ANNO DECIMO

GEORGII IV. REGIS.

****

Cap. cxxxi.

An Act for better assessing and collecting the Poor and other Parochial Rates within the Parish of *Saint Mary Rotherhithe* in the County of *Surrey*. [19th *June* 1829.]

WHEREAS the Parish of *Saint Mary Rotherhithe* in the County of *Surrey* is large and populous, and the Poor belonging thereto are very numerous: And whereas there are within the said Parish divers Houses, Buildings, Hereditaments, and other Premises let out at low Rents, or to occasional Occupiers, or let out in Parcels to Under-tenants, or to Lodgers in separate Apartments; and in many Instances the Persons letting such Houses, Buildings, Hereditaments, and Premises actually receive certain Rents for the same, upon the Ground or Expectation that the Occupiers thereof cannot be effectually assessed to the Poor and other Parochial Rates, by which Means the Payment of such Rates is greatly evaded, and the Laws now in force for assessing and collecting Monies for the Relief of the Poor and for other Parochial Purposes are in various respects defective and insufficient; and it is expedient that better Provision should be made for assessing and collecting such Rates;

but the same cannot be effected without the Aid and 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 Twenty-ninth Day of *September* One thousand eight hundred and twenty-nine the several Owners, being the immediate Lessors of the actual Occupiers of all Houses, Buildings, Tenements, Hereditaments, and other Premises within the said Parish of *Saint Mary Rotherhithe*, the yearly Rent or Value whereof respectively shall not exceed Fifteen Pounds, or which (whatever the yearly Rent or Value may be) shall be let to weekly or monthly Tenants, or which shall be let furnished, or in Lodgings, or in separate Apartments, or at Rents which shall become payable and be collected at any shorter Periods than quarterly, shall and may, from Time to Time and at all Times hereafter, be rated to the Rates for the Relief of the Poor, and to all or any of the Parochial Rates of the said Parish, for or in respect of such Houses and other Premises respectively, instead of the actual Occupiers thereof; and the Persons so rated, whether the Owners, being the immediate Lessors of the actual Occupiers, or the Occupiers thereof, shall from Time to Time pay or cause to be paid such Rates in respect of such Houses or other Premises respectively: Provided always, that if any Owner, being the immediate Lessor of the actual Occupier of any House, Building, Tenement, Hereditament, or other Premises, the yearly Rent or Value whereof shall not exceed Fifteen Pounds, and which shall be let to One Tenant only at a Rent which shall become or be made payable at a less Period than quarterly, shall be rated as the Occupier of such House or other Premises, it shall be lawful for the Churchwardens and Overseers of the Poor of the said Parish, or the said Churchwardens only, in case of Church Rates, or the major Part of them respectively, with the Consent of the Inhabitants of the said Parish in Vestry assembled, and they are hereby respectively authorized and empowered, on the Application and Request of such Owner, to compound with him for the Payment of all or any of the Rates for the Relief and Maintenance of the Poor, and all or any of the Parochial Rates of the said Parish, at such reduced yearly Rentals as such Churchwardens and Overseers, (or the said Churchwardens only, in case of Church Rates,) with such Consent as aforesaid, shall think reasonable, not being more than Two Thirds nor less than One Half of the Rackrent or annual Value of such House or other Premises; and it shall also be lawful for such Churchwardens and Overseers, or for the Churchwardens only, in case of Church Rates, with such Consent as aforesaid, and they are hereby respectively authorized and empowered, on such Application and Request as aforesaid, to compound with any Owner, being the immediate Lessor of the actual Occupier of any House, Building, Tenement, or other Hereditament in the said Parish which shall be let furnished to weekly or monthly Tenants, or which shall be let furnished, or in Lodgings, or in separate Apartments, or at Rents which shall become payable or to be collected at any shorter Period than quarterly, for the Payment of all or any of the said Rates for or in respect of such

Rates of small Houses or of Apartments let separate or furnished, to be paid by the Lessor.

