ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

****

Cap. 78.

An Act for making an equal County Rate for the County of *Oxford*. [21ſt *May* 1813.]

WHEREAS the Aſſeſſments by which the County Rates are collected in the County of *Oxford* are become very diſproportionate and unequal, and it is therefore expedient that Power and Authority ſhould be given to the Juſtices of the Peace for the ſaid County of *Oxford*, in their General or Quarter Seſſions aſſembled, to make a fair and equal County Rate, and for that Purpoſe to aſſeſs and tax rateably and in due Proportions all and every the Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, and Places within the ſaid County, heretofore ſubject and liable to the Authority and Juriſdiction of the ſaid Juſtices as to the aſſeſſing or levying of the County Rates, according to the annual Rent or Value of Eſtates therein, for and towards the ſame: 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 *Oxford*, in their General or Quarter Seſſions aſſembled, or at any Adjournment or Adjournments thereof, ſhall have full Power and Authority, and they are hereby required from Time to Time, to aſſeſs and tax to the County Rates every Pariſh, Town, Liberty, Precinct, Village, Hamlet, and Place within the ſaid County, heretofore ſubject and liable to the Authority and Juriſdiction of the ſaid Juſtices as to the aſſeſſing or levying of the County Rates, rateably and in equal Proportions, according to the Annual Rent or

Juſtices of the Peace in Seſſions may aſſeſs the County.

Value of Eſtates within each Pariſh, Town, Liberty, Precinct, Village, Hamlet, and Place reſpectively.

Rental of the County to be delivered to the County Seſſions.

II. And be it further enacted, That at the next General Quarter Seſſions of the Peace to be holden in and for the ſaid County of *Oxford* after the paſſing of this Act, or at the next ſubſequent General Quarter Seſſions, and from Time to Time during the Execution of this Act, when required by the Juſtices aſſembled at any General Quarter Seſſions of the Peace for the ſame County, or by the Clerk of the Peace acting under their Authority, the Churchwardens and Overſeers of the Poor of the ſeveral and reſpective Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, and Places within the ſaid County, ſhall and they are hereby required to make a Return in Writing to the ſaid Juſtices in Seſſion aſſembled (which Return ſhall be verified upon Oath in open Court, at the Time of delivering in the ſame, by the Perſon or Perſons ſo delivering in the ſame), of the total Amount of the Rental or Value of the ſeveral Eſtates and rateable Property within the Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place to which they ſhall reſpectively belong, charged or aſſeſſed to the Poors Rate of and in ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, at the Time of making ſuch Return, or liable ſo to be; and the Mode adopted of making ſuch Rate, whether it be to the full Value or in what Proportion thereof, ſhall be ſtated and pointed out in Writing upon ſuch Return, and verified as aforeſaid by ſuch Churchwardens and Overſeers, in order that the ſaid Juſtices may be enabled to diſcover the real Amount of the Rental or Value of the Eſtates within ſuch ſeveral Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, or Places.

Penalty on Churchwardens and Overſeers not making Returns.

III. And be it further enacted, That in caſe any Churchwarden or Overſeer of the Poor of any of the ſeveral Pariſhes, Towns, 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 Churchwarden and Overſeer of the Poor ſo neglecting or making Default (without ſufficient Excuſe, to be allowed by the ſaid Juſtices in their ſaid General or Quarter Seſſion) ſhall forfeit and pay ſuch Sum and Sums of Money, not exceeding Ten Pounds, as ſhall or may be ordered or adjudged by the ſaid Juſtices, in their General Quarter Seſſions aſſembled, 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, in ſuch Seſſions aſſembled, and they are hereby directed to iſſue their Warrant, ſigned by the Juſtice acting as Chairman of the Juſtices at ſuch Seſſion, to the High Conſtable of the Diviſion where ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place ſhall be ſituated, directing him to levy ſuch Penalty upon the reſpective Goods and Chattels of each and every Churchwarden and Overſeer of the Poor of the Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place ſo neglecting or making Default, in like Manner and with ſuch Powers and Authorities as the ſaid High 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 County Rates*, veſted with for levying on the Churchwardens and Overſeers of the Poor the Sum aſſeſſed for the County Rate.

