ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xlvi.

An Act for better assessing and collecting the Poor Rates, Highway Rates, and other Parochial Rates, the County, Shirehall, Police, and other County and local Rates, on small Tenements, in the several Parishes, Townships, and Hamlets of *Stourbridge*, *Upper Swinford*, *Wollaston*, the *Lye*, *Wollescote*, *Cradley*, the Borough of *Halesowen*, *Hawn*, *Hasbury*, *Illy*, *Lutley*, the *Hill*, *Cakemore*, *Ridgacre*, and *Lapal*, in the County of *Worcester*, and *Kingswinford* and *Amblecote* in the County of *Stafford*, situate within and forming the *Stourbridge* Poor Law Union.

[15th *July* 1850.]

WHEREAS the *Stourbridge* Poor Law Union in the Counties of *Worcester* and *Stafford* consists of the several Parishes, Townships, and Hamlets of *Stourbridge*, *Upper Swinford*, *Wollaston*, the *Lye*, *Wollescote*, *Cradley*, the Borough of *Halesowen*, *Hawn*, *Hasbury*, *Illy*, *Lutley*, the *Hill*, *Cakemore*, *Ridgacre*, and *Lapal*, in the County of *Worcester*, and *Kingswinford* and *Amblecote* in the County of *Stafford*, and is large and populous, and contains a great

great Number of small Tenements, and in consequence of the Inability of the Occupiers of such Tenements to pay the Poor Rates, Highway Rates, and other Parochial Rates, the County, Shirehall, Police, and other County and local Rates thereupon imposed, the same are in a great measure rendered unproductive, and it is expedient therefore that better Provision should be made for the rating of such small Tenements to such several Rates, and for the levying and collecting of such Rates: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 and with the Authority of the same, That from and after the passing of this Act the Owners of every Tenement within any of the said several Parishes, Townships, or Hamlets within the said *Stourbridge* Union in the Counties of *Worcester* and *Stafford* which may be assessed to the Poor Rate, Highway Rate, and other Parochial Rates, the County, Shirehall, Police, and other County and local Rates, within the said Union, or within any of the said several Parishes, Townships, or Hamlets within the said Union, at any annual Sum not exceeding Five Pounds rateable Value, which said annual Sum of Five Pounds shall be ascertained according to the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, shall and may from Time to Time and at all Times hereafter be assessed to and shall pay such Poor Rate, Highway Rate, and other Parochial Rates, and such County, Shirehall, Police, and other County and local Rates, for or in respect of such Tenement, instead of the actual Occupier thereof; and upon Nonpayment of any such Rate, or of the Sums for which the same may be compounded, as herein-after mentioned, such Rate or Sum shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Owner, wheresoever the same may be found, together with the Costs of the Recovery thereof, in like Manner as other Rates of the like Nature within the said Union, or within any such Parish, Township, or Hamlet, may now by Law be levied and recovered and the Payment thereof enforced upon and against any Tenant or actual Occupier on whom the same are charged: Provided always, that, notwithstanding the rating of any Owner under this Act, and the Payment of Rates by any Owner, such rating and Payment shall not in any Manner affect or prejudice the Right of any Occupier to the Enjoyment of any Franchise or Privilege, whether municipal or parochial, to which he might be or become entitled within the said several Parishes, Townships, and Hamlets, in case such Owner and Occupier, or either of them, shall have paid the full Amount payable in respect of the Property for which such Occupier claims to exercise such Franchise or Privilege; and that for the Purposes of the Enjoyment of any such Franchise or Privilege such Occupiers shall be deemed to have been assessed to the said Rates in the Sum to which the Owner shall have been

Owners of Tenements not exceeding *5l.* rateable Value to be rated.

6 & 7 W. 4. c. 96.

Reserving Franchise.

been assessed thereto, and to have paid the Amount which shall have been paid in respect of such rating by the Owner.

Definition of Owner.

II. And in order to prevent Disputes touching the Designation of the Owner intended to be made liable by this Act to the Payment of Rates, be it enacted, That as well the actual Owner as the Landlord, Lessor, or other Person or Persons receiving or claiming to be entitled to the Rent of any Tenement immediately payable by the Tenant or Occupier thereof, either on his own Account or as Agent or Receiver of any other Person, or the Mortgagee in receipt of Rent, shall be deemed and taken to be the Owner of the same for the Purposes of this Act.

When the Name of Owner is not known, the Word "Owner" a sufficient Description.

III. And be it enacted, That whenever the Name of any such Person shall not be known to the Officer authorized to make or collect the said Rates or any of them, it shall be sufficient to rate such Owner in the Rate Books of the said Union, or of any such Parish, Township, or Hamlet, as the Owner of the Property to be rated, by the Description of "Owner," without stating the Name.