Lessors, &c. may compound.

such House or other Premises, at such reduced yearly Rentals as such Churchwardens and Overseers (or the said Churchwardens only, in case of Church Rates,) with such Consent as aforesaid, shall think reasonable, not being less than One Half of the Rackrent or annual Value of such House or other Premises; and such Churchwardens and Overseers, or the said Churchwardens only, (as the Case may require,) with such Consent as aforesaid, may vary, discontinue, or renew any or either of such Compositions as they respectively shall from Time to Time deem expedient: Provided always, that no such Owner shall be charged with or be liable to pay for any increased Rent reserved and made payable to him for or on account of such Owner having agreed to pay the Rates heretofore chargeable upon the several Occupiers of such Houses or other Premises respectively.

Lessors not to be charged with any increased Rent.

II. Provided always, and be it further enacted, That no such Lessor, Landlord, or Owner shall be liable to be rated for any Houses, Tenements, Hereditaments, or other Premises within the said Parish of *Saint Mary Rotherhithe*, which shall or may be let to weekly or monthly Tennants, or which shall or may be let furnished, or in Lodgings, or in separate Apartments, unless such Lessor, Landlord, or Owner shall be the Person or Persons immediately letting the same, or by his, her, or their Agent or Agents, weekly or monthly, or furnished, or in Lodgings, or in separate Apartments; and that no such Lessor, Landlord, or Owner shall be liable to be rated for more than the Rent actually reserved and made payable to him, her, or them.

Lessors, &c. not liable to be rated in certain Cases.

III. And be it further enacted, That in case any Lessor, Landlord, Owner, or Occupier of any House, Building, Tenement, Hereditament, or other Premises within the said Parish, for or in respect whereof he shall be rated in or to any Rate made by virtue of this Act, shall neglect or refuse to pay such Rate, and all Arrears due thereon or upon any former Rate, or the Amount of any Composition, it shall be lawful for any of His Majesty's Justices of the Peace for the said County, and he is hereby authorized and required, on Proof made before him by any of the Churchwardens or Overseers of the Poor of the said Parish, or by any Collector of the said Rates for the Time being, of his having demanded such Rate or Composition of the Person intended to be summoned, or of the Occupier of the Premises for or in respect of which such Rate or Composition shall be due and owing, and of his having neglected or refused to pay the same, to summon by Writing under his Hand all Persons who shall have neglected or refused to pay as aforesaid to appear, at the Time and Place to be mentioned in such Summons, before such Justice, or before some other Justice of the Peace for the said County; and it shall be lawful for any Person appointed to collect and receive such Rates, or for any Constable, Headborough, or Beadle of the said Parish, or for any other Person, to serve all such Summonses upon all Persons neglecting or refusing to pay as aforesaid, either by delivering the same to the Persons thereby intended to be summoned, or by leaving the same at their last or usual Places of Abode, or upon serving the same upon the last known Agent or Collector of the Rent

For Recovery of Rates in arrear, or of Composition for Rates.