IV. And

Pariſhes may be aſſeſſed, although no Return made.

IV. And be it further enacted, That if any Churchwarden or Churchwardens, or Overſeer or Overſeers of the Poor, ſhall neglect or make Default in making ſuch Return or Returns as aforeſaid; or if it ſhall happen that notwithſtanding the incurring of any ſuch Penalty or Penalties as aforeſaid, for or on account of ſuch Neglect or Default, a Return for any Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, ſhall not be made within the Time before limited for the making thereof; then and in every ſuch Caſe it ſhall be lawful for the ſaid Juſtices and they are hereby required, either at the ſaid Quarter Seſſions or at any Adjournment or Adjournments thereof, or at ſome ſubſequent General or Quarter Seſſions to be held for the ſaid County, or at ſome Adjournment or Adjournments thereof, to rate and aſſeſs each and every the Pariſh, Town, Liberty, Precinct, Hamlet, or Place, of which the Churchwarden or Churchwardens, or Overſeer or Overſeers of the Poor, ſhall have ſo neglected or made Default in making ſuch Return 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, Town, Liberty, Precinct, Village, Hamlet, or Place, or Pariſhes, Townſhips, Liberties, Precincts, Villages, Hamlets, or Places reſpectively, as the ſaid Juſtices ſhall be able 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 Conſtables and other Perſons within the ſeveral Diſtricts and Diviſions in the ſaid County, for their Expences and Trouble in procuring, collecting, and levying the ſame, as to the ſaid Juſtices ſhall appear reaſonable and proper; and 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 *Oxford*, in their General or Quarter Seſſions, or at any Adjournment or Adjournments thereof aſſembled, charged upon the Pariſh, Town, Liberty, Precinct, Hamlet, or Place of which the Churchwarden or Churchwardens, Overſeer or Overſeers of the Poor, ſhall have ſo neglected or made Default as aforeſaid, in Addition to the Proportion of the ſaid County Rate to be paid by ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place; and ſuch Allowances, Compenſations, and Expences ſhall and may be raiſed, levied, and collected by ſuch and the like Ways and Means as the ſaid County Rate can or may be raiſed, levied, and collected, and ſhall be paid therewith.

Pariſhes may be aſſeſſed where no Poor's Rates are collected.

V. And be it further enacted, That in any Pariſh, Townſhip, Liberty, Precinct, Hamlet, Extra-parochial Place, or other Place in the ſaid County of *Oxford*, where no Rate is or ſhall be made and collected for the Relief of the Poor, it ſhall be lawful for the Juſtices of the Peace for the ſaid County, in their General Quarter Seſſions aſſembled, or at any Adjournment thereof, 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, Extra-parochial Place, or other Place, to be rated and levied on the Inhabitant or Inhabitants, or Occupier or Occupiers of Lands and Tenements therein, by ſuch one or more Inhabitant or Inhabitants, or Occupier or Occupiers, 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,

ſhip, Liberty, Precinct, Hamlet, Extra-parochial Place, or other Place doth lie, within the Space of Thirty 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 *Oxford*, 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 and Tenements within ſuch Pariſh, Townſhip, Liberty, Precinct, Hamlet, Extra-parochial 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 Nonpayment, as are herein-before given to the Chief Conſtable.

Declaring how the Rental of the whole County ſhall be reviſed, corrected and aſcertained.

VI. And be it further enacted, That the ſaid Juſtices of the Peace, 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, whenever the ſame may be, in the Judgment of ſuch Juſtices, neceſſary for the better Execution of this Act, to cauſe any of the Books of 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 any definitive Treaty of Peace, further additional Rates and Duties in* Great Britain, *on Profits ariſing from Property, Profeſſions, Trades, and Offices; and for repealing an Act paſſed in the Forty-fifth Year of His 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 or Extracts of and from ſuch Books or any Part or Parts thereof, or to order and direct any Perſon to take ſuch Copies or Extracts from ſuch Books in the Hands of the Clerk to the Commiſſioners or Collector, without having the ſame brought

before the Juſtices as aforeſaid, as they, he, or any of them ſhall think fit; ſuch Compenſation being made to the 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 ſhall be, ſhall neglect or refuſe to attend the ſaid Juſtices or the ſaid Clerk of the Peace with ſuch Book or Books, or to permit any ſuch Copies or Extracts thereof as aforeſaid to be taken as aforeſaid, then and in every ſuch Caſe every Perſon who ſhall ſo refuſe or neglect, ſhall for every ſuch Offence forfeit and pay the Sum of Twenty 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, or of ſuch Diviſion thereof in which ſuch Offence ſhall ariſe, to be applied towards the Purpoſes of this Act.

