ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lv.

An Act to enlarge the Powers of an Act, passed in the Twenty-second and Twenty-third Years of the Reign of His Majesty King *Charles* the Second, for making the Manor of *Paris Garden* a Parish, and to enable the Parishioners of *Saint Saviour's Southwark* to raise a Maintenance for Ministers, and for Repairs of their Church; and for other Purposes relating thereto. [20th *June* 1816.]

WHEREAS an Act passed in the Thirty-second Year of the Reign of His Majesty King *Henry* the Eighth, reciting the Dissolution of the Monastery of *Saint Mary Overy*, and that the Parish Church of *Saint Margaret* was prostrated and converted to another Use, and that the Parishioners of *Saint Margaret* and of *Saint Mary Magdalen Overy* repaired to the late Monastery of *Saint Mary Overy*, which was a great Church, and costly to be repaired, it was enacted, that the said Parishes should be united and remain for ever as one Parish, and that the Church of the said late Monastery from thenceforth be a Parish Church, and called the Parish Church of *Saint Saviour* of *Southwark*; and that the Parishioners of the same Parish should yearly elect Six or Four able Persons dwelling within the Precinct of the said Parish, to be Churchwardens, which said Wardens should be a perpetual and able Body in the Law, and have a common Seal to sue for the Business of the same Corporation; and the same Wardens and their Successors for evermore should have and enjoy Messuages, Lands, and Hereditaments, and Rents, and also all other Revenues, Advantages, and Profits whatsoever which

were in the Poſſeſſion of the ſaid Wardens of *Saint Magaret* and *Saint Mary Magdalen*, jointly or ſeverally, by reaſon of their late Corporation any Law or Statute to the contrary notwithſtanding; and that the ſaid Wardens of *Saint Saviour*, by the Name of the Wardens of the Pariſh Church of *Saint Saviour* in *Southwark* in the ſaid County of *Surrey*, ſhall implead and ſue all Manner of Perſons and ſhall enjoy all Things in the ſaid Letters Patent of King *Henry* the Sixth mentioned and contained, and all Meſſuages, Lands, and Tenements, and other Hereditaments, which the Wardens of the ſaid late Pariſh of *Saint Margaret* at any Time theretofore had purchaſed and obtained by virtue of the ſaid Letters Patent: And whereas by an Act paſſed in the Twenty-ſecond and Twenty-third Years of the Reign of His late Majeſty King *Charles* the Second, intituled *An Act for making the Manor of* Paris Garden *a Pariſh, and to enable the Pariſhioners of* Saint Saviour's Southwark *to raiſe a Maintenance for Miniſters, and for Repairs of their Church*, after reciting, that our late Sovereign Lord King *James*, by His Letters Patents bearing Date the Twelfth Day of *April* in the Ninth Year of His Reign, granted the Rectory and Parſonage Impropriate of the Pariſh Church of *Saint Saviour's Southwark* to certain Perſons and their Heirs, in Truſt for the Wardens of the ſaid Pariſh Church and their Succeſſors, enjoining them out of the Revenue thereof to find and maintain Two preaching Chaplains, and a Schoolmaſter and Uſher for their Free Grammar School, and to repair their Pariſh Church, and to pay their Chaplains Threeſcore Pounds *per Annum*, and their Schoolmaſter and Uſher Thirty Pounds *per Annum*; but that the ſaid Pariſh Church being a very great Church, and very chargeable to be maintained in due Reparations, and the Revenue of the ſaid Rectory not amounting to above One hundred Pounds *per Annum communibus annis*, the ſame would not extend to repair the ſaid Church, and to allow any reaſonable Maintenance to the ſaid Chaplains, it was by the Act now in recital enacted, that all the Pariſhioners of the ſaid Pariſh of *Saint Saviour's Southwark*, and all the Inhabitants of and within the ſame, and all the Meſſuages, Lands, Tenements, and Hereditaments, within the ſaid Pariſh, ſhould be for ever thereafter exonerated, acquitted, and diſcharged, of and from all Tythes and Tenths belonging to the ſaid Rectory and Parſonage Impropriate, and the ſaid Meſſuages, Lands, Tenements, and Hereditaments, ſhould be for ever thereafter holden and enjoyed Tythe free, acquitted and diſcharged of and from Payment of any Tythes or Tenths, and all Sum and Sums of Money payable for or in lieu of Tythes; and in Conſideration thereof that it ſhould and might be lawful to and for the Churchwardens for the Time being of the ſaid Pariſh, and the Overſeers of the Poor of the ſaid Pariſh, in manner therein mentioned, to ſettle a Tax, Rate, or Aſſeſſment, not exceeding, above the reaſonable Charges for collecting the ſame, the Sum of Three hundred and fifty Pounds in any one Year, to be impoſed or ſet upon all the Pariſhioners of the ſaid Pariſh of *Saint Saviour's*, and upon all the Poſſeſſors and Occupiers of all Houſes, Lands, and Tenements, and all other Edifices and Buildings which were or ſhould be erected and built in the ſame or within the Limits, Precincts, or Liberties thereof, or any other Place whatſoever then reputed to belong to the ſaid Pariſh, and within the Aſſeſſment for the Relief of the Poor thereof (the Pariſh of *Chriſtchurch* by the now reciting Act conſtituted, always excepted), which Tax, Rate, or Aſſeſſment, ſo yearly to be made and ſet, ſhould be by an equal Pound Rate, according to the yearly Value of all ſuch Houſes, Lands, Tene-

22 & 23 C. 2. c. 2.

