ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

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C A P. XXIII.

An Act for the better Collection of Rates made for the Relief of the Poor. [18th *April* 1801.]

WHEREAS by an Act of Parliament, made and passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for remedying some Defects in the Act, made in the Forty-third Year of the Reign of Queen* Elizabeth, *intituled,* '*An Act for the Relief of the Poor*;' Power was given to Justices of the Peace, upon Appeals from Rates and Assessments, where they should see just Cause to give Relief, to amend the same in such Manner only as should be necessary for giving such Relief, without altering such Rates or Assessments with respect to other Persons mentioned in the same: And whereas the quashing or setting aside of Rates or Assessments made for the Relief of the Poor, is attended with great Inconvenience; and it hath happened, in consequence of the Rate or Assessment being quashed or set aside, or of Notice of Appeal against the whole Rate being given, the Churchwardens and Overseers of the Poor have not had any Money in Hand for the Relief and Maintenance of the Poor: For Remedy whereof, May it 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,

Preamble.

17 Geo. II, Cap. 38.

in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, upon all Appeals from any Rate or Aſſeſſment made for the Relief of the Poor of any Pariſh, Townſhip, Vill, or Place, the Court of General or Quarter Seſſions of the Peace ſhall, and ſuch Court is hereby authorized and required (in all Caſes where they ſhall ſee juſt Cauſe to give Relief) to amend ſuch Rate or Aſſeſſment, either by inſerting therein or ſtriking out the Name or Names of any Perſon or Perſons, or by altering the Sum or Sums therein charged on any Perſon or Perſons, or in any other Manner which the ſaid Court ſhall think neceſſary for giving ſuch Relief, and without quaſhing or wholly ſetting aſide ſuch Rate or Aſſeſſment: Provided always, That if the ſaid Court ſhall be of Opinion that it is neceſſary, for the Purpoſe of giving Relief to the Perſon or Perſons appealing, that the Rate or Aſſeſſment ſhould be wholly quaſhed, then the ſaid Court may quaſh the ſame; but nevertheleſs, all and every the Sum and Sums of Money in and by ſuch Rate or Aſſeſſment charged on any Perſon or Perſons, ſhall and may be levied and recovered by ſuch Ways and Means, and in ſuch and the ſame Manner, as if no Appeal had been made againſt ſuch Rate or Aſſeſſment; and all and every the Sum and Sums of Money which any Perſon or Perſons charged in ſuch Rate or Aſſeſſment ſhall pay, or which ſhall be levied upon or recovered from him, her, or them, ſhall be deemed and taken as Payments, on account of the next effective Rate or Rates, Aſſeſſment or Aſſeſſments, which ſhall be made for the Relief of the Poor of the ſame Pariſh, Townſhip, Vill, or Place.

On Appeal from any Poor Rate, the Quarter Seſſion may amend it without quaſhing it, or, if neceſſary to grant Relief, may quaſh the Rate, but the Sum aſſeſſed ſhall notwithſtanding be levied.

II. And be it further enacted, That, from and after the paſſing of this Act, all and every the Sum and Sums of Money at which any Perſon or Perſons is or are or ſhall be rated or aſſeſſed, in any Rate or Aſſeſſment made for the Relief of the Poor of any Pariſh, Townſhip, Vill, or Place, ſhall and may be levied and recovered by Diſtreſs, and all other lawful Ways and Means, notwithſtanding the Perſon or Perſons ſo rated or aſſeſſed, or any other Perſon or Perſons, ſhall have given Notice of Appeal from or againſt ſuch Rate or Aſſeſſment, for any Cauſe whatſoever: Provided always, That if any Perſon, rated or aſſeſſed in any Rate or Aſſeſſment made for the Relief of the Poor, ſhall give ſuch Notice of Appeal as herein-after mentioned to the Churchwardens and Overſeers of the Poor of any Pariſh, Townſhip, Vill, or Place, or any Two of them, then, from and after the giving of ſuch Notice, and until the Appeal ſhall have been heard and determined, no Proceedings ſhall be commenced or carried on to recover any greater Sum or Sums of Money from ſuch Perſon or Perſons, than the Sum or Sums at which he, ſhe, or they, or any Occupier of the ſame Premiſes, ſhall have been rated or aſſeſſed in the laſt effective Rate which ſhall have been collected in ſuch Pariſh, Townſhip, Vill, or Place.

