ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. iv.

An Act for better assessing and collecting the Poor's Rates, Highway Rates, the County, Shire Hall, Police, and other County Rates in the Parish of *West Bromwich* in the County of *Stafford*, and the Township of *Oldbury* in the Parish of *Hales Owen* in the County of *Worcester*, and which Parish of *West Bromwich* and Township of *Oldbury* are situate within the *West Bromwich* Poor Law Union. [17th *May* 1850.]

WHEREAS the Parish of *West Bromwich* in the County of *Stafford*, and the Township of *Oldbury* in the Parish of *Hales Owen* in the County of *Worcester*, are both within the *West Bromwich* Poor Law Union, and are large and populous, and contain respectively a great Number of small Tenements, and the Poor belonging thereto are numerous, and supported at a great Expense; and in consequence of the Inability of the Occupiers of such Tenements to pay the Poor Rates, Highway Rates, the County, Shire Hall, Police, and other County Rates thereupon imposed, the same are in a great measure rendered unproductive; and it is expe-

dient, therefore, that better Provision should be made in 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 the Authority of the same, That from and after the passing of this Act the Owners of every Tenement within the said Parish of *West Bromwich* in the County of *Stafford* and the said Township of *Oldbury* in the Parish of *Hales Owen* in the County of *Worcester*, and both within the *West Bromwich* Poor Law Union, which may be assessed to the Poor Rate, Highway Rate, County, Shire Hall, and other County Rates within the said Parish or Township, at any annual Sum not exceeding Seven Pounds rateable Value, which said annual Sum of Seven 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 rated and assessed to and shall pay such Poor Rate, Highway Rate, County, Shire Hall, Police, and other County Rates for or in respect of such Tenements, instead of the actual Occupiers 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 Goods and Chattels may be found, together with the Costs of the Recovery thereof, in like Manner as other Rates of the like Nature within the said Parish or Township respectively 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, or the same may be recovered from such Owner by Action of Debt, at the Suit of the Party authorized to make or recover such Rate, with Costs, in any Court of Law having competent Jurisdiction: Provided always, that notwithstanding the rating of or Payment by any such Owner under this Act, 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 Parish and Township 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.

Owners of Tenements rated to the Poor Rate, Highway Rate, and County Rates, at any Sum not exceeding 7*l.*, to be rated instead of Occupiers.

6 & 7 W. 4. c. 96.

How Actions to be brought.

II. And be it enacted, That in any Action at Law or other Proceeding it shall be sufficient to sue by the Name or Description of "The Overseers of the Poor," "The Surveyors of the Highways," of the

the said Parishes or Townships, as the Case may require, and as to the said County, Shire Hall, Police, and other County Rates, by the Name of "The County Treasurer," and that no such Action or other Proceeding shall abate or be discontinued by reason of the Death, Removal, or Retirement of the Plaintiffs in such Action or Proceeding.

How Notices to be served before Actions brought.

III. Provided always, and be it enacted, That before any such Action at Law or other Proceeding shall be commenced a Notice signed by the Person or Persons intending to bring such Action, or their or his Attorney, shall be left at the Dwelling House or last known Place of Abode of the Person so made liable to the said Rates or Compositions (as the Case may be), or if such Person have no Dwelling House, or his Lodging House or last reputed Place of Abode cannot be discovered, then left at or upon the Premises liable to the Rate, which said Notice shall state that certain Rates or certain Compositions for Rates (describing them) are due from such Person, and that at the Expiration of Fourteen Days from the Posting or Delivery of such Notice an Action at Law will be commenced for the Recovery of such Rates or for such Compositions (as the Case may be), unless the same shall be in the meantime discharged: Provided also, that no such Action shall be commenced under the Authority of this Act after the Expiration of Twelve Calendar Months from the Time when such Rate or Composition (as the Case may be) shall have been due.

Designation of Owner.

IV. 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, Lessors, 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 Name of Owner not known, the Word "Owner" a sufficient Description.

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

Owner on ceasing Possession of Tenement liable to pay the Rates made.