Allowing an Appeal againſt Rates.

VII. Provided always, and be it enacted, That if the Churchwarden or Churchwardens, Overſeer or Overſeers of the Poor of any Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place in the ſaid County, ſhall at any Time or Times have reaſon to believe that ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place is aggrieved 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 Churchwarden or Churchwardens, Overſeer or Overſeers of the Poor, to appeal to the Juſtices of the Peace for the ſaid County, at their next General or General Quarter Seſſions againſt ſuch Part of the Rate only as may affect the Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place in which ſuch Churchwarden or Churchwardens, Overſeer or Overſeers, ſhall ſerve ſuch Offices reſpectively; and the ſaid Juſtices are hereby empowered to hear and finally determine the ſame, and either to confirm ſuch Rate, or 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, Town, 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 any wiſe notwithſtanding.

Expences of Appeals to be paid by Pariſhes appealing.

VIII. And be it further enacted, That in caſe of any Appeals, Actions, Suits, or Proceedings at Law, as betwixt Pariſh and Pariſh, or betwixt any Perſon and Perſons, or 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 the ſame, 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 former Acts to this Act.

IX. And be it further enacted and declared, That all and every the Clauſes, Powers, Directions, Proviſions, and Authorities contained in the ſaid 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 County Rates*; and alſo ſo much of another Statute made in the Thirteenth Year of the Reign of His ſaid late Majeſty King *George* the Second, intituled *An Act to continue ſeveral Acts therein mentioned, for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes; for repairing Highways or Locks or other Works erected by Authority of Parliament; for making Rivers navigable; for preventing Exactions of the Occupiers of Locks and Weirs upon the River of* Thames *Weſtward, and for aſcertaining the Rates of Water Carriage upon the ſaid River; for preventing frivolous and vexatious Arreſts; and for better ſecuring the lawful Trade of His Majeſty's Subjects to and from the* Eaſt Indies, *and for the more effectual preventing all His Majeſty's Subjects trading thither under Foreign Commiſſions; and for limiting the Time for ſuing forth Writs of* Certiorari *upon Proceedings before Juſtices of the Peace, and for regulating the Time and Manner of applying for the ſame; for the better and more ſpeedy Execution of Proceſs within particular Franchiſes 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 reſpectively as are hereby varied, altered, or repealed), ſhall be good, valid, and effectual for the Purpoſes of aſſeſſing, levying, collecting, and enforcing the Payment of the Rate or Rates hereafter to be made in purſuance of this Act, and for carrying this Act into Execution.

For Payment of the Expences of this Act.

X. And be it further enacted, That the Treaſurer of the ſaid County of *Oxford* ſhall be and he is hereby authorized and required to obey any Order or Orders that ſhall hereafter be made by the Juſtices of the ſaid County at any General Quarter Seſſions of the Peace or Adjournment thereof, for the Payment of the Coſts, Charges, and Expences occaſioned by the applying for and paſſing this Act, and alſo the Charges and Expences which ſhall be incident to and attending the collecting of the ſaid Returns of the ſaid Churchwardens, Overſeers, or other Perſons, and the making and arranging of the Rate to be made in purſuance of this Act.

Limitation of Actions.

XI. Provided alſo, and be it further enacted, That no Action or Suit ſhall be brought, commenced, or proſecuted againſt any Perſon or Perſons for any Thing done or to be done by virtue or in purſuance of this Act, after Three 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 *Oxford*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead, at his, her, or their Election, 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 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 Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer, Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and have the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law.

Public Act.

XII. 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.

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