or

or Rents of the Person or Persons intended to be summoned, or by leaving the same at the last or usual Place of Abode of such last known Agent or Collector; and if any Person so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he shall attend, and shall not satisfactorily prove to such Justices as may be then and there present, that he is not chargeable with such Rate, such Person shall pay the Rate in respect of which such Summons was issued, and also the Costs and Charges of such Summons, and of the Service thereof; and in all Cases where any Rate or any Arrear thereof shall not be paid upon the Return of such Summons, it shall be lawful for the Justice who shall have signed and issued such Summons as aforesaid, or for any other Justice of the Peace for the said County, and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons, to grant a Warrant under his Hand and Seal, authorizing and directing the Person appointed to collect such Rate, or any Constable, Headborough, or Beadle of the said Parish, or any other Person, to levy such Rate, and all Arrears thereof, and the Costs and Expenses of the Summons and Service thereof (if the same shall not have been paid before), and the Costs and Charges of any such Warrant, and also the reasonable Costs and Charges and Expenses of executing the same, by Distress of the Goods and Chattels of the Person so neglecting or refusing, which shall be found within the said Parish or elsewhere; and if, within Five Days next after such Distress shall be made, the said Rate and all Arrears due thereon, together with the before-mentioned Costs, Charges, and Expenses, and the Charges and Expenses of making such Distress, and of keeping such Goods and Chattels, shall not be paid, the Person appointed to collect such Rate, or the Constable, Headborough, or Beadle, or other Person authorized by such Warrant, shall cause such Goods and Chattels to be appraised by some Appraiser, and to be sold either on the Premises where the same shall be distrained, or elsewhere, or such Part thereof as in his Judgment shall be sufficient to pay and satisfy the said Rate, together with all Arrears due thereon, and the said Costs, Charges, and Expenses, and also the Costs and Charges of appraising, removing, keeping Possession of, and selling the same, (the Amount of all such Costs, Charges, and Expenses relating to the Recovery of the said Rate, being, in case of Dispute, settled by some Justice of the Peace for the said County,) and shall return the Overplus, if any, to the Owner of such Goods and Chattels, upon Demand thereof made by him for that Purpose.

If sufficient Goods cannot be found to levy upon, the Defaulter may be committed to Prison.

IV. And be it further enacted, That in case no Goods or Chattels of any Person so neglecting or refusing to pay can be found to be distrained by virtue of any such Warrant, or in case any such Goods or Chattels shall be secured or removed with an Intention to elude or evade the Payment or Recovery of any such Rates, so that the Amount thereof cannot be distrained for and recovered, then and in every such Case, upon Information thereof on Oath made before any Justice of the Peace for the said County of *Surrey*, it shall be lawful for such Justice to issue a Warrant under his Hand and Seal for the Apprehension of such Person, and to commit him to the Common Gaol or House

House of Correction for the said County, there to be confined in the same Manner as Persons confined for Debt, without Bail or Mainprize, for any Term not exceeding One Calendar Month, unless such Rates, and all Arrears thereof, and all such Costs, Charges, and Expenses, or so much thereof as shall remain unsatisfied by any such Distress or otherwise, shall be sooner paid.

Goods of Occupiers liable to be distrained to a certain Extent.

V. Provided always, and be it further enacted, That the Goods and Chattels of all Persons renting or occupying any House, Building, Tenement, Hereditament, or other Premises, or any Part thereof, within the said Parish, to the Payment of the Rate whereon the Lessor, Landlord, or Owner thereof is hereby made liable as aforesaid, although the Persons occupying any such House or other Premises or any Part thereof be not rated under or by virtue of this Act, shall be at all Times liable to be distrained and sold by virtue of any Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the said County, (which Warrant such Justice is hereby authorized and required to grant,) for any Rates which may have accrued or become due during the Term of the Occupancy of such Persons respectively, and for the Costs, Charges, and Expenses of such Warrant, and of any Appraisement, Possession, Removal, or Sale of such Goods and Chattels, or attendant thereon; but no such Person shall be liable to the Payment of a greater Sum for or towards the Discharge of the said Rates and Expenses, or any of them, than the Amount of the Rent actually due and payable by such Person to the Lessor, Landlord, or Owner of such House or other Premises; and every Person who shall pay any such Rates as ought to have been paid by the Lessor, Landlord, or Owner of any such House or other Premises, or upon whose Goods or Chattels the same shall be levied in pursuance of this Act, shall and may deduct the Amount of such Rates, and the Costs, Charges, and Expenses of such Distress and Sale, out of the Rent due and payable to his Lessor, Landlord, or Owner, unless there shall be some Agreement to the contrary between the said Parties; and the Receipt for such Payment shall be a sufficient Discharge to every such Person for so much Money as he shall have so paid, or which shall have been levied on his Goods and Chattels in pursuance of this Act, and shall be repaid by such Lessor, Landlord, or Owner, or be allowed by him in part or full Payment, as the Case may be, for the Rent due or to become due to him from such Person as aforesaid.