ments, Edifices, and Buildings, and ſhould be paid quarterly at the Times therein mentioned, by every reſpective Inhabitant or Occupier, and ſhould be levied and raiſed by the Ways and Means in the now reciting Act particularly mentioned; and that the Wardens of the ſaid Pariſh Church of *Saint Saviour's*, and their Succeſſors, ſhould, by equal quarterly Payments, pay yearly for ever unto each of the ſaid Two Chaplains thereof, the yearly Sum of One hundred Pounds, and unto the Schoolmaſter and Uſher aforeſaid the yearly Sums of Thirty Pounds, (that is to ſay), Twenty Pounds *per Annum* thereof to the Schoolmaſter and Ten Pounds *per Annum* thereof to the Uſher; which ſaid ſeveral Sums to be paid to the Chaplains, Schoolmaſters, and Uſher reſpectively, ſhould be in lieu of all Monies to them reſpectively payable or to be paid by virtue of the ſaid Letters Patents or any Appointment therein; and that all the Reſidue of the Monies ſo to be raiſed as aforeſaid, ſhould from Time to Time be applied and diſpoſed of for and towards the Repair of the ſaid Pariſh Church of *Saint Saviour's* and other Matters concerning the Adminiſtration of the ſame Church Affairs, in ſuch Manner as the ſaid Wardens of the ſaid Pariſh Church for the Time being ſhould conceive meet: And whereas the Sum allowed to be raiſed by the ſaid laſt-mentioned Act, and the Revenue of the ſaid Rectory, under the Care and Management of the ſaid Wardens, are inadequate to the repairing the ſaid Church, and increaſing the Stipends and Sums of Money heretofore paid to the ſaid Chaplains, which are not now an adequate Remuneration for the Duties required of them, and ought therefore to be increaſed; and it is therefore neceſſary and expedient that Power ſhould be given for raiſing further and additional Rates in the ſaid Pariſh for the Repair of the ſaid Church, and enabling the Wardens of the ſaid Pariſh to make better Proviſion for the Chaplains appointed from Time to Time to perform the Eccleſiaſtical Duties in the ſaid Church and Pariſh; 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 ſo much of the ſaid recited Act of the Twenty-ſecond and Twenty-third Years of the Reign of His late Majeſty King *Charles* the Second, as reſpects the Amount of the Sum to be raiſed by Rate, ſhall be and the ſame is hereby declared to be repealed, and null and void to all Intents and Purpoſes.

Repeal of Part of the ſaid Act.

II. And be it further enacted, That each and every Rate or Aſſeſſment now ordered and directed to be levied, aſſeſſed, and collected by and under the Authority of the ſaid recited Act, ſhall and may be levied, aſſeſſed, and collected by ſuch Ways and Means and under ſuch Regulations and Reſtrictions as any Rate or Aſſeſſment, ordered and directed to be levied, aſſeſſed, and collected by virtue of this Act can or may be raiſed, levied, and collected.

Old Rate to be deemed good.

III. And be it further enacted, That for the Purpoſes of this Act it ſhall and may be lawful to and for the Wardens, Overſeers of the Poor, and other Inhabitants of the ſaid Pariſh in Veſtry aſſembled, and they are hereby empowered, from and after the paſſing of this Act, yearly and every Year, upon Notice thereof publicly given in the Pariſh Church, upon *Sunday* next before, to make or cauſe to be made an Aſſeſſment upon

Rates to be laid on Inhabitants.

upon all and every Perſon or Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs or enjoy, any Land, Ground, Houſe, Shop, Warehouſe, Storehouſe, Cellar, Coach-houſe, Stable, Vault, Building, Tenement, Hereditaments or Premiſes, or the Landlords, Owners, Leſſee or Leſſees thereof reſpectively, for and in reſpect of ſuch Land, Ground, Houſe, Shop, Warehouſe, Storehouſe, Cellar, Coach-houſe, Stable, Vault, Building, Tenement, Hereditaments or Premiſes, at and by a fair equal Pound Rate, (not exceeding the Sum of One Shilling in the Pound, in each and every Year), upon or according to the annual Rent or Value thereof reſpectively, and not otherwiſe.

How Houſes are to be rated which are let at ſmall Rents, for the better Recovery of the Rates.