Notice of Appeal not to prevent Diſtreſs being made for the Recovery of the Rate, provided the Sum be not greater than that aſſeſſed in the laſt effective Rate.

III. And be it further enacted, That in caſe the ſaid Court of General or Quarter Seſſions of the Peace ſhall upon Appeal order any Rate or Aſſeſſment for the Relief of the Poor to be quaſhed, it ſhall be lawful for the ſaid Court to order that any Sum or Sums of Money, in and by ſuch Rate or Aſſeſſment charged on any Perſon or Perſons, or any Part of

Quarter Seſſions having ordered a Rate to be quaſhed, may order the Sum charged on any Perſon

of any such Sum or Sums, not to be paid, and then and in every such Case no Proceedings shall, after making such Order, be commenced; or if any Proceedings have been previously commenced, such Proceedings shall be no further prosecuted or carried on for the Purpose of levying or enforcing the Payment of any Sum or Sums which shall be so ordered by the said Court not to be paid as aforesaid: Provided always, That no Justice of the Peace, Constable, or other Officer of the Peace or other Person shall be deemed a Trespasser, or liable to any Action, for any Warrant, Order, Act, or Thing, which such Justice, Constable, or other Officer or Person shall have granted, made, executed, or done, for the Purpose of levying or enforcing the Payment of any such Sum or Sums of Money, before he shall have had Notice in Writing of the Order for the Non-payment of such Sum or Sums of Money, which the said Court is hereby authorized to make as aforesaid.

not to be paid, and stop Proceedings for the Recovery thereof, &c.

IV. And be it further enacted, That, from and after the passing of this Act, all Notices of Appeal from or against any Rate or Assessment made for the Relief of the Poor, or from or against the Account of the Churchwardens and Overseers of the Poor of any Parish, Township, Vill, or Place, shall be in Writing, and shall be signed by the Person or Persons giving the same, or his, her, or their Attorney, on his, her, or their Behalf; and such Notices of Appeal shall be delivered to or left at the Places of Abode of the Churchwardens and Overseers of the Poor of the Parish, Township, Vill, or Place, or any Two of them, and the particular Causes or Grounds of Appeal shall be stated and specified in such Notice; and upon the Hearing of any Appeal from or against any such Rate or Assessment, or Account, the Court of General or Quarter Sessions to which such Appeal shall be made, shall not examine or enquire into any other Cause or Ground of Appeal than such as are or is stated and specified in the Notice of Appeal.

Notices of Appeal to be given to Churchwardens and Overseers of the Poor, &c.

V. Provided nevertheless, and be it further enacted, That with the Consent of the Overseers, signified by them or their Attorney in open Court, and with the Consent of any other Person interested therein, the said Court of Sessions may proceed to hear and decide upon such Appeal, although no Notice thereof shall have been given in Writing; and also that with the like Consent such Court may hear and decide upon Grounds of Appeal, not stated or mistated in such Written Notice, where any Notice shall have been given in Writing.

Appeals may be decided, if the Parties consent, although Notice be not given.