Owner on ceasing to own a Tenement liable to pay the Rates then made.

IV. And be it enacted, That when any Rate shall have been made, and the Owner who shall be rated to such Rate shall thereafter cease to be the Owner of the Tenement in respect whereof he shall be rated, such Owner shall nevertheless be liable to pay the whole of such Rate, subject to Appeal as herein-after provided for.

Persons entering upon unoccupied Property to pay a Portion of Rate.

V. And be it enacted, That if any Tenement rated under this Act shall have been unoccupied at the Time of making any Rate, and no such Composition as aforesaid shall have been made in respect thereof, and any Person shall occupy such Tenement during any Part of the Period to elapse between the making of any such Rate and the subsequent making of another such Rate, it shall be lawful for the Persons legally authorized to make such Rate to rate the Owner of such Tenement for the same, who shall pay a Portion of the said first-mentioned Rate proportioned to the Time during which such Tenement shall be so occupied as aforesaid.

Penalty on Occupier wilfully refusing to disclose Owners Names.

VI. And be it enacted, That if, on the Request of the Officer authorized to make or collect the Rate, the Occupier of any Tenement shall refuse or wilfully omit to disclose or shall wilfully mis-state the Name of the Owner of such Property, or of the Person receiving or authorized to receive the Rents of the same, any Justice of the Peace for the County in which such Property is situated, on Oath made before him of such Request, and of such Refusal or wilful Omission or Mis-statement, may summon the Person who shall have so refused or wilfully omitted or mis-stated as aforesaid to appear before such Justice, or before some other Justice for the same County; and if the Person so summoned shall neglect or refuse to attend at the Time and Place mentioned in the Summons, or if he shall attend

and

and shall not show good Cause to the Justice then present for such his Refusal or wilful Omission or Mis-statement, such Justice, upon Proof, in case of the Refusal or Neglect to attend as aforesaid, of the due Service of the said Summons, or on such Attendance, may impose a Penalty upon such Person who shall have so refused or wilfully omitted or have made such wilful Mis-statement, not exceeding the Sum of Forty Shillings, to be recovered, with Costs, as Rates or Compositions under this Act may be recovered, and which Penalty, when recovered, shall be applied to the Purposes for which the said Rates are by Law applicable.

Occupier liable to be distrained upon for Arrears.

VII. And be it enacted, That in all Cases where the Owner is absent, or cannot be found, or refuses or neglects to pay the Rates or Composition to which he is by this Act made liable, such Rates or Composition may be paid by the Occupier of the Premises in respect of which the same shall be due, whether such Rates or Composition shall have been demanded from such Owner or not; and that the Goods and Chattels of every such Occupier shall be liable at all Times to be distrained and sold for Payment of so much of the same Rate or Composition for the same, and all Arrears thereof, as shall become due in respect of the same Premises during the Time of his Occupation, after such Rate shall have been demanded from such Occupier; but no such Occupier shall at any Time be requested to pay any greater Sum for or towards the discharging of any such Rate, Composition, or Arrears than the Amount of the Rent actually due by such Occupier to the Owner of the Premises so occupied by him at the Time when the said Rate shall be demanded: Provided also, that every such Occupier who shall pay any such Rates or Composition, or Arrears, or any Part thereof, may from Time to Time deduct the Amount which shall have been so paid or levied from the Rent then due or at any Time thereafter to become due from him to the Owner of the Premises, and the Receipt for such Payment shall be a good and sufficient Discharge to such Occupier against the Owner for so much Money as he shall have paid in the Manner directed by this Act, or shall have sustained the Loss of by reason of any Distress made under this Act.

Owner may compound for Rates.

VIII. And be it enacted, That in all Cases where any Owner shall be liable to be rated in pursuance of this Act in respect of any such Tenement as aforesaid, it shall be lawful for such Owner to give Notice to the Officer authorized to make or collect the Rate, of his Intention to compound for the same by Payment of a reduced Rate, whether such Tenement be occupied or not; and that in every such Case every such Owner shall thenceforth, until he shall give like Notice for determining such Composition, be liable to pay Three Fourths only of any such Rate; and all such Compositions shall be entered in the Rate Book of such Officer, and such Owners shall be thenceforth rated accordingly; and such Compositions may be discontinued and renewed from Time to Time as such Owner shall think fit.

IX. And

Owner may be discharged from Payment of Rates in certain Cases.

