ceased to be the Owner of such Tenement, after having been rated or made liable to the Payment of such Rate, until some other Person shall be rated in respect

respect of such Tenement, or shall have compounded for such Rate, but subject to Appeal as herein-after provided for in case such Owner shall become liable to pay only a Portion of such Rate in consequence of having ceased to be such Owner, or otherwise howsoever.

Penalty on Occupier refusing to give Name of Owner when requested so to do.

VIII. And be it enacted, That if on the Request of the Person authorized to make the said Rates, or of the Collector thereof, the Occupier of the said Property shall refuse or wilfully omit to disclose, or shall wilfully misstate the Name of the Owner of such Property or of the Person receiving or authorized to receive the Rents of the same, any Justice of the Peace, on Oath made before him of such Request, and of such Refusal or wilful Omission or Mis-statement, may summon the Person who shall have so refused, or wilfully omitted, or misstated as aforesaid, to appear, at a Time and Place to be mentioned in such Summons, before any Two or more Justices; and if the Persons so summoned shall neglect or refuse to attend at the Time and Place mentioned in the Summons, or if he shall attend, and not show good Cause to the Justices then present for such his Refusal, or wilful Omission or Mis-statement, such Justices, upon Proof (in case of the Neglect or Refusal to attend as aforesaid) of the due Service of the said Summons, or on such Attendance, may impose a Penalty upon such Person who shall have so refused, or wilfully omitted, or have made such wilful Misstatement, not exceeding the Sum of Five Pounds, to be recovered, with Costs, as the Rates or Compositions under this Act may be recovered.

The Word "Owner" deemed a sufficient Description.

IX. And be it enacted, That whenever the Name of any such Owner shall not be known to the Officers making any such Rate, it shall be sufficient to rate such Owner as the Owner of the Property to be rated, by the Description of "Owner," without stating his Name.

Tenants under existing Leases or Agreements to repay the Owner.

X. Provided always, and be it enacted, That when any Owner shall be rated in respect of any Tenement which shall be in the Occupation of any Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any Rates under this Act during the Continuance of such Lease payable by the Occupier, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property; and every such Sum of Money payable by the Tenant to the Owner under the Provisions herein contained may be recovered, if the same be not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Occupiers liable to be distrained upon for Arrrears of Rates, and to recover Expenses from Owners.

XI. And be it enacted, That in all Cases where the Owner is absent and cannot be found, or refuses or neglects to pay the Rate or Composition to which he is by this Act liable, such Rate or Composition may be paid by the Occupier of the Premises in respect of which such Rate or Composition shall be due, and the Goods and Chattels of every such Occupier shall be liable at all Times to be distrained and sold for Payment of so much of the same Rate, or of any Composition for the same, and all Arrears thereof, as shall

become due in respect of the same Premises during the Time of his Occupation, only in such and the same Manner as Rates for the Relief of the Poor may by Law be levied and recovered, but no such Occupier shall at any Time be required to pay any greater Sum for or towards discharging of any such Rate or Composition or Arrears than the Amount of the Rent actually due by such Occupier to the Owner of the Premises so occupied by him at the Time when the said Rate shall be demanded, or which shall thereafter become due before such Rate shall be levied by Distress; provided also, that every such Occupier who shall pay any such Rate or Composition or Arrears, or any Part thereof, or upon whose Goods and Chattels the same shall be levied, may from Time to Time deduct the Amount of such Rate which shall be so paid or levied, and the Costs and Charges of recovering and levying the same, from the Rent then due or at any Time thereafter to become due from him to the Owner of the Premises, and the Receipt for such Payment shall be a good and sufficient Discharge to such Occupier against the Owner for so much Money as he shall have paid in the Manner directed by this Act, or shall have sustained the Loss of by reason of any Distress made under this Act.

Persons removing from and others entering into Premises to pay Proportions of Rates.

XII. And be it enacted, That in all Cases where any Person shall cease to be the Owner of any Tenement in respect whereof he shall be rated or be liable to be rated by virtue of this Act, such Person shall be liable to pay so much of such Rate as shall be in proportion to the Time he shall have possessed the same; and in all Cases where any Person shall come into the Possession of any such Tenement of which any other Person shall have ceased to be the Owner, the Person so coming into possession shall be liable to pay such Rate (although his Name may not be inserted in such Rate) in proportion to the Time that he shall have been the Owner thereof, and which said Proportion, in case of Dispute, shall be settled by the Officers for the Time being, or the major Part of them, duly authorized to make or collect such Rate.