Persons receiving Rent to be deemed Owners.

VI. And be it further enacted, That to prevent Disputes touching the Designation of Lessors, Landlord, or Owner of Houses, Buildings, Tenements, Hereditaments, or other Premises intended to be made liable to the Payment of any Rates by virtue of this Act, the Person or Persons legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any House, Building, Tenement, Hereditament, or other Premises, from the actual Occupier or Occupiers thereof respectively, may be deemed and taken to be the Lessor or Lessors, Landlord or Landlords, Owner or Owners of such House or other Premises, and shall be liable to be rated and shall be compellable to

pay the Rates in respect of such House or other Premises in all Cases in which either Lessors, Landlords, or Owners are made liable to be rated and to the Payment of the Rates by virtue of this Act, unless the Real Lessor or Lessors, Landlord or Landlords, Owner or Owners thereof, or his, her, or their Agent, shall declare to the said Churchwardens and Overseers respectively who is or are the real Lessor, Lessors, Landlord, Landlords, Owner or Owners of any such House or other Premises, or shall be distinctly or certainly known to be such by such Churchwardens and Overseers respectively.

Agreement between Landlord and Tenant not to be impeached.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to impeach, alter, or make void any Covenant or other Agreement made between any Landlord and Tenant in any Lease now granted, or hereafter to be granted, pursuant to any Contract or Agreement now existing; anything in this Act contained to the contrary notwithstanding.

Power for Landlords, &c. to recover Amount paid by them where Tenants agree to pay Rates.

VIII. And be it further enacted, That whenever it shall happen that any Lessor, Landlord, or Owner of any such Houses, Buildings, Tenements, Hereditaments, or other Premises within the said Parish, shall be rated or assessed to the Poor or other Parochial Rates under or by virtue of this Act, and such Lessor, Landlord, or Owner shall have or may hereafter set or let any such Houses, Buildings, Tenements, Hereditaments, or other Premises, subject to the Occupier or Occupiers paying all or any such Rates, it shall and may be lawful to and for any such Lessor, Landlord, or Owner, having paid any such Rate or Rates, Assessment or Assessments, from Time to Time to distrain for such Sum or Sums of Money as such Lessor, Landlord, or Owner shall have so paid, upon the Goods and Chattels of the Occupier or Occupiers of the House or Houses, Building or Buildings, Tenement or Tenements, Hereditament or Hereditaments, or other Premises in respect of which such Lessor, Landlord, or Owner shall have been so rated or assessed, as in the Case of Rent in arrear, together with the reasonable Costs and Charges of every such Distress.

Form of Warrant of Distress.

IX. And be it further enacted, That every Warrant of Distress for Nonpayment of any Rate, granted and issued by virtue of this Act, may include One or more Person or Persons, and may be in the Form or to the Effect following; (that is to say,)

‘ Surrey } To the Collectors of the Rates of the Parish of *Saint*
‘ to wit. } *Mary Rotherhithe* in the County of *Surrey*, and to
‘ all Constables, Headboroughs, and Beadles of the said
‘ Parish:

‘ WHEREAS the under-mentioned Person was and is duly assessed
‘ or liable to the Payment of the Sum of Money set opposite to
‘ his Name hereunder written, by virtue of a Rate duly made under
‘ and by virtue of an Act passed in the Tenth Year of the Reign of
‘ His Majesty King *George* the Fourth, intituled [*here set forth the*
‘ *Title of this Act*]: And whereas it duly appears, upon Oath, unto
‘ me,