IV. And be it further enacted, That when the yearly Rent or Value of any Houſe, Tenement or Hereditament, within the ſaid Pariſh, ſhall not exceed Twenty Pounds, or where any Houſe, Tenement, or Hereditament ſhall be let to any weekly or monthly Tenants, or in ſeparate Apartments furniſhed or unfurniſhed, and the Rents thereof ſhall become payable and be collected at any ſhorter Period than quarterly, then and in every ſuch Caſe it ſhall and may be lawful to and for the Wardens and Overſeers of the Poor, or the major Part of them, at any Meeting to be holden for that Purpoſe, of which Meeting Notice ſhall be given in the Church of the ſaid Pariſh the *Sunday* preceding, to compound (if they ſhall think proper) with the Landlord or Landlords, Owner or Owners, Leſſee or Leſſees, of all and every or any ſuch Houſe or Houſes, Tenement or Tenements, Hereditament or Hereditaments in the ſaid Pariſh, for the Payment of the Rate or Rates to be made purſuant to this Act by the ſaid Wardens and Overſeers, or the Veſtry of the ſaid Pariſh, at ſuch a reduced yearly Rental as the ſaid Wardens, Overſeers of the Poor, and Inhabitants, or the major Part of them for that Purpoſe in Veſtry aſſembled ſhall think reaſonable; ſo that no ſuch Houſe or Houſes, Tenement or Tenements, Hereditament or Hereditaments, be rated at leſs than One Half or more than Three Fourths of the Rack Rent at which the ſame reſpectively ſhall then be let, or of the ſaid annual Value of the ſaid Premiſes reſpectively; and the Landlord or Landlords, Owner or Owners, Leſſee or Leſſees, of all ſuch Houſes, Tenements, or Hereditaments, as ſhall not exceed the yearly Rent of Twenty Pounds, or as ſhall be let to any weekly ot monthly Tenant, or in ſeparate Apartments furniſhed or unfurniſhed, and from whence the ſeveral Rents thereof ſhall become due, and be collected at any ſhorter Period than quarterly, is and are hereby required to enter into ſuch Compoſition with the ſaid Wardens and Overſeers of the Poor, and Inhabitants or the major Part of them ſo aſſembled; and in caſe ſuch Landlord or Landlords, Owner or Owners, Leſſee or Leſſees, ſhall refuſe to enter into ſuch Compoſition, he, ſhe, or they ſhall, for the ſeveral Purpoſes of this Act, be rated and aſſeſſed as the Occupier or Occupiers of ſuch Premiſes, and ſhall thereupon be rated to, and from Time to Time ſhall pay or cauſe to be paid the Rates or Aſſeſſments charged upon their reſpective Premiſes, for the Purpoſes of this Act made as aforeſaid, according to a fair and equal Aſſeſſment, by the ſaid Wardens, Overſeers of the Poor and Inhabitants, or the major Part of them ſo aſſembled in Veſtry; and upon Non-payment thereof, or of the Amount of ſuch Compoſition, the ſaid Wardens, Overſeers, and Inhabitants, or any of them, are hereby authorized to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Landlord or Landlords, Owner or Owners, Leſſee or Leſſees of the reſpective Premiſes aforeſaid, whereſoever they may be found, or of the Perſon or Perſons inhabiting the ſame reſpectively:

Provided

Provided always, that no ſuch Landlord, Owner, or Leſſee ſhall be charged with or be liable to pay any increaſed Rent reſerved, or made payable to him, for or on account of ſuch Landlord or Owner, Leſſee or Leſſees, having agreed to pay the Rates heretofore chargeable upon the ſeveral Occupiers of ſuch Premiſes; and provided alſo, that the Goods and Chattels of all and every Perſon or Perſons renting or occupying any ſuch Houſe, Tenement, or Hereditaments, or any Part or Parts thereof, the Rate or Rates, Aſſeſſment or Aſſeſſments, whereof the Landlord or Landlords, Owner or Owners, Leſſee or Leſſees, is and are hereby made liable and ſubject to as aforeſaid, ſhall be liable at all Times to be diſtrained and ſold for Payment of ſuch of the ſaid Rates or Aſſeſſments, and of all Arrears thereof, to become due upon the ſaid Premiſes during the Time of his, her, or their Occupancy only; but no ſuch Occupier or Occupiers ſhall at any Time be required to pay or be ſubject or liable to pay any greater Sum for or towards the Diſcharge of the ſaid Rates or Aſſeſſments, or any of them, and all Arrears thereof, than the Amount of the Rent actually due or payable by ſuch Occupier or Occupiers to the Landlord or Landlords, Owner or Owners, Leſſee or Leſſees of the Premiſes ſo occupied by him, her, or them: Provided alſo, that each and every Occupier who ſhall pay any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, or any Arrears, thereof, or upon whom the ſame ſhall be levied, ſhall and may from Time to Time deduct the ſame from the Rent due and payable from him, her, or them to the reſpective Landlords, Owners, or Leſſees of the Premiſes (unleſs there ſhall be ſome Agreement to the contrary between the Landlord and Tenant); and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge to ſuch Occupier or Occupiers, and to his, her, or their Landlord or Landlords, for ſo much Money as he, ſhe, or they ſhall pay in the Manner directed by this Act.

Rates to be allowed by Two Juſtices, and making further Proviſion for Chaplains, &c.

V. And be it further enacted, That ſuch Rate or Aſſeſſment, ſo to be made as aforeſaid, ſhall be confirmed and allowed by and under the Hands and Seals of Two of His Majeſty's Juſtices of the Peace for the ſaid County of *Surrey*; and all ſuch Sum and Sums ſo aſſeſſed ſhall from Time to Time be collected and paid by the Collector or Collectors, to be applied as herein-after mentioned; (that is to ſay), the ſaid Wardens and their Succeſſors ſhall by equal quarterly Payments pay yearly for ever unto each of the ſaid Two Chaplains, the yearly Sum of Three hundred Pounds; and unto the Schoolmaſter and Uſher aforeſaid the yearly Sum of Thirty Pounds, (that is to ſay), Twenty Pounds *per Annum* thereof to the Schoolmaſter and Ten Pounds *per Annum* thereof to the Uſher aforeſaid; which ſaid ſeveral Sums ſhall be paid on the Twenty-fourth Day of *June*, the Tenth Day of *October*, the Twenty-fifth Day of *December*, and the Fifth Day of *April*, in each and every Year; the Payment of which Sums ſhall commence on the Firſt of the ſaid Days next after the paſſing of this Act, to the ſaid Chaplains, Schoolmaſter and Uſher reſpectively as aforeſaid, and ſhall be in lieu of all Monies to them reſpectively payable or to be paid by virtue of the ſaid Letters Patent, or any Appointment therein; and all the Reſidue of the Monies ſo to be raiſed as aforeſaid ſhall from Time to Time be applied and diſpoſed of for and towards the Repairs of the ſaid Pariſh Church of *Saint Saviour*, and other Matters concerning the Adminiſtration of the ſame Church Affairs, in ſuch Manner as the ſaid Wardens of the ſaid Pariſh Church for the Time being ſhall conceive proper, who ſhall yearly

