GEORGII III. REGIS.

Cap. 34.

An Act for empowering the Juſtices of the Peace, for the County of *Leiceſter*, at their General Quarter Seſſions of the Peace, to make a fair and equal County Rate for the ſaid County.

[16th *May* 1804.]

WHEREAS it is expedient that Power and Authority ſhould be given to the Juſtices of the Peace for the County of *Leiceſter*, in their General Quarter Seſſions aſſembled, to make a fair and equal County Rate for the ſaid County, and for that Purpoſe to aſſeſs and tax rateably and in equal Proportions, according to the Annual Rent or Value, all Eſtates within all and every the Pariſhes, Townſhips, Liberties, Precincts, Hamlets, extraparochial Places and other Places within the ſaid County of *Leiceſter*, for and towards the ſame; with Powers for ſuch Juſtices to collect and enforce the Payment of ſuch Rate; May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, the Juſtices of the Peace for the ſaid County of *Leiceſter*, in their General Quarter Seſſions aſſembled, ſhall have full Power and Authority, and they are hereby required to aſſeſs and tax every Pariſh,

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

riſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place within the ſaid County, rateably and in equal Proportions according to the Annual Rent or Value of all Eſtates within ſuch Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place reſpectively, in the Manner hereinafter mentioned.

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

II. And, in order the better to enable the Juſtices of the Peace for the ſaid County of *Leiceſter* to aſſeſs and tax rateably and in equal Proportions every ſuch Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place within the ſaid County, be it further enacted, That the Clerks to the reſpective Commiſſioners, and alſo the Surveyors, Aſſeſſors, and others acting in the Execution of an Act, paſſed in the Forty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for granting to his Majeſty, until the Sixth Day of May next after the Ratification of a Definitive Treaty of Peace, a Contribution on the Profits ariſing from Property, Profeſſions, Trades, and Offices*, or ſuch of them as ſhall be competent thereto, ſhall and they are hereby required, from and after the paſſing of this Act, upon any Order, Warrant, or Notice, to them or any of them to be delivered, being ſigned by the Clerk of the Peace of the ſaid County of *Leiceſter* for that Purpoſe, to make a Return or Returns in Writing of the total Amount of the Annual Rent or Value of all Eſtates within each and every Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place within the ſaid County, charged or aſſeſſed, or liable to be charged or aſſeſſed to the Duty under Schedule (A.) of the ſaid Act, as the ſame Amount ſhall have been or ſhall be aſcertained, charged, or aſſeſſed, by the Eſtimates, Certificates, Valuations, and Aſſeſſments, or otherwiſe, for the Purpoſe of charging or aſſeſſing the ſaid Duty for the Year ending on the Fifth Day of *April* One thouſand eight hundred and five, diſtinguiſhing therein each Hundred or Diviſion, and alſo each Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place within ſuch Hundred or Diviſion; which ſaid Return ſhall be ſigned by ſuch Clerk, Surveyor, Aſſeſſor or other Perſon reſpectively, in the Preſence of Two or more Juſtices of the Peace for the ſaid County; and the ſaid Clerk, Surveyor, Aſſeſſor, or other Perſon reſpectively, ſhall alſo at the ſame Time verify the ſame upon Oath if required (which Oath ſuch Juſtices are hereby empowered and required to adminiſter); and the ſaid Returns (being ſigned by ſuch Two or more Juſtices, before whom the ſame ſhall be atteſted on Oath and ſubſcribed as aforeſaid) ſhall be delivered by the ſaid Clerk, Surveyor, Aſſeſſor, or other Perſon, to the Juſtices of the Peace for the ſaid County, at their *Michaelmas* Quarter Seſſions of the Peace, or at any Adjournment thereof next after the paſſing of this Act.

When the Rates are to be made.

III. And be it further enacted, That the Juſtices of the Peace for the ſaid County aſſembled at their *Epiphany* General Quarter Seſſions of the Peace, to be holden as aforeſaid next after the paſſing of this Act, or at any Adjournment thereof, ſhall and they are hereby required to aſſeſs and tax every Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place within the ſaid County, rateably and in equal Proportions, according to the ſeveral Amounts of Annual Rent or Value of all Eſtates within each and every ſuch Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place within the ſaid County

County, as the ſame ſhall appear upon the Returns hereinbefore referred to, as directed and required to be made by ſuch Clerks, Surveyors, Aſſeſſors, and others, of the total Amounts as aforeſaid of ſuch Annual Rent or Value within each and every ſuch Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place within the ſaid County, under the Authority of the ſaid Act.

Penalty for Neglect.