‘ me, One of His Majesty's Justices of the Peace for the said County,
‘ that the said Person has neglected or refused to pay the Sum so set
‘ opposite to his Name hereunder written as due by virtue of such
‘ Rate, and that the said Sum still remains due and unpaid: And
‘ whereas it also duly appears unto me the said Justice, upon Oath,
‘ that the said Person hath been duly summoned to appear to answer
‘ the Premises, and such Person not having shown any sufficient Cause
‘ why such Sum should not be paid by him: These are therefore, in
‘ His Majesty's Name, to will and require you, or either of you, forth-
‘ with to levy the said Sum, and also such further Sum for Costs as
‘ is also set opposite to his Name, by Distress and Sale of his Goods
‘ and Chattels, such Goods and Chattels being kept for the Space of
‘ Five Days before the same are sold, rendering to him the Over-
‘ plus (if any), on Demand, the reasonable Charges of such Distress,
‘ and of any Removal or keeping Possession, Appraisement and Sale,
‘ being first deducted; and if no sufficient Distress can be had or
‘ taken, then that you certify the same to me, to the end that such
‘ Proceedings may be had therein as to Law doth appertain: And I
‘ do hereby strictly charge and command all and singular the Con-
‘ stables, Headboroughs, and other His Majesty's Peace Officers for
‘ the said County, to be aiding and assisting in all Things relating
‘ to the Premises. Given under my Hand and Seal, this
‘ Day of in the Year of our Lord .’

	Sums due.	Cost.	Total.
‘ *A. B.* Occupier - - -			
‘ *C. D.* Landlord or Owner -			
‘ *E. F.* for a House let in separate ‘ Tenements - - -			
‘ *G. H.* for a House let ready ‘ furnished - - -			
‘ *I. K.* - - - - -			

Justices may rectify Omissions, and correct Errors in Rates.

X. And be it further enacted, That if, after any Rate for the Relief of the Poor shall have been made and signed by the Churchwardens and Overseers of the said Parish, or after any Church Rate shall have been made and signed by the said Churchwardens and Inhabitants of the said Parish, as is usual in the Case of Church Rates, it shall appear that the Name of any Person who ought to have been inserted in any such Rate shall have been omitted therein, or that the Name of any Person shall have been inserted in such Rate as Lessor, Landlord, Owner, or Occupier of any House, Building, Tenement, Hereditament, or other Premises, for or in respect of which some other Person ought to have been rated, or that any House, Building, Tenement, Hereditament, or other Premises which at the Time of making such Rate was or were empty and unoccupied shall have since become occupied within the Meaning of this Act, or that any other Alteration or Amendment of such Rate is, in the Opinion of the said Churchwardens and Overseers, or of the said Churchwardens only, (as the Case may require,) be necessary, then and in any or either of the said Cases it shall be lawful for the said Churchwardens

wardens and Overseers, or for the said Churchwardens only, (as the Case may require,) with the Consent of the Inhabitants of the said Parish in Vestry assembled, and they are hereby respectively empowered, to insert in such Rate the Name of any Person so improperly omitted, or the Name of any Person who shall have become the Occupier of any such House or other Premises since the making of such Rate, together with the Sum or Sums for which Persons respectively ought to be rated, and also to omit the Name of any Person so improperly inserted, and to substitute the Name of any Person who may be Lessor, Landlord, Owner, or Occupier of any such House, Building, Tenement, Hereditament, or other Premises, or otherwise from Time to Time to alter and amend any such Rate as they may deem necessary; provided that every such Alteration be made with the Consent and Approbation of One of His Majesty's Justices of the Peace for the said County of *Surrey*, signified in Writing under his Hand on the Face of such Rate; and every such Alteration of any such Rate, being so certified, shall be valid and effectual in the Law to all Intents and Purposes; and the respective Sums charged and assessed by any Rate so altered as aforesaid shall and may be demanded, received, and recovered in the same Manner as if such Rate had been in every respect correct at the Time of the making, signing, and allowing thereof.

Appeal from Rates.