and every Year give an Account to Two Juſtices of the Peace or more, at the ſame Time that the Wardens and Overſeers of the Poor of the ſaid Pariſh ſhall, upon their going out of Office, deliver in their Accounts of all Monies expended by them in the Execution of the Office, and of the Application of all Funds and Sums of Money received by them for the Purpoſes aforeſaid, or the Purpoſes of this Act, to Two Juſtices of the Peace acting in and for the ſaid Borough of *Southwark*; and pay over all Balances in their Hands to their Succeſſors, upon pain of forfeiting for every Neglect therein, the Sum of Fifty Pounds, to be recovered by any Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts at *Weſtminſter*, to the Uſe of the Perſon who may ſue for the ſame, in which Action no Eſſoign, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Chaplains not to be deprived of their Surplice Fees and voluntary Contributions.

VI. Provided alſo, and be it further enacted, That the ſaid yearly Sum ſo collected and payable under and by virtue of the Authority by this Act given, ſhall not extend, or be conſtrued to extend, to deprive the preſent Chaplains or their Succeſſors of their Right to the Fees commonly called Surplice Fees, and which they may legally be entitled to demand and take, or of any ſuch voluntary Donations as may at any Time be given to them, or either of them, by the ſaid Pariſhioners.

Confirming Payment hitherto made to the Chaplains.

VII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Wardens to pay and allow, out of the Rates to be raiſed under the Proviſions of this Act, to the ſaid Chaplains ſo much as will be ſufficient to make up the Salaries of the ſaid Chaplains, to the Sum of Two hundred Pounds each, from the Twenty-fifth Day of *December* One thouſand eight hundred and nine.

For Recovery of Rates on Refuſal.

VIII. And, for the better and more effectual raiſing and levying the ſaid Rates or Aſſeſſments made by the Wardens, Overſeers of the Poor, and Inhabitants in Veſtry of the ſaid Pariſh, or which are mentioned in or authorized by this Act; be it further enacted, That in caſe any of the Landlords or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees of any Land, Ground, Dwelling Houſe, Shop, Warehouſe, Coach houſe, Stable, Cellar, Vault, Building, Tenement or Hereditaments within the ſaid Pariſh, herein-before made liable to pay any Rate or Aſſeſſment made, laid, and aſſeſſed by virtue or under the Powers of this Act, ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears due thereon, or upon any former Rate or Rates, or the Amount of any ſuch Compoſition or Compoſitions, it ſhall be lawful to and for any one or more of His Majeſty's Juſtices of the Peace, for the Eaſtern Half Hundred of *Brixton* and Borough of *Southwark*, in the County of *Surrey*, and he and they is and are hereby authorized and required to ſummon, by Writing under his or their Hand or Hands, all and every Perſon and Perſons who ſhall have refuſed or neglected as aforeſaid, upon Oath being made before him or them by any one of the Wardens or Overſeers of the ſaid Pariſh, or by a Collector of the ſaid Rate or Rates for the Time being, of his or their having attended upon or at the Dwelling Houſe or laſt Place of Abode of all and every Perſon and Perſons then intended to be ſummoned, and having demanded the Rate or Rates, Compoſition or Compoſitions of ſuch Peſon or Perſons, and of ſuch Perſon or Perſons having refuſed

or neglected to pay the ſaid Rate or Rates, Compoſition or Compoſitions, to appear before ſuch Juſtice or Juſtices at a Time and Place to be mentioned in ſuch Summons, or before ſuch other Juſtice or Juſtices acting in and for the ſaid Eaſtern Half Hundred of *Brixton* and Borough of *Southwark*, as ſhall be ſitting upon the Return of ſuch Summons or Summonſes; and it ſhall and may be lawful to and for the ſaid Wardens or Overſeers, Collector or Collectors, or for any one or more of them, or of the Conſtables or Beadles of the ſaid Pariſh, to ſerve all and every ſuch Summons and Summonſes upon all and every Perſon and Perſons ſo refuſing or neglecting to pay as aforeſaid, either by delivering the ſame to the Perſon or Perſons thereby intended to be ſummoned, or leaving the ſame at his, her, or their uſual Place or Places of Abode, or at the Premiſes for which the Rate or Compoſition mentioned in ſuch Summons ſhall remain due and owing; and if any Perſon or Perſons ſo ſummoned ſhall refuſe or neglect to attend at the Time and Place mentioned in ſuch Summons, or if he, ſhe, or they ſhall attend and ſhall not ſhew good and ſufficient Cauſe to ſuch Juſtice or Juſtices that they are not chargeable with ſuch Rate or Rates, Compoſition or Compoſitions, then and in every ſuch Caſe all and every ſuch Perſon and Perſons who ſhall have been ſo ſummoned ſhall pay the reaſonable Coſts and Charges of ſuch Summons; and in all Caſes where the ſaid Rate or Rates, Compoſition or Compoſitions, or any of them, ſhall not be paid upon the Return of ſuch Summons, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices who ſhall have iſſued ſuch Summons or Summonſes as aforeſaid, or ſome other Juſtice or Juſtices of the Peace acting for the ſaid Eaſtern Half Hundred of *Brixton* and Borough of *Southwark*, and he or they is and are hereby authorized and required, upon Oath being made before him or them of the due Service of ſuch Summons or Summonſes by the Party who ſhall have ſerved the ſame, to grant a Warrant or Warrants under his or their Hand or Hands, Seal or Seals, authorizing or directing the ſaid Wardens or Overſeers, Collector or Collectors, or any Conſtable or Beadle of the ſaid Pariſh, or any one or more of them, to collect or levy all and every ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, Compoſition or Compoſitions, and all Arrears thereof, and the Expences of the Summons (if the ſame ſhall not have been before paid) and Warrant by Diſtreſs of the Goods and Chattels of the Party ſo neglecting or refuſing, which ſhall be found either within the ſaid Pariſh or elſewhere; and if within Five Days next after any ſuch Diſtreſs ſhall be made, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, Compoſition or Compoſitions, with all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of the ſaid Summons (if ſuch Summons ſhall not have been before paid for) and Warrant, and of making ſuch Diſtreſs, and keeping ſuch Goods and Chattels, the ſaid Wardens and Overſeers, Collector or Collectors, Conſtable or Conſtables, Beadle or Beadles, or any one or more of them, ſhall cauſe the ſaid Goods to be appraiſed by one or more Appraiſer or Appraiſers, and to be ſold, or ſuch Part or Parts thereof as ſhall be ſufficient to pay the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, Compoſition or Compoſitions, together with all Arrears due thereon, and the reaſonable Charges aforeſaid, and the Charges of appraiſing and ſelling the ſame, returning the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels reſpectively, upon Demand thereof made by him, her, or them.