IX. And be it enacted, That if any Owner who shall be rated or assessed under the Powers of this Act to any of the Rates hereinbefore mentioned (and who shall not have compounded for any such Rate in manner aforesaid) shall make it appear to the Satisfaction of any Two of Her Majesty's Justices of the Peace for the County in which the Premises rated shall be situated, that he has been unable, either by reason of there being no sufficient Distress upon the Premises, or by the absconding of any Tenant, or by reason of the Premises having remained void and unoccupied for the whole or any Part of the Year for which he shall have been rated in respect thereof, to obtain Payment of the whole or some Part of the Rent which would otherwise have been paid for the same, it shall be lawful for such Justices (having first duly summoned the Officer authorized to make or collect the Rate, and having at the Time and Place mentioned in such Summons duly inquired into such Matter on Oath,) to order and direct that such Person be wholly excused from the Payment of such Rate or Assessment, or from such proportionate Part thereof as to them may seem proper; and the Sum at which such Person may have been so rated or assessed, or such proportionate Part of the same from the Payment of which such Person may be so excused as aforesaid, shall not be collected, nor shall any Person be charged therewith, or in any Manner called upon or liable to account for the same; and such Order, and the Cause and Date thereof, shall be entered in the Rate Book, and the Entry thereof shall be signed by the said Justices who shall have made such Order as aforesaid.

Act not to affect Agreement between Landlord and Tenant.

X. And be it enacted, That nothing in this Act contained shall extend to alter, affect, or make void any Covenant, Contract, or Agreement between any Landlord, and any Lessee or Tenant, relating to the Payment of any Rates within the said Parishes, Townships, or Hamlets, or any of them.

Lords of Manors exempted from Payment of Rates in respect of certain Cottages.

XI. And be it enacted, That, notwithstanding anything to the contrary in this Act contained, the respective Lords of the Manors comprised within the said Union shall not be rated as Owners or otherwise in respect of the Cottages, and the Lands and Premises held therewith, belonging to them within the said Union, and for which a nominal Rent only, and not a Rack Rent, is paid by the Occupiers thereof: Provided nevertheless, that it shall be lawful to rate and assess the said Occupiers of the last-mentioned Cottages, and the Lands and Premises held therewith, instead of the Lords of the said Manors; and provided also, that the said Occupiers of such said Cottages, and the Lands and Premises held therewith, shall have the same Power of compounding for the Rates as is by this Act given to the Owners of Tenements herein-before mentioned.

Tenant under existing Leases or

XII. Provided always, That when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of any

Agreements to repay to the Owner the Rates payable by the Occupier.

any Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all such Sums which shall have been paid by the Owner on account of any Rates under this Act which during the Continuance of such Lease or Agreement were made payable by the Occupier; and every such Sum of Money payable by the Tenant to the Owner, under the Provisions herein contained, may be recovered, if not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

As to rating of Tenements converted into One Dwelling.

XIII. And be it enacted, That in all Cases in which any Tenements within the said Parishes, Townships, or Hamlets, or either of them, now severally assessed to the Poor Rate, or hereafter to be severally assessed to any of the Rates herein-before mentioned, at any annual Sum not exceeding Five Pounds rateable Value, to be ascertained as aforesaid, shall after the passing of this Act be converted into One Dwelling House, and such Dwelling House shall be let in Lodgings or separate Apartments, the Owner of such Dwelling House, whatever the annual rateable Value thereof may be, shall be rated to the before-mentioned Rates in respect of such Dwelling House, in the same Manner, and subject to the same Provisions for Recovery and enforcing Payment of such Rates, as is and are herein directed and contained with respect to such Tenements as aforesaid, and shall be entitled to the same Right of compounding and other Rights, and be subject to the same Liabilities, as the Owners of such Tenements as aforesaid are by this Act entitled and subject to.

Summons or Warrant may include several Persons.

XIV. And be it enacted, That every Summons or Warrant of Distress for Nonpayment of any Rate or Composition payable by virtue of this Act may include several Persons as well as one Person, and several Sums in respect of Tenements of which the same Person may be Owner or the same Person may be Occupier.

Owners may appeal.

XV. And be it enacted, That all Rates to the Payment of which Owners of Tenements are hereby made liable may be appealed against by such Owners in the same Manner as the Poor Rate within the several Parishes, Townships, and Hamlets in which such Tenements shall be situate might have been appealed against by the Occupiers or Parties aggrieved before the passing of this Act: Provided also, that in case any Owner shall be rated in respect of any Tenement, and shall appeal against such Rate, and thereby seek to increase the Assessment of the same Tenement, so as to throw the Burden thereof on the Person renting or occupying the same, or if the Person so renting or occupying the same shall be rated in respect of such Tenement, and shall appeal against such Rate, and thereby throw the Burden thereof on the Owner of the said Tenement, then and in either of the said Cases the Justices of the Peace before whom such Appeal shall be brought shall not hear such Appeal until sufficient Proof shall be given that the Person so owning, renting, or occupying

occupying as aforesaid, as the Case may be, shall have had Ten Days Notice of such Appeal, by Writing under the Hand of the Party intending to appeal, either by Service thereof upon him, or by Delivery thereof at his usual or last known Place of Abode, stating in such Notice the Grounds of such Appeal.