XI. And be it further enacted, That if any Person shall think himself aggrieved by any Rate which shall be made in pursuance of this Act, or by reason of being over-rated or unfairly charged therein, or on account of any Order, Judgment, or Determination of any Justice of the Peace acting in the Execution of this Act, or by any Matter or Thing done or directed to be done in pursuance of this Act, such Person may appeal to the next General or Quarter Sessions of the Peace to be holden for the said County of *Surrey*, within Four Calendar Months next after the Cause of Complaint or Grievance shall have arisen, first giving or causing to be given Fourteen Days Notice at the least in Writing of his Intention to bring such Appeal, and of the Matter thereof, to the Person appealed against, or leaving such Notice for him at his last or usual Place of Abode, and within Two Days next after such Notice entering into a Recognizance before any of His Majesty's Justices of the Peace for the said County, with Two sufficient Sureties, in the Sum of Forty Pounds, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may then and there, if they see Cause, mitigate any Forfeiture or Fine, and award such further Satisfaction to be made to the Party injured, as they shall judge proper; and the Determination of such Justices at their General or Quarter Sessions shall be binding and conclusive.

XII. Pro-

Sessions may amend Rates, without quashing the whole.

XII. Provided always, and be it further enacted, That upon an Appeal from such Rates, or any of them, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rate with respect to any other Person mentioned in the same.

For better enabling the Churchwardens, &c. to make equal and fair Rates, a Surveyor may be appointed.

XIII. And be it further enacted, That for the better enabling the said Churchwardens and Overseers to make fair and equal Rates for the Relief of the Poor, and for other Parochial Rates of the said Parish, it shall be lawful for the said Churchwardens and Overseers, with the Consent and Approbation of the Inhabitants at a public Vestry Meeting called for that Purpose, but not otherwise, from Time to Time, and as often as shall be found necessary, to appoint and employ some Surveyor or other competent Person to ascertain and estimate the annual Value of all or any Houses, Lands, Tenements, Tithes, and Hereditaments, and other rateable Property within the said Parish, and to pay out of any such Rates such Sums of Money to every such Surveyor or other competent Person for his Trouble therein, as to the said Vestry Meeting shall appear just and reasonable: Provided always, that no Person shall be capable of acting as a Surveyor or Valuer as aforesaid until he shall have taken or made and subscribed an Oath or Affirmation to the following Effect before some Justice of the Peace for the said County, who is hereby empowered to administer the same; (that is to say,).

Oath of Surveyor.

'I *A.B.* do swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I will honestly and impartially, according to the best of my Skill and Judgment, execute the Trust in me reposed as a Surveyor or Valuer under or by virtue of an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, intituled [*here insert the Title of this Act*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

Collector may be appointed.

XIV. And in order the better to enable the said Churchwardens and Overseers to collect and levy the Rates to be made by virtue of this Act, be it further enacted, That it shall be lawful for the Inhabitants of the said Parish, at a public Vestry to be convened and held for that Purpose, and they are hereby empowered, to elect some Person or Persons to be Collector or Collectors of the Poor Rates and other Parochial Rates to be levied within the said Parish by virtue of this Act, (every such Person being a resident Householder in the said Parish,) and to make such Allowance as they shall think fit to such Collector or Collectors for his or their Trouble therein, as to the said Vestry shall seem proper; and it shall be lawful for any Two of His Majesty's Justices of the Peace for the said County, and they are hereby empowered and required, by Warrant under their Hands and Seals, to appoint the Person or Persons who shall be so elected to be such Collector or Collectors as aforesaid; and to order and direct such Allowance to be paid to him or them, out of the Rates so by him or them collected, as shall be agreed to by the

said Vestry; and such Appointment shall remain in force until the Death or Resignation of such Collector or Collectors, or until the same shall be revoked by any subsequent Vestry of the Inhabitants of the said Parish; and every Collector so to be appointed as aforesaid shall have full Power and Authority to demand, collect, and receive all Rates to be made under or by virtue of this Act.