VI. 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.

VII. And

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

VII. 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 Occupiers refusing to disclose Names of Owners.

VIII. And be it enacted, That if on the Request of the Person authorized to make or collect the said Rates the Occupier of the said Property 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, or Stipendiary Justice acting in the District and County where such Property is situate, 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 Stipendiary 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 shall not show good Cause to the Justice then present for such his Refusal or wilful Omission or Mis-statement, such Justice or Stipendiary 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 Five Pounds, 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 to be applied.

Occupiers liable to be distrained upon for Arrears of Rates.

IX. And be it enacted, That in all Cases where the Owner is absent or cannot be found, or refuses or neglects to pay any Rate or Composition to which he is by this Act liable, such Rate or Composition may be paid by the Occupier of the Premises in respect of which such Rate or Composition shall be due, whether such Rate or Composition 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 only, after such Rate shall have been demanded from

from such Occupier, but no such Occupier shall at any Time be required 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 made and demanded: Provided also, that every such Occupier who shall pay any such Rate or Composition or Arrears, or any Part thereof, may from Time to Time deduct the Amount of such Rate or Money which shall be 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.

Owners may compound for Rates.

X. And be it enacted, That in all Cases where any Owner shall have been or 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 any such 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 One Half 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, with the Consent of the said Officer, as such Owners shall think fit.

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

XI. 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, or any such Stipendiary Justice as aforesaid, for the County in which the Premises rated shall be situate, 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 or Stipendiary Justice (having first duly summoned the Officer authorized to make or collect the Rates which shall then be in arrear for such Tenement, and shall not have been compounded for as aforesaid, and having at the same Time and Place mentioned in such

Summons duly inquired into such Matter on Oath,) to order and direct that such Person shall 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 Excuse, and the Cause thereof, and the Date when allowed, shall be entered in the Rate Book, and the Entry thereof shall be signed by the said Justices or Stipendiary Justice, who shall have made such Order as aforesaid.

Not to affect Agreements between Landlords and Tenants.

Tenants under existing Leases or Agreements to repay the Owner.

XII. 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 Parish or Township, or either of them: Provided always, that when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of any Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be 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, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property, and every such Sum of Money payable by the Tenant to the Owner under the Provisions herein-before contained may be recovered, if not paid on Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Owners of small Tenements converted into Dwelling Houses and let in Lodgings or separate Apartments to be rated.

XIII. And whereas it may happen that, after the passing of this Act, some Tenements to which this Act extends may be converted into One or more Dwelling House or Dwelling Houses, and may be let in Lodgings or separate Apartments: Be it enacted, That in all Cases in which any Tenements within the said Parish or Township, 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 Seven Pounds rateable Value, to be ascertained as aforesaid, shall after the passing of this Act be converted into One or more Dwelling House or Dwelling Houses, and be let in Lodgings or separate Apartments, the Owner of such Dwelling House or Dwelling Houses (whatever the annual rateable Value thereof) may or shall be rated to the before-mentioned Rates in respect of such Dwelling House or Dwelling Houses, in the same Manner and subject to the same Provisions for recovering 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

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.

Appeal.

XV. And be it enacted, That all Rates to the Payment of which the several Owners of Tenements are hereby made liable shall and may be appealed against by such Owners in the same Manner as the Poor Rate within the said Parish or Township 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 the 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 such 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 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 Ratepayers.

Power for Officer authorized to make Rate to enter Premises, &c.

XVII. And be it enacted, That for the Purpose of making any Poor Rate, Highway Rate, County, Shire Hall, Police, or other County Rates for the said Parish and Township, or either of them, upon the Owner, or upon the Tenant or Occupier, of any Tenement within any such Parish or Township liable to be included in any such Rate, it shall be lawful for the Officer or Person authorized to make the Rate, and his Surveyors, Assistants, or Servants, at all reasonable Times to enter, view, and examine all and every Part of the said Tenement,

Tenement, and all Property liable to be included in any such Rate, and to do or cause to be done any Act or Thing necessary for making any such Rate as aforesaid; and in case any Owner, Tenant, or Occupier of any Tenement liable to be included in any such Rate as aforesaid shall refuse to allow the said Officer, or his Surveyor, Assistants, and Servants, to enter, view, and examine, survey, and measure the whole or any Part of such Tenement, upon Demand being made upon him for that Purpose, the Person so offending shall for every such Offence forfeit and pay to the last-mentioned Officer any Sum not exceeding Ten Pounds, to be recovered in the same Way as Rates for the Relief of the Poor are now by Law recoverable, such Penalty to be applied in the same Way as the Monies to be collected from the Rate in respect of which such Refusal shall have been made ought to be applied.