IX. And

Juſtices empowered to amend the Rate.

IX. And be it further enacted, That on any Appeal from any Rate or Rates, Aſſeſſment or Aſſeſſments, to be made for the Purpoſes of this Act, the Juſtices at ſuch General Quarter Seſſions ſhall and may amend the ſame, if they ſhall ſo think proper, in ſuch Manner as may be neceſſary for giving Relief to the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, aggrieved, without quaſhing or altering ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, with reſpect to any other Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate mentioned in the ſame; but upon Appeal from the whole Rate or Rates, Aſſeſſment or Aſſeſſments, it ſhall be found neceſſary to ſet aſide the ſame, then and in ſuch Caſe the ſaid Juſtices ſhall and may order a new Rate or Rates, Aſſeſſment or Aſſeſſments, to be made in Manner herein directed.

Warrant of Diſtreſs.

X. And be it further enacted, That every Warrant of Diſtreſs for Non-payment of the ſaid Rates or Aſſeſſments to be made in or for the ſaid Pariſh, or any or either of them, or of ſuch Compoſition or Compoſitions, ſhall be in the Words or to the Effect following:

'County of Surrey, to wit.' } 'TO the Wardens, Overſeers, and Collectors of the Church 'Rate of the Pariſh of *Saint Saviour's Southwark*, in the 'County of *Surrey*, and to all Conſtables, Beadles, and 'other Peace Officers for the ſame Pariſh.

'WHEREAS the undermentioned Perſons now or late Inhabitants, 'Holders, Landlords, Tenants, Occupiers, or Enjoyers of Lands, 'Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, 'or other Buildings, Tenements, or Hereditaments, or Part of ſome Build-'ing or Tenement within the ſaid Pariſh of *Saint Saviour Southwark*, were 'and are truly rated and aſſeſſed, or liable to pay the Rate and Rates duly 'made for the Purpoſe of an Act made in the Fifty-ſixth Year of the 'Reign of King *George* the Third, intituled [*Here ſet forth the Title of this 'Act*]: And whereas the ſaid Perſons have refuſed or neglected to pay the 'ſaid ſeveral Sums of Money at and againſt their Names hereunder repect-'ively ſet down, for Money due and owing from them for or towards 'the Purpoſes in the ſaid Act mentioned, and the ſaid ſeveral Sum and 'Sums are ſtill remaining due, in arrear, and unpaid, as appeareth upon 'Oath to of His Majeſty's Juſtices of the Peace for the ſaid 'County, as the Caſe may be; and the ſaid ſeveral Perſons having been 'ſummoned to appear before to anſwer the 'Premiſes, as alſo appears to the ſaid 'Juſtice [*or*, Juſtices] upon Oath, and nor either of 'them, having ſhewn any ſufficient Cauſe why ſuch Sum or Sums of 'Money ſhould not be paid: Theſe are therefore, in His Majeſty's Name, 'to will and require you, or either of you, forthwith to levy the ſaid 'ſeveral Sums due from the ſaid Perſons, and hereunder joined to or ſet 'againſt their Names reſpectively, by Diſtreſs and Sale of their reſpective 'Goods and Chattels, ſuch Goods and Chattels being kept before the 'ſame are ſold until the Seventh Day after ſuch Diſtreſs ſhall be made, 'including the Day in which it ſhall be made, and the Day of Sale, [*and 'if ſuch Seventh Day ſhall happen to be a Sunday, then ſuch Sale ſhall be on the 'next following Day*] rendering to them reſpectively the Overplus [*if any be*] 'the reaſonable Charges of ſuch Diſtreſs, Sale, and Keeping being firſt 'deducted; and if no ſufficient Diſtreſs can be had or taken, then that

'you

'you certify the ſame to me [*or*, us] to the end that ſuch Proceedings 'may be had therein as to the Law doth appertain; and I [*or*, we] do 'hereby ſtrictly charge and command all and ſingular the Conſtables '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 [*or*, 'our] Hand [*or*, Hands] and Seal [*or*, Seals] this
'Day of in the Year of our Lord .'