Persons rated as Owner to vote at Vestry.

XIII. And be it enacted, That every Person so rated as an Owner shall, on Payment by him of such Rates, be entitled to be present and vote in Vestry in like Manner as if he were an Occupier of and rated as such in respect of the same Tenement.

Rate Books to be open for Inspection.

XIV. And be it enacted, That the respective Rate Books of the Officers authorized to make or collect any of the said Rates shall be open for the Inspection of such Owners as aforesaid without Fee or Reward, in the same Way and Manner to all Intents and Purposes whatsoever as such Rate Books are now by Law required to be open to the Inspection of other Rate-payers.

Appeal.

XV. And be it enacted, That all Rates to the Payment of which the several Owners of Tenements are hereby made liable may be appealed against by such Owners, in the same Manner as other similar Rates within the said Parish might have been appealed against by the Occupiers or Parties aggrieved before the passing of this Act.

Summonses or Warrants may include several Persons.

XVI. And be it enacted, That every Summons or Warrant of Distress for Nonpayment of any Rate or Composition payable by virtue of this Act may include several Persons as well as one Person, and several Sums in respect of Tenements of which the same Person may be Owner, or the same Person may be Occupier.

Liability to Rates not to disqualify Justices.

XVII. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice in the Execution of the same.

Power to appoint Vestry Clerk, and award Salary to him.

XVIII. And whereas a Vestry Clerk has from Time to Time been appointed for managing the Affairs of the said Parish, and Doubts have arisen as to the Legality of the Payments made to him for his Services out of the parochial Rates of the said Parish: It is hereby enacted (to remove such Doubts), That it shall be lawful for the Rate-payers of the said Parish, in Vestry assembled for that Purpose, from Time to Time to appoint and to remove a Vestry Clerk, and to order and direct him to be paid, out of any of the Rates to be made and levied in the said Parish by the Officers making or collecting such Rates, such Salary or Remuneration for his Services as to such Vestry shall seem fit.

Power to appoint Collector and award Salary, &c.

XIX. And in order more effectually to collect and levy the Rates to be made in the said Parish by virtue of this Act, or any other Act, be it enacted, That it shall be lawful for the Rate-payers of the said Parish from Time to Time, at a public Vestry to be duly convened and held for that Purpose, to nominate and elect, with the Consent of the Poor Law Commissioners for *England* and *Wales*, a Collector of such Rates, and to make such Allowances, by way of Salary or Poundage, to such Collector, out of such Rates (not exceeding One Shilling in the Pound on the Monies actually collected), and to dismiss such Officer, and to revoke, alter, and vary such Allowance, when and as to such Rate-payers shall seem proper.

On Removal of Collectors their Books to be produced or delivered.

XX. And be it enacted, That every such Collector shall, upon being so dismissed, or otherwise when required by them so to do, produce and deliver up to the said Churchwardens and Overseers, or the major Part of them, all the Money, Rate Books, Papers, Writings, Documents, Property, Matters, and Things in his Custody or Possession, belonging or relating to the said Parish, or relating to his said Office, for the Purpose of Inspection and safe Custody.

Collector to account and pay over Balances.

XXI. And be it enacted, That every such Collector shall at all Times keep, and when required by the said Churchwardens and Overseers or the major Part of them, or such other Officers as shall or may be by Law authorized to make, collect, or expend any Rate in the said Parish, or such other Person as shall be authorized to require the same, deliver for Examination and Audit, true and perfect Accounts in Writing under his Hand of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies from Time to Time received by him on account of any such Rate, and of all Disbursements made thereout or on account thereof, and the Times when and to whom made, together with proper Vouchers

for such Payments, and shall pay to the said Churchwardens and Overseers or other Officer as aforesaid, or to such Person as they shall respectively appoint to receive the same, all such Monies as shall remain due from him.

Power to take Security from Collector.