Security to be taken of Collector.

XV. And be it further enacted, That it shall be lawful for the Inhabitants of the said Parish in Vestry assembled, and they are hereby required, upon the Nomination and Election of such Collector or Collectors, to take Security for the due and faithful Execution of his or their Office, and for duly accounting for all Monies which as such Collector or Collectors he or they shall or may receive, and for the punctual Payment thereof to the said Churchwardens and Overseers, or to such other Persons as the said Churchwardens and Overseers shall direct, within Seven Days after the Receipt thereof; and such Security shall be by Bond, with Two or more sufficient Sureties, and in such Penalty as the said Inhabitants in Vestry assembled shall direct; and every such Bond shall be made to the Churchwardens and Overseers of the Poor of the said Parish, and may on any Breach of the Condition thereof be put in force by and in the Names of the Churchwardens and Overseers of the Poor of the said Parish for the Time being, by the Direction of the Vestry of the said Parish, for the Benefit of the said Parish; and no Action or other Proceeding upon such Bond shall abate or be discontinued by the Death of any of the Churchwardens or Overseers named in such Action or Proceeding, or by the Removal of any of them, or by the Expiration of the Time of their respective Offices.

Collector to account and pay over Balances.

XVI. And be it further enacted, That all Collectors so to be appointed shall, under their respective Hands, and at such Times and in such Manner as the said Churchwardens and Overseers of the Poor or the major Part of them, or the Vestry of the said Parish, shall direct, deliver to the said Churchwardens and Overseers, or to such Person as such Churchwardens and Overseers shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been from Time to Time collected and received by them for or on account of any Rate made in pursuance or by virtue of this Act, and of all Payments and Disbursements made thereout or on account thereof, and to whom made, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them to the said Churchwardens and Overseers, or to such other Persons as they shall appoint to receive the same; and if any such Collector shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to pay over the Money remaining in his Hands as aforesaid, or shall refuse or wilfully neglect to deliver to the said Churchwardens and Overseers, or to such Person or Persons as they shall appoint to receive the same, within Seven Days next after being thereunto required by Writing under the Hands of the said Churchwardens and

and Overseers, or the major Part of them, or under the Hand of any Five of the said Vestrymen, given to or left at the last or usual Place of Abode of such Collector, all Rates, Books, Papers, and Writings in his Custody or Power relating to his Office of Collector, or to give Satisfaction respecting the same, then and in every such Case, upon Complaint made by the said Churchwardens and Overseers, or the major Part of them, or by any Five of the said Vestrymen, or by such Person as they respectively shall appoint, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the said County, such Justice may and he is hereby authorized and required to summon the Person so neglecting or refusing to appear before him at a Time and Place to be appointed by such Summons, and upon his appearing, or having been so summoned and not appearing, without some sufficient Excuse (to be judged of and determined by such Justice), or not being found, it shall be lawful for the said Justice to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, it shall appear to such Justice that any such Monies received by any such Collector under or by virtue of this Act shall remain due from him, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector; and if no Goods or Chattels of such Collector can be found sufficient to satisfy the Amount of such Money, and the Charges and Expenses of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Collector shall have refused or neglected to render and give such Accounts, or to produce the Vouchers relating thereto, or that any Rates, Books, Papers, or Writings in anywise relating to the said Office of Collector remain in his Custody or Power, and that he has refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall and he is hereby authorized and required to commit such Offender to the Common Gaol or House of Correction for the said County, there to remain, without Bail or Mainprise, until he shall have given and made a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or have compounded with the said Churchwardens and Overseers for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Churchwardens and Overseers are hereby empowered to make and receive, with the Consent of the Vestry of the said Parish,) and until he shall have delivered up all such Rates, Books, Papers, and Writings, or have given full Satisfaction in respect thereof to the said Churchwardens and Overseers; but no such Collector shall be detained in Prison for Want of sufficient Distress only, by virtue of this Act, for any longer Period than Six Calendar Months: Provided nevertheless, that no Commitment of any such Collector shall release or discharge any Surety or Sureties, or impeach or make void any Bond or Security which may have been taken by or given to the said Churchwardens and Overseers for the due and faithful Execution of the Office of such Collector, nor prevent, abate, or defeat any Action, Suit,

Suit, or Process commenced or to be brought for the Recovery of any Money so received by such Collector, and not accounted for as aforesaid.