	Sums due.
A. B.	£.
C. D.	
E. F. for divided Premiſes	
G. H. the Landlord for Houſe in Street compounded for	
E. F. Landlord [*or*, Receiver] as the Caſe may be *K. L* Tenant	

Perſons receiving Rents to be deemed the Owners.

XI. Provided always, and to prevent Diſputes touching the Deſignation of the Landlord or Owner, Leſſee or Leſſees, intended to be made liable by this Act, be it enacted, That the Perſon or Perſons receiving or claiming to be entitled to the Rents of every ſuch Houſe or Houſes, Tenement or Tenements, Hereditaments or Premiſes, immediately payable by the Tenants or Occupiers thereof reſpectively, ſhall be deemed and taken to be the Landlord or Owner, Leſſee or Leſſees of the ſame for the Purpoſe of this Act; and ſhall continue to be rated to and liable to the Payment of all and every ſuch Rates as aforeſaid, until ſome other Perſon or Perſons ſhall be rated to or pay the ſame, unleſs the real Landlord, Owner, or Leſſee is known to, or voluntarily compounds for the ſame with the ſaid Wardens, Overſeers, and Inhabitants as aforeſaid.

Compoſition to remain in force until altered by the Wardens.

XII. And be it enacted, That from and after any Compoſition ſhall be made with the ſaid Wardens, Overſeers, and Inhabitants, as hereinbefore mentioned, the Houſe or Houſes, Tenement or Tenements, and Hereditaments therein comprized ſhall be rated and aſſeſſed according to the ſame reduced Rental in every future Rate or Aſſeſſment to be made by the Wardens, Overſeers, and Inhabitants in Veſtry of the ſaid Pariſh aſſembled, until the ſaid Wardens, Overſeers, and Inhabitants in Veſtry aſſembled as aforeſaid, ſhall think proper otherwiſe to rate or aſſeſs the ſame Premiſes.

Rates to be recovered from Perſons removing.

XIII. And be it further enacted, That in caſe any Perſon or Perſons ſhall remove out of or from or quit the Poſſeſſion of any Houſe, Shop, Building, Tenement, or other Premiſes, before any Rate or Rates, Aſſeſſment or Aſſeſſments, charged thereon reſpectively ſhall be paid and diſcharged, or if any Perſon or Perſons ſhall enter into the Poſſeſſion of any Houſe, Shop, Building, Tenement or other Premiſes in the ſaid Pariſh, out of or from which any other Perſon or Perſons ſhall have ſo removed, before ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall have been paid and diſcharged, then and in every ſuch Caſe the Perſon or Perſons ſo removing out of or from, or quitting the Poſſeſſion of, and the Perſon or Perſons entering into the Occupation of any ſuch Houſe, Shop, Building Tenement, or other Premiſes, ſhall be reſpectively ſubject and liable to the Payment of all ſuch Rates and Aſſeſſments, in Proportion to the Time that

ſuch Perſon or Perſons reſpectively poſſeſſed or occupied the ſame, in the ſame Manner as if the Perſon or Perſons ſo removing or quitting as aforeſaid had remained in the Poſſeſſion or Occupation of ſuch Houſe, Shop, Building, Tenement, or other Premiſes, or the Perſon or Perſons ſo entering into the Poſſeſſion or Occupation thereof reſpectively had been originally rated and aſſeſſed to ſuch Rates or Aſſeſſments or any of them, and ſuch Proportion ſhall be aſcertained by the Wardens and Overſeers of the Poor of the ſaid Pariſh; and in caſe of any Diſpute reſpecting the Amount or Proportion thereof, the ſame ſhall be ſettled by any one or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Surrey*.

For levying Rates from Perſons removing out of the Pariſh upon the eve of their being made.

XIV. And whereas it may happen that ſeveral Perſons liable to and who may be rated and aſſeſſed by virtue of this Act may, before the Payment of the Sum which may be rated on them reſpectively, quit and leave their Grounds, Dwelling-houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, and Hereditaments, and remove out of the ſaid Pariſh; be it therefore further enacted, That when any Perſon or Perſons who hath or have been ſo rated and aſſeſſed ſhall quit or be about to quit his or their Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Sheds, Cellars, Vaults, Buildings, Tenements or Hereditaments, before he, ſhe, or they ſhall have paid the ſaid Rate or Aſſeſſment to the Wardens or Overſeers, Collector or Collectors, authorized and appointed to receive the ſame as aforeſaid; then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Wardens or Overſeers, Collector or Collectors, or any one of them, by Warrant under the Hand and Seal or Hands and Seals of any one or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Surrey*, (which Warrant ſuch Juſtice or Juſtices is or are hereby authorized and required to grant), Oath being firſt made by the ſaid Wardens or Overſeers, Collector or Collectors, before ſuch Juſtice or Juſtices, that he or they hath or have Cauſe to ſuſpect that ſuch Perſon or Perſons is or are removing, or hath or have removed his, her, or their Goods and Chattels; and ſuch Warrant is to be executed out of the County of *Surrey*, the ſame being firſt backed or counterſigned by ſome Magiſtrate for the County, City, or Liberty in which it is to be executed (which Warrant ſuch Magiſtrate is hereby required to back or counterſign) to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay the ſaid Rates or Aſſeſſments, wherever they may be found, and to ſell the ſame, rendering the Overplus (if any), after having deducted the reaſonable Charges and Expences attending ſuch Diſtreſs and Sale, to the Owner or Owners of ſuch Goods and Chattels reſpectively, upon Demand thereof made.

Omiſſions in Rates may be rectified.