XXII. And be it enacted, That the said Churchwardens and Overseers shall take Security for the due and faithful Execution of the Office of such Collector, and such Security shall be by Bond with sufficient Sureties, and in such Penalty as the said Churchwardens and Overseers shall think fit; and every such Bond shall be made to the said Churchwardens and Overseers, and may, on any Breach of the Conditions thereof, be put in suit by and in the Names of the Churchwardens and Overseers for the Time being for the Benefit of the said Parish, and no Action or other Proceedings on the said Bond shall cease, abate, or be discontinued, defeated, or impeded, by the Death, Removal, or Expiration of Office of all or either of the Churchwardens and Overseers named in such Action or Proceeding.

Manner of serving Summons, &c.

XXIII. And be it enacted, That in all Cases it shall be deemed sufficient Service of a Summons or Demand of a Rate if a Copy of such Summons, or a Notice of the Amount so demanded, shall be left at the usual or last known Place of Abode of the Person to be summoned or rated, and in case such Person shall reside above Five Miles from the said Parish, then if a Copy of such Summons or such Demand be left or affixed on the Premises rated, and another Copy put into the Post Office directed to such Person at his usual or last known Place of Abode.

Expenses of Act.

XXIV. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, and all other Charges incident or in relation thereto, shall be borne, paid, and defrayed out of the first Monies which shall be collected out of any Rate for the Relief of the Poor of the said Parish of *Epsom*: Provided always nevertheless, that if it shall appear expedient to the Churchwardens and Overseers for the Time being, or the major Part of them, to borrow or take up at Interest the whole or any Part of the Money required for the Purposes aforesaid on the Credit of the said Rates to be from Time to Time made, it shall and may be lawful for them so to do, but not exceeding the Sum of Seven hundred Pounds, and by Writing under their Hands or of the major Part of them, such Writing being duly stamped for denoting the Payment of the Stamp Duty on a Mortgage for the like Amount, to charge the said Rates as a Security for Repayment thereof with legal Interest for the same; and the Costs and Expenses of such Charge shall be from Time to Time defrayed by the said Officers out of the said Rates; and every such Security shall be good, valid, and effectual, and shall entitle the Person to whom the same shall have been made, his Executors, Administrators, and Assigns, to the Repayment of the Money thereby secured with Interest as aforesaid, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act; so, nevertheless, that the Sum so borrowed shall be repaid by equal annual Instalments of not exceeding Seven.

XXV. And

Interpretation of Act.

XXV. And be it enacted, That whenever in this Act any Word is used importing the Plural Number the same shall be understood to include the Singular Number, and Words importing the Singular Number only the same shall be understood to include the Plural Number, and several Matters as well as one Matter, and several Persons as well as one Person, and shall extend to Corporations, whether aggregate or sole; and any Word importing the Masculine Gender only shall be understood to include Females as well as Males; the Word Tenement shall include all Property of every Description rateable to any parochial or other Rate in the said Parish of *Epsom*, or in any Hamlet, District, Liberty, or Part of the said Parish, as the Case may require; and that the Words "Officer" and "Officers" shall mean and include, as the Case may be or the Subject require, Churchwardens, Assistant Churchwardens, Overseers, Assistant Overseers, Collectors of Rates, Surveyors, Assistant Surveyors, Board of Surveyors, Commissioners, and all other Persons whose Duty it may be to make or collect any of the several Rates which form the Subject of this Act; the Word "Parish" shall include the said Parish of *Epsom*, and every Hamlet, District, Liberty, and Part thereof; the Word "Mortgagee" shall be held to include, if in receipt of the Rents, every other Description of Incumbrancer in possession as well as a Mortgagee; the Word "Oath" shall include Affirmation or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Persons exempted by Law from the Necessity of taking an Oath; and the Words "Two or more Justices," as to all Jurisdiction within any Police Court Division assigned or to be hereafter assigned to a Police Court within the Metropolitan Police District, shall, except where otherwise herein provided, mean a Magistrate of such Police Court present at such Court, and in his Absence any Two or more Justices of the Peace acting at such Court under the Authority of the Metropolitan Police Act, and as to all Jurisdiction not within such Police Court Division shall mean any Two or more Justices of the Peace acting for the County in which such Jurisdiction is to be exercised; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction,

Short Title.

XXVI. And be it enacted, That in citing this Act in any Act of Parliament, legal Instrument, or other Document, it shall be sufficient to use the Expression "The *Epsom* Rates Act, 1849."

Public Act.

XXVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

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