VI. And be it further enacted, That, from and after the passing of this Act, if any Person or Persons shall appeal against any Rate or Assessment made for the Relief of the Poor, because any other Person or Persons is or are rated or assessed in such Rate or Assessment, or is or are omitted to be rated or assessed therein, or because any other Person or Persons is or are rated or assessed in any such Rate or Assessment at any greater or less Sum or Sums of Money than the Sum or Sums at which he, she, or they ought to be rated or assessed therein, or for any other Cause that may require any Alteration to be made in such Rate or Assessment with respect to any other Person or Persons, then and

Persons appealing against any Rate, shall give Notice, not only to the Churchwardens, *etc.* but also to the Persons interested, &c.

and in every ſuch Caſe the Perſon or Perſons ſo appealing for the Cauſes aforeſaid, or any of them, ſhall give ſuch Notice of Appeal, in Writing as herein-before mentioned, not only to the Churchwardens or Overſeers of the Poor, or any Two or more of them, but alſo to the other Perſon or Perſons ſo intereſted or concerned in the Event of ſuch Appeal as aforeſaid; and ſuch other Perſon or Perſons ſhall, if he, ſhe, or they ſhall ſo deſire, be heard upon the ſaid Appeal; and it ſhall be lawful for the Court of General or Quarter Seſſions of the Peace, on the Hearing of ſuch Appeal, to order the Name or Names of ſuch other Perſon or Perſons to be inſerted in ſuch Rate or Aſſeſſment, and him, her, or them to be therein rated and aſſeſſed at any Sum or Sums of Money, or to order the Name or Names of ſuch other Perſon or Perſons to be ſtruck out of ſuch Rate or Aſſeſſment, or the Sum or Sums at which he, ſhe, or they is or are rated or aſſeſſed therein, to be altered, in ſuch Manner as the ſaid Court ſhall think right; and the proper Officer of the ſaid Court ſhall forthwith add to or alter the Rate or Aſſeſſment accordingly.

The Rate ſhall be recovered as altered by the Quarter Seſſions.

VII. And be it further enacted, That if upon the Hearing of any Appeal from or againſt any Rate or Aſſeſſment, the ſaid Court ſhall order the Name or Names of any Perſon or Perſons to be inſerted therein, and him, her, or them to be rated or aſſeſſed at any Sum or Sums of Money, or ſhall order the Sum or Sums at which any Perſon or Perſons is or are therein rated or aſſeſſed to be raiſed or increaſed, then and in ſuch Caſe all and every the Sum and Sums of Money, at or to which ſuch Perſon or Perſons ſhall be ſo ordered to be rated or aſſeſſed, or to be raiſed or increaſed, or ſo much thereof as ſhall not have been already paid, ſhall and may be recovered in ſuch and the ſame Manner, and by ſuch and the ſame Means, as if he, ſhe, or they had been originally named in ſuch Rate or Aſſeſſment, and rated or aſſeſſed therein at ſuch Sum or Sums of Money.

In caſe in the Rate the Name of any Perſon ſhall be ſtruck out, or any Sum lowered, the Quarter Seſſions ſhall order the Money which ought not to have been recovered to be repaid.

VIII. And be it enacted, That if upon the Hearing of any Appeal from any Rate or Aſſeſſment for the Relief of the Poor, the Court of General or Quarter Seſſions of the Peace ſhall order the Name or Names of any Perſon or Perſons to be ſtruck out of ſuch Rate or Aſſeſſment, or the Sum or Sums rated or aſſeſſed on any Perſon or Perſons to be decreaſed or lowered; and if it ſhall be made appear to the ſaid Court, that ſuch Perſon or Perſons hath or have, previouſly to the Hearing of ſuch Appeal, paid any Sum or Sums of Money, in conſequence of ſuch Rate or Aſſeſſment, which he, ſhe, or they ought not to have paid or been charged with, then and in every ſuch Caſe the ſaid Court ſhall order all and every ſuch Sum and Sums of Money to be repaid and returned, by the ſaid Churchwardens and Overſeers of the Poor, to the Perſon or Perſons having paid the ſame reſpectively, together with all reaſonable Coſts, Charges, and Expences, occaſioned by ſuch Perſon or Perſons having paid or been required to pay the ſame; and all and every the Sum and Sums of Money ſo ordered to be repaid or returned by the Churchwardens and Overſeers of the Poor, or any of them, ſhall and may, together with all ſuch Coſts, Charges, and Expences as aforeſaid, be levied and recovered from them, or any of

them, by Diſtreſs and all ſuch other Ways and Means as the Money charged, rated, or aſſeſſed on any Perſon, by any Rate or Aſſeſſment made for the Relief of the Poor, can or may be by Law levied or recovered.