XV. And be it further enacted, That if it ſhall appear to the Wardens and Overſeers of the Poor of the ſaid Pariſh, or to any of them, at any Time after making of any ſuch Rate or Aſſeſſment as is hereinbefore mentioned, that the Name or Names of any Perſon or Perſons liable to be included in ſuch Rate or Aſſeſſment hath or have been omitted therein, or the Sum or Sums which he, ſhe, or they ought to have been aſſeſſed, hath or have been omitted, it ſhall be lawful for the ſaid Wardens and Overſeers, or any Four of them, to add or cauſe to be added to ſuch Rate or Aſſeſſment, the Name or Names of the Perſon or Perſons, together with the Sum or Sums which he, ſhe, or they ought to be rated; and the Sum or Sums ſo omitted, and every ſuch Addition made to any

of the ſaid Rates, ſhall be as valid and effectual in the Law to all Intents and Purpoſes, and ſubject to Appeal in the ſame Manner as if the ſame had been inſerted in the Rate at the Time the ſame was firſt made and ſigned or allowed.

Collectors to be appointed.

XVI. And in order the better to enable the Wardens and Overſeers of the Poor of the ſaid Pariſh of *Saint Saviour Southwark* aforeſaid to collect and levy all and every Rate or Aſſeſſment, Rates or Aſſeſſments, to be hereafter made in purſuance of this Act; be it further enacted, That it ſhall and may be lawful to and for the Inhabitants of the ſaid Pariſh in Veſtry aſſembled, at a public Meeting to be held for that Purpoſe annually, to appoint one or more Perſon or Perſons to be a Collector or Collectors of the Rates or Aſſeſſments to be from Time to Time made, collected, and levied by virtue of this Act (every ſuch Collector being a reſident Houſeholder in the ſaid Pariſh), and out of ſuch Rates or Aſſeſſments to make ſuch Allowance or Allowances by way of Salary or Poundage to the ſaid Collector or Collectors, not exceeding One Shilling in the Pound on the Monies collected; and to revoke, countermand, alter, and vary ſuch Allowances, and make others in their ſtead or not, as to the Inhabitants of the ſaid Pariſh in Veſtry aſſembled ſhall ſeem meet and proper, ſo as ſuch Allowance or Allowances ſhall not exceed One Shilling in the Pound on the Money actually collected.

Collectors to give Security.

XVII. And be it further enacted, That the Wardens and Overſeers of the Poor of the ſaid Pariſh ſhall (before any ſuch Collector or Collectors ſhall take upon him or them ſuch Office of Collector or Collectors) take ſuch Security from ſuch Collector or Collectors reſpectively as the Inhabitants of the ſaid Pariſh in Veſtry aſſembled ſhall think proper for the due and faithful Execution of his or their Office of Collector or Collectors in all and every Part thereof; and, among other Things, for the duly accounting for all Monies which, as ſuch Collector or Collectors, he or they ſhall or may receive, and for Payment within the Space of Fourteen Days from the Receipt thereof, of the Monies to be collected, got in, and received by virtue of this Act, to the ſaid Wardens of the ſaid Pariſh for the Time being.

Collectors to be removed or ſuſpended.

XVIII. And be it further enacted, That the Inhabitants of the ſaid Pariſh of *Saint Saviour Southwark*, in Veſtry aſſembled (due Notice of ſuch Veſtry being given in the ſaid Pariſh Church on the *Sunday* preceding ſuch Meeting), may at all Times at their Will and Pleaſure wholly diſplace and remove ſuch Collector or Collectors, or any or either of them; and alſo that the Wardens and Overſeers of the ſaid Pariſh of *Saint Saviour Southwark*, or the major Part of them, may at all Times at their Will and Pleaſure ſuſpend ſuch Collector or Collectors, each and every or any of them; and each and every ſuch Collector and Collectors ſhall and they are hereby reſpectively required at all Times whatſoever, either upon their being ſo ſuſpended or diſplaced or otherwiſe, to produce and deliver up to the ſaid Wardens and Overſeers of the Poor, or the major Part of them, whenever they ſhall be thereto required, all and every the Rate Book or Books, and all other Papers, Documents, Matters, and Things reſpecting their ſaid Office or Employment, in order that the ſaid Wardens and Overſeers of the Poor may take Poſſeſſion of and retain the ſame, either for the Purpoſe of Inſpection, ſafe Cuſtody, or on any other Account which to them ſhall ſeem meet and expedient.

XIX. Provided

Collectors to account.