IV. And be it further enacted, That every ſuch Clerk, Surveyor, Aſſeſſor, and other Perſon making wilful Default in any of the Matters required of them by this Act, ſhall for every ſuch wilful Default forfeit a Sum not exceeding Fifty Pounds nor leſs than Twenty Pounds, at the Diſcretion of the Juſtice before whom Complaint thereof ſhall be made, or of the Juſtices aſſembled at their General Quarter Seſſions of the Peace for the ſaid County, either on the Confeſſion of the Offender, or on Proof by One or more credible Witneſs or Witneſſes on Oath.

How to be levied.

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

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

VI. And be it further enacted, That if any of the ſaid Clerks, Surveyors, Aſſeſſors, or other Perſons, ſhall make Default in making ſuch Returns to the ſaid Juſtices at their ſaid *Michaelmas* Quarter Seſſions, or if it ſhall happen that notwithſtanding the incurring of any Penalty or Penalties as aforeſaid, for or on Account of ſuch Neglect or Default, a Return as aforeſaid for any Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place, ſhall not be made within the Time before limited for the making thereof, it ſhall be lawful for the ſaid Juſtices, and they are hereby required, either at the ſaid *Michaelmas* General Quarter Seſſions, or at ſome ſubſequent General Quarter Seſſions of the Peace to be holden for the ſaid County, or at any Adjournment thereof, to rate and aſſeſs each and every the Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place, and other Place reſpecting which the ſaid Clerks, Surveyors, Aſſeſſors, or other Perſons, ſhall ſo neglect or make Default as aforeſaid, for and towards the ſaid County Rate, according to ſuch Eſtimate of the juſt and fair Annual Rent or Value of the Eſtates within ſuch Pariſh, Townſhip, Liberty, Precinct, Hamlet, extraparochial Place and other Place reſpectively, as the ſaid Juſtices ſhall be able

to

to procure by any other Means than the Returns which are by this Act required to be made as aforesaid, and to order such Allowance and Compensation to be made to the chief Constables and other Persons, within the several Districts and Divisions in the said County, for their Expences and Trouble in procuring, collecting, and making the same, as to the said Justices shall appear reasonable and proper; and that all such Allowances, Compensations, and other Expences as shall be thereby incurred, shall be by the Justices of the Peace for the said County of *Leicester*, in their General Quarter Sessions assembled, charged upon the Parish, Township, Liberty, Precinct, Hamlet, extraparochial Place and other Place respecting which the said Clerks, Surveyors, Assessors, or other Persons, shall so neglect or make Default as aforesaid, in Addition to their Proportion of the said County Rate, and to be collected and paid therewith.

For making a new Assessment at the End of every 21 successive Years.

VII. And, in order the better to enable the Justices of the Peace for the said County of *Leicester*, from Time to Time to assess and tax rateably, according to the Annual Rent or Value, all Estates within each and every Parish, Township, Liberty, Precinct, Hamlet, extraparochial Place, and other Place within the said County of *Leicester*, for and towards the County Rate for the said County; be it further enacted, That it shall be lawful for the Justices of the Peace for the said County, at the End of Twenty-one Years from the passing of this Act, and so from Time to Time at the End of every successive Twenty-one Years, in all Time to come if they shall judge fit, at their *Michaelmas* General Quarter Sessions assembled, upon Six Calendar Months' previous Notice being given in the *London Gazette*, and in some one Newspaper printed within or usually circulated in the said County, if any such there shall be, to make a new Rate and Assessment upon each and every Parish, Township, Liberty, Precinct, Hamlet, extraparochial Place, and other Place within the said County, for and towards the County Rate for the said County, according to such Estimate or Return of the just and fair Annual Rent or Value of the Estates within such Parish, Township, Liberty, Precinct, Hamlet, extraparochial Place, and other Place respectively, as the said Justices shall be able to procure from the like Returns, which are by this Act required to be referred to as aforesaid, or from or by any such other Ways or Means as the said Justices shall deem necessary or expedient for procuring an Estimate or Return of the just and fair Annual Rent or Value of all or any of the Estates within each and every Parish, Township, Liberty, Precinct, Hamlet, extraparochial Place, and other Place within the said County, and to order such Allowance and Compensation to be made to the Chief Constables and other Persons within the several Districts and Divisions in the said County, for their Expences and Trouble in making, procuring, and collecting the same, as to the said Justices shall appear reasonable and proper; and that all such Allowance, Compensation, and other Expences as shall be thereby incurred, shall be paid out of the County Rate for the said County of *Leicester*.

General Appeal.

VIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Act, Matter, or Thing, to be done in pursuance of this Act, or the Powers hereby given, he, she, or they, shall and may appeal to the said Justices of the Peace for the

the ſaid County, at their next General Quarter Seſſions to be holden for the ſaid County next after any ſuch Cauſe of Complaint ſhall ariſe, upon giving Ten Days Notice in Writing, ſtating the Cauſe of Complaint unto the Chief Conſtable of the Hundred or Diviſion wherein ſuch Complaint ſhall ariſe; which Juſtices are hereby empowered to hear and finally determine the ſame, and to give ſuch Appellants or Appellant ſuch Relief as in their Diſcretion ſhall appear fair and juſt.

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

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

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

X. And whereas it will be very inconvenient and oppreſſive to many Townſhips, Liberties, Hamlets, or Places in the ſaid County of *Leiceſter*, that the Sum of Money which ſhall be aſſeſſed as or for the County Rate under this Act, ſhould be paid out of any Rate made for the Relief of the Poor, where ſuch Poor Rate doth not apply ſeparately and diſtinctly to the Pariſh, Townſhip, Liberty, Hamlet, or Place; Be it therefore enacted, That it ſhall and may be lawful to and for the Juſtices of the Peace of the ſaid County, at their General Quarter Seſſions aſſembled, if they ſhall think convenient, to order the Sum of Money directed to be aſſeſſed as or for the County Rate on any ſuch Pariſh, Townſhip, Liberty, Hamlet, or Place, to be paid by and levied on the Churchwardens, Overſeers, or Petty Conſtables of or for any ſuch Pariſh, Townſhip, Liberty, Hamlet, 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.

Powers of 12 Geo. III. continued, except when altered by this Act.

XI. And be it further enacted and declared, That all the Powers and Authorities in and by an Act, paſſed in the Twelfth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more eaſily aſſeſſing, collecting and levying the County Rates;* and all other exiſting Laws relating to County Rates, ſhall be and continue in full Force and Effect (except where altered by this Act) with reſpect to the ſaid County of *Leiceſter;* and that all ſuch Powers and Authorities ſhall be uſed and exerciſed in the Execution of this Act.

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

XII. And be it further enacted, That the Treaſurer of the ſaid County of *Leiceſter* ſhall be, and he is hereby authorized and required to pay and diſcharge the Coſts, Charges, and Expences, occaſioned by the applying for and paſſing of this Act, and alſo the Charges and Expences which ſhall be incident to and attending the collecting of the ſaid Returns of the ſaid Clerks, Surveyors, Aſſeſſors, or other Perſons, and the making and arranging of the Rate to be made in purſuance of this Act: ſuch Coſts, Charges, and Expences, being firſt examined and allowed by the ſaid Juſtices at their General Quarter Seſſions.

Limitation of Actions.

XIII. And be it further enacted, That no Action at Law ſhall be brought or commenced, or any Proceeding had, againſt any Perſon, for any Thing done by virtue or under the Authority of this Act, until Twenty-one Days Notice thereof ſhall have been given to or left at the uſual Place of Abode of the Perſon or Perſons againſt whom ſuch Action or Proceeding is intended to be commenced or had, therein ſetting forth the particular Cauſe of ſuch Action or Proceeding, or after Tender of ſufficient Amends hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Cauſe of ſuch Action ſhall have ariſen; and every ſuch Action ſhall be laid and tried in the County of *Leiceſter*, and not elſewhere; and the Defendant or Defendants in ſuch Action ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action ſhall be brought before the Expiration of Twenty-one Days next after Notice ſhall have been given as aforeſaid, or after ſufficient Tender of Amends ſhall have been

been made to the Party or Parties aggrieved, or after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſe by Law.

Juſtices of the Peace for the County *not to have* Juriſdiction in the Borough of Leiceſter.

XIV. Provided always nevertheleſs, That nothing in this Act contained ſhall extend or be conſtrued to extend to give any Juriſdiction to the Juſtices of the Peace for the ſaid County of *Leiceſter*, over any Pariſhes or Places within the Borough of *Leiceſter*, which before the paſſing of this Act were ſubject to the Rates in the Nature of County Rates, impoſed and aſſeſſed by the Juſtices of the Peace for the Borough of *Leiceſter*, but that the Juriſdiction of the ſaid Juſtices of the Peace for the ſaid County of *Leiceſter*, and of the ſaid Juſtices of the Peace for the ſaid Borough of *Leiceſter* reſpectively, ſhall remain unprejudiced and unaffected by this Act; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Public Act.

XV. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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