Rate Books to be open for Inspection.

XVI. And be it enacted, That the respective Rate Books of the Officers authorized to make or collect any of the said Rates shall be open for the Inspection of such Owners as aforesaid, without Fee or Reward, in the same Way and Manner, to all Intents and Purposes whatsoever, as such Rate Books are now by Law required to be open to the Inspection of other Rate-payers.

Errors may be amended, and certain Alterations made in the Rates.

XVII. And be it enacted, That if the Name of any Person liable to be rated to any of the Rates aforesaid shall be omitted from any Rate, or if any Error shall be made in any Name, or if any Person after the making any Rate shall become the Owner or Occupier of any Tenement in the said several Parishes, Townships, or Hamlets within the said Union, or shall become liable to be rated in respect of any Tenement by virtue of this Act, it shall be lawful for the Officer authorized to make or collect the Rate, at any Time after the Discovery of any such Omission or Error, or new Ownership, Occupancy, or Liability as aforesaid, to cause the Name of every such Person to be corrected, or added to or substituted in such Rate, together with the Sum for which he ought to be rated, and the Amount of such Rate in respect thereof, and every such Person shall be deemed to all Intents and Purposes to be properly rated from the Time he shall have Notice of such Alteration, Correction, or Addition, although such Rate may have been previously allowed and published: Provided always, that any Person whose Name shall be so inserted in such Rate may appeal against the same in manner aforesaid at the General Quarter Sessions of the Peace for the County in which the Parish, Township, or Hamlet to which such Rate refers shall be situate, to be holden next after the Expiration of Ten Days from the Time of his having had Notice of such Insertion of his Name as aforesaid.

Party so rated may appeal.

Penalty on Persons refusing to attend when summoned.

XVIII. And be it enacted, That if any Person who shall be summoned as a Witness before any Justice or Justices of the Peace touching any Offence committed against this Act, or touching any Matter cognizable by such Justice or Justices under this Act, shall neglect to appear at the Time and Place appointed for that Purpose, or appearing shall refuse to be examined upon Oath or to give Evidence before such Justice or Justices, every such Person shall forfeit a Sum not exceeding Forty Shillings for every such Offence, to be recovered, with Costs, in the same Manner as Rates or Compositions under this Act may be recovered, and such Penalty, when recovered, shall be applied for the Purposes for which the said Rates are by Law applicable.

XIX. And

Expenses of Act.

XIX. And be it enacted, That all the Costs, Charges, and Expenses of preparing and passing this Act, and all preliminary and other Charges and Expenses incident to or attending the obtaining thereof or in any Manner relating thereto, shall be borne, paid, and defrayed out of the first Monies to be received by the Overseers of the Poor of the said several Parishes, Townships, and Hamlets respectively on account of the Poor Rates, according to and in proportion to the last declared average Expenditure of each Parish, Hamlet, or Township by the Poor Law Commissioners, such Costs, Charges, and Expenses to be taxed by the Clerk of the Peace for the County of *Worcester*, and paid out of the common Funds of the said *Stourbridge* Union.

Interpretation of Terms.

XX. And be it enacted, That whenever in this Act any Word is used importing the Singular Number only the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and any Word importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Tenement" shall include all Property of every Description rateable to the Poor Rate, Highway Rate, or other Parochial Rates, County, Shirehall, Police, and other County or local Rates, in the several Parishes, Townships, or Hamlets in the said *Stourbridge* Union, as the Case may require; the Word "Parish" shall be construed to include any Parish, Township, Hamlet, or Place in the said *Stourbridge* Union; the Words "Officer authorized to make or collect the Rate shall be construed to mean, as the Case may be, or the Subject requires, Churchwardens, Overseers, Assistant Overseers, Collectors of Rates, Surveyor, Assistant Surveyors, and all other Persons whose Duty it may be to collect any of the several Rates which form the Subject of this Act; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Short Title.

XXI. And be it enacted, That in citing this Act in any Act of Parliament, legal Instrument, or other Document, it shall be sufficient to use the Expression "The *Stourbridge* Union Rates Act, 1850."

Public Act.

XXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of.

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