Form of Conviction.

XVII. And be it further enacted, That in all Cases where any Person shall be convicted of any Offence committed against this Act, or in respect of any Matter arising out of this Act, the Conviction shall or may be in the Words or to the Effect following; (that is to say,)

'Surrey (to wit). } BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before of His Majesty's Justices of the Peace for the County of Surrey, for that he the said *A.B.* did on the Day of in the Year of our Lord contrary to an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, intituled [*here set forth the Title of this Act, and specify the Offence*]. Given under our Hands and Seals [*or* my Hand and Seal], the Day and Year first above written.'

Distress not unlawful for Want of Form.

XVIII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall any Party be deemed a Trespasser on account of any Irregularity which shall afterwards be committed or done by the Party distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case, but subject to such Regulations and Restrictions as are by this Act herein-after provided touching Actions to be brought for or in respect of any Matter or Thing done by colour or in pursuance of this Act.

Inhabitants not deemed incompetent Witnesses.

XIX. And be it further enacted, That no Inhabitant of the said Parish of *Saint Mary Rotherhithe* shall be deemed an incompetent Witness in any Suit, Action, Information, Complaint, Appeal, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authority of this Act, by reason of such Person being rated or liable to be rated under or by virtue of this Act, or of being liable to perform Statute Duty, or to the Payment of any Composition in lieu thereof, towards the Repairs of the Highways of the said Parish.

Proceedings not to be removed by Certiorari.

XX. And be it further enacted, That no Rate, or any Proceeding to be had touching or concerning the Conviction of any Offender against this Act, or any Warrant, Conviction, or Order to be made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, or in pursuance or by virtue hereof, shall be vacated or quashed for Want of Form, or

or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary notwithstanding.

Limitation of Actions.

XXI. And be it further enacted, That no Action or Suit shall be brought or commenced against any Person for anything done in the Execution or under the Authority of this Act, after Six Calendar Months from the Time when the Cause of such Action shall have arisen or been committed, or have ceased and been determined; and every such Action shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere: Provided also, that no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding, unless Notice in Writing shall have been given to the Person against whom such Action is intended to be brought, or left at his last or usual Place of Abode, Ten Days before such Action shall be commenced, signed by the Attorney for the Plaintiff, specifying the Cause of such Action; nor shall any Plaintiff recover in any such Action if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed or caused to be committed the said Fact, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall be depending, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court: Provided also, that the Defendants in all Actions 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 upon the Trial of such Action it shall appear to be so done, or that such Action shall have been brought before the Expiration of Ten Days next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made or tendered or paid into Court as aforesaid, or after the Time limited for bringing the same as aforesaid, or that it shall have been brought or laid in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant.

General Issue.

Costs of Act how to be defrayed.

XXII. And be it further enacted, That all the Costs, Charges, and Expenses of preparing, applying for, and obtaining this Act, and all other Charges incident thereto, shall be paid and defrayed by and out of the first Monies which shall come into the Hands of the said Churchwardens and Overseers for the Purposes or under the Authority of this Act.

General Power to Justices to administer Oaths, &c.

XXIII. And be it further enacted, That in all Cases where any Justice or Justices of the Peace is or are by this Act authorized to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justices, and they

they are hereby empowered and required, to administer an Oath to or to receive the Affirmation of any such Person before he shall be so examined.

Public Act. XXIV. 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 EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1858.