Penalty for refusing to allow Officers to enter Premises, &c.

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

XVIII. 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 of any Rate shall become the Owner or Occupier of any Tenement in the said Parish or Township, 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 any such Rate may appeal against the same in manner aforesaid at the General Quarter Sessions of the Peace for the County in which the said Parish or Township to which such Rate refers shall be situate, to be holden next after such Insertion of his Name as aforesaid.

Party may appeal.

Penalty on Persons refusing to attend when summoned.

XIX. And be it enacted, That if any Person who shall be summoned as a Witness before any Justice of the Peace or Stipendiary Justice touching any Offence committed against this Act, or any Matter cognizable by such Justice or such Stipendiary Justice 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 Stipendiary Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

XX. And

West Bromwich Rates.

As to Manner of serving Summonses.

XX. And be it enacted, That in all Cases it shall be deemed sufficient Service for a Summons or Demand of a Rate if a Copy of such Summons, or a Demand in Writing of such Rate, signed by the duly authorized Officer or Collector, shall be left at the usual or last known Place of Abode of the Person to be summoned or rated; and in case such Person shall reside above Five Miles from the said Parish or Township, or either of them, for which such Rate shall be made or assessed, then if a Copy of such Summons or such Demand be left at the Premises rated, and another Copy put into the Post Office directed to such Person at his usual or last known Place of Abode.

Penalties, how to be recovered.

XXI. And be it enacted, That all Penalties under this Act may be recovered by summary Proceedings upon a Complaint made before One of Her Majesty's Justices of the Peace or Stipendiary Justice acting in and for the County in which the Parish or Township for which the Rate shall be made or assessed shall be situate, who shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be therein named, before any Two or more Justices of the Peace, or Stipendiary Justice, acting in and for the said County, which Summons shall be served on the Party offending, or left for him at his usual or last known Place of Abode; and upon the Appearance or Default to appear of the Party offending, such Justices or Stipendiary Justice shall proceed to hear the Complaint, and upon Proof of the Offence shall convict, and upon Conviction shall adjudge the Offender to pay the Penalty incurred, as well as all Costs; and if such Offender shall not forthwith pay such Penalty and Costs, any Two or more of such Justices, or any such Stipendiary Justice, shall by Warrant cause such Offender to be committed to the Common Gaol or House of Correction, there to remain without Bail for any Term not exceeding Three Calendar Months, unless such Penalty and Costs be sooner paid.

Expenses of Act.

XXII. And be it enacted, That all the Costs, Charges, and Expenses of preparing and passing this Act, and all preliminary and other Charges incident to or attending the obtaining thereof, or in any Manner relating thereto, shall be borne, paid, and defrayed out of the first Monies received or to be received by the Overseers of the Poor of the said Parish of *West Bromwich* and Township of *Oldbury* respectively, out of or on account of the Poor Rates, according to and in proportion to the Amount of the respective Rates or Assessments made on the Average of the last Two Years within the said Parish of *West Bromwich* and the said Township of *Oldbury*, such Costs, Charges, and Expenses to be taxed by the Clerk of the Peace for the County of *Worcester*, and paid out of the Poor Rates of the said Parish of *West Bromwich* and the said Parish of *Oldbury*.

West Bromwich Rates.

Interpretation of Terms.

XXIII. 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; the Word "Tenement" shall include all Property of every Description rateable to the Poor Rate, Highway Rate, County, Shire Hall, Police, and other County Rates in the said Parish of *West Bromwich* and the said Township of *Oldbury*, as the Case may require, except Land let or used for Farming Purposes; the Word "Parish" shall be construed to include Parish or Township; the Word "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, Surveyors, Assistant Surveyors, Board of 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 shall be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Short Title.

XXIV. 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 *West Bromwich* Rates Bill, 1850."

This Act to be subject to Provisions of future general Acts.

XXV. Provided always, and be it enacted, That this Act shall be subject to the Provisions of any general Act relating to the rating of Tenements which may pass during the present Session of Parliament, so far as the Provisions of such last-mentioned Act shall be applicable to this Act.

Public Act.

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

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