In Default of Churchwardens and Overſeers of the Poor repaying the Money expended by the preceding Churchwardens, &c. for the Maintenance of the Poor, the Quarter Seſſions, on Application being made to them, ſhall make an Order for Payment.

IX. And whereas it may have happened that the Churchwardens and Overſeers of the Poor of ſome Pariſhes, Townſhips, Vills, or Places, have not been able to collect a Sum of Money ſufficient for the Relief and Maintenance of the Poor within or belonging to the ſame, but they, or the Guardian or Guardians of the Poor of ſuch Pariſhes, Townſhips, Vills, or Places, have heretofore actually advanced and expended conſiderable Sums for that Purpoſe; be it therefore enacted, That it ſhall be lawful for the Churchwardens and Overſeers of the Poor of any Pariſh, Townſhip, Vill, or Place, or any of them, out of any Money which they or any of them ſhall collect or receive by virtue or in purſuance of any Rate or Aſſeſſment made for the Relief of the Poor of ſuch Pariſh, Townſhip, Vill, or Place, to repay and reimburſe the preceding Churchwardens and Overſeers, Guardian or Guardians of the Poor of ſuch Pariſh, Townſhip, Vill, or Place, all ſuch Sums of Money as they or any of them have heretofore advanced or expended for the Relief or Maintenance of the Poor within or belonging to ſuch Pariſh, Townſhip, Vill, or Place, during the Time that no Rate or Aſſeſſment for the Relief of the Poor thereof has been made, or during the Time that any Appeal has been depending which affected the Whole of ſuch Rate or Aſſeſſment, or upon the Hearing of which, the ſame might be wholly quaſhed or ſet aſide; and in caſe the Churchwardens and Overſeers of the Poor of any Pariſh, Townſhip, Vill, or Place, ſhall not pay to the preceding Churchwardens and Overſeers, Guardian or Guardians, all ſuch Sums of Money as they or any of them have ſo advanced and expended for the Relief and Maintenance of the Poor as aforeſaid, within Fourteen Days next after Demand in Writing made for that Purpoſe, it ſhall be lawful for ſuch preceding Churchwardens and Overſeers, Guardian or Guardians of the Poor, or any of them, to apply to the then next Court of General or Quarter Seſſions of the Peace for the County, Riding, Diviſion, Town, Corporation, or Franchiſe, within which ſuch Pariſh, Townſhip, Vill, or Place is ſituate, giving due Notice in Writing of ſuch Application to the then Churchwardens and Overſeers of the Poor of ſuch Pariſh, Townſhip, Vill, or Place, or any Two or more of them; and the ſaid Court of General or Quarter Seſſions of the Peace ſhall enquire into the Matter of the ſaid Application, and examine the Parties and their Witneſſes upon Oath, and ſhall make an Order upon the then Churchwardens and Overſeers of the Poor of ſuch Pariſh, Townſhip, Vill, or Place, or any of them, out of the Money collected or received, or to be collected or received by them or any of them, under or in purſuance of any Rate or Aſſeſſment made for the Relief of the Poor, to pay ſuch Sum or Sums of Money to the preceding Churchwardens and Overſeers, Guardian or Guardians of the Poor of the ſame, or any of them, as the ſaid Court ſhall think fit; and all and every the Sum

and Sums of Money ſo ordered by the ſaid Court to be paid, ſhall and may be levied and recovered by Diſtreſs and all ſuch other Ways and Means as the Money charged, rated, or aſſeſſed on any Perſon by any Rate or Aſſeſſment made for the Relief of the Poor, can or may be by Law levied or recovered.

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