XIX. Provided always, and be it further enacted, That if any such Collector or Collectors, or other Person or Persons, when thereunto required by the said Wardens and Overseers, or the major Part of them, by Notice in Writing, to be delivered to the said Collector or Collectors, or other Person or Persons, or left at his, her, or their last or usual Place of Abode, shall refuse, or shall not, within Three Days after such Request shall have been made to him or them, deliver up such Rate Book or Books, and all and every the Account and Accounts of all Monies by such Collector or Collectors received, for or on account of the said Rates or Assessments, and all Papers, Matters, or Things respecting the same Office or Employment, or such and so many thereof as shall of them have been demanded in Manner aforesaid, or shall not, upon being thereto required, pay the Balance of all Monies received by him or them respectively which shall appear to remain in his or their Hands by virtue of his or their respective Office or Offices, to the said Wardens or Overseers of the Poor of the said Parish, then and in every such Case, upon Complaint made by the said Wardens or Overseers, or the major Part of them, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the said County of *Surrey*, such Justice may and he is hereby authorized and required to issue a Summons under his Hand for the Person or Persons so refusing or neglecting as aforesaid to appear before him; and upon his, her, or their appearing, or if he or they shall not appear before such Justice, then, upon due Proof that the Person or Persons so neglecting to appear had been summoned, or could not be found for the Purpose of being summoned, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby required and empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of this Act shall remain due from such Collector or Collectors, such Justice may and he is hereby authorized and required, upon Non-payment 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 or Collectors, each and every of them; and if it shall appear to such Justice that such Collector shall have refused or neglected to render and give such Account, or to produce the Rate or Rates, Book or Books, Papers or Writings, or other Matters or Things relating to the Collection, or in anywise respecting or appertaining to the said Office or Employment, which shall be in his or their Custody or Power, and required from him or them as aforesaid, or shall not have paid the Balance remaining in his or their Hands in Manner aforesaid; then and in each and every such Case such Justice shall commit such Offender or Offenders to the common Gaol or House of Correction for the County where such Offender shall be or reside, there to remain without Bail or Mainprize until he or they shall give a true and perfect Account, and deliver up such Books, Papers, and Writings, or pay such Balance to the said Wardens and Overseers; provided that no such Collector or Collectors so committed shall be confined or detained in Prison, for want of sufficient Distress, by virtue of such Warrant, for any longer Space of Time than Three Calendar Months: Provided nevertheless, that no such Commitment of any Collector or other Officer to the House of Correction as aforesaid shall acquit or discharge any Surety or Security that shall or may have been taken by or given to the said Wardens and Overseers for the

the due and faithful Execution of the Office of Collector or other Office in Manner herein-before expreſſed, nor any Action, Suit, or Proceſs commenced or to be brought for the Recovery of any Money ſo received.

Appeal to Quarter Seſſions.

XX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Aſſeſſment, or by any other Matter or Thing done in purſuance of or contrary to the Proviſions of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Perſon or Perſons to appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be holden for the County of *Surrey*; and the ſaid Juſtices at ſuch Seſſions aſſembled are hereby authorized and required to hear and determine the Complaint or Complaints of the Perſon or Perſons ſo aggrieved, provided that ſuch Perſon or Perſons ſo appealing hath or have given Notice in Writing of his, her, or their Intention to make ſuch Appeal, and of the Matter thereof, to the Wardens of the ſaid Pariſh for the Time being, Twenty-one Days before ſuch Quarter Seſſions, and ſhall at the ſame Time have entered into a Recognizance with Two ſufficient Sureties, before One of His Majeſty's Juſtices of the Peace for the ſaid County, to proſecute ſuch Appeal, at the next Quarter Seſſions which ſhall be then heard and determined; and the ſaid Juſtices at ſuch Quarter Seſſions may, after hearing and determining the ſaid Appeal, make ſuch Order therein, and award ſuch reaſonable Coſts to either Party, as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and no Order or other Proceedings of the ſaid Juſtices ſhall be removed or removable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Limitation of Actions.

XXI. And be it further enacted, That no Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or of any of the Powers hereby given, or anyways in relation to the Premiſes, until Twenty-one Days Notice ſhall have been thereof given in Writing to the Veſtry Clerk of the ſaid Pariſh, nor after Satisfaction or Tender of Amends ſhall have been made; and every ſuch Action or Suit ſhall be commenced or brought within the Space of Six Calendar Months next after the Cauſe of Complaint ſhall ariſe, and not afterwards, and ſhall be laid and brought in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence on any Trial to be had thereupon; and if it ſhall appear to be done in purſuance of this Act, or that ſuch Action or Suit ſhall be brought before Twenty-one Days Notice being given as aforeſaid, or after the Time herein-before limited in that Behalf, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue 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, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have and be entitled to the like Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

Diſtreſs not to be deemed unlawful.

XXII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity that ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction by an Action on the Caſe: Provided always, that no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceeding, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants, and to the Veſtry Clerk of the ſaid Pariſh for the Time being, or left at his or their laſt and uſual Place of Abode, Twenty-one Days before ſuch Action ſhall be commenced, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in ſuch Action, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed or cauſed to be committed every or any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into the Court ſuch Sum of Money as he ſhall ſee fit; whereupon ſuch Proceedings or Order and Judgment ſhall be had, made, or given in and by the ſaid Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be vacated for want of Form.

XXIII. And be it further enacted, That no Rate or Rates, Aſſeſſment or Aſſeſſments, nor any Proceeding to be had or taken touching the ſame, nor any other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form only.

Inhabitants to be competent Witneſſes.

XXIV. Provided always, and be it enacted, That in all ſuch Actions or Suits no Inhabitant of the ſaid Pariſh, whoſe Evidence may be neceſſary, ſhall be an incompetent Witneſs by reaſon of his being charged with and ſhall pay any of the Rates or Taxes within the ſaid Pariſh.

Saving Rights of Wardens of St. Saviour's.

XXV. Provided always, and be it hereby declared and enacted, That nothing herein contained ſhall extend or be conſtrued to extend in any way to affect, change, leſſen, annul, prejudice, or deſtroy any Rights, Privileges, Immunities, Grants, Advantages, or Authorities veſted in the ſaid Wardens of the ſaid Pariſh Church of *Saint Saviour* in *Southwark* in the County of *Surrey*; but that the ſame ſhall and may be held, enjoyed, and exerciſed in as full and ample Manner to all Intents, Purpoſes, and Conſtructions, as if this Act had not been paſſed.

XXVI. And

Costs of Act.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Wardens and Overseers for the Time being, and they are hereby required, to pay and discharge the Charges and Expences of procuring and passing this Act, and all other Expences incident thereto, out of the first Monies which shall be raised in pursuance of this Act.

Public Act.

XXVII. 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 EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1816.