

ANNO DECIMO

VICTORIÆ REGINÆ.

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Owners of Tenements assessed to Poor Rates &c. and to the several Rates levied under 54 G. 3. c. 106. and 9 & 10 Vict. c. 65. at any Sum under 6*l.* 10*s.* shall hereafter be rated and pay such Rates instead of Occupiers.

present Parliament assembled, and by the Authority of the same, That after the passing of this Act the Owner of every Tenement within the several Townships of *Wolverhampton*, *Bilston*, *Willenhall*, and *Wednesfield*, being the Union of *Wolverhampton* in the Parish of *Wolverhampton* in the County of *Stafford*, which may be assessed to the Poor Rate, the Highway Rate, the County and Police Rate, and the several Rates authorized to be levied under an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the Town of* Wolverhampton *in the County of* Stafford, *and for removing and regulating the Markets in the said Town*, and also under another Act made and passed in the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Execution of the Office of a Justice of the Peace, and the better Administration of the Police, within the Borough of* Wolverhampton, *and certain Parishes and Places in the Neighbourhood thereof, all in the County of* Stafford, at any annual Sum under Six Pounds Ten Shillings rateable Value, which said annual Sum of Six Pounds Ten Shillings 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, Chapter 96, intituled *An Act to regulate Parochial Assessments*, shall hereafter be rated and pay such several Poor Rate, Highway Rate, County and Police Rate, and the local Rates aforesaid in respect of such Tenements, instead of the actual Occupiers thereof; and upon Nonpayment of any such Rate, or of the Sum 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 the Owners, wheresoever the same may be found, in like Manner as other Rates of the like Nature within the said Townships respectively may now by Law and the said Statutes be levied and recovered, upon and from the Occupier, as the same may be recovered from such Owners 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.

As to the Recovery of Rates.

How Actions to be brought.

II. And be it enacted, That in any Action 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 several Townships, as the Case may require; and as to the said local Rates, by the Name of "The Treasurer" or "Clerk" to the Commissioners of the said recited Act of the Fifty-fourth of *George* the Third, 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.

Before Actions commenced, Notices to be given.

III. Provided always, and be it enacted, That before any such Action or Proceeding shall be commenced, a Notice signed by the Person or Persons intending to bring such Action, or their or his Attorney, shall be sent by Post to or left at the Dwelling House or last known Place of Abode of the Person so made liable to the said Rates or Compositions, or if such Person had 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 the said 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 in the meantime be 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.

Saving to Occupiers the Right of voting.

IV. And be it enacted, That, notwithstanding the rating of or Payment by any such Owner under this Act, the Occupier shall have the same Right of voting in respect of all parochial Matters as he would have had in case he had been rated and paid the Rates in respect of the Tenement.

Owners may compound for Rates.

V. 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 of such Rate only; and all such Compositions shall be entered in the Rate Book of such Officers, and such Owners shall be thenceforth rated accordingly.

Owner rated under 54 G. 3. c. 106. not subject to a higher Rating than 6*d.* in the Pound.

VI. Provided always, and be it enacted, That the Owner of any Tenement liable by this Act to be rated under the Provisions of the said recited Local Act of the Fifty-fourth of *George* the Third shall not be subject to a higher Scale of rating under the said Act than Sixpence in the Pound.

The Word "Owner" a sufficient Description in certain Cases.

VII. And be it enacted, That whenever the Name of any such Owner shall not be known, it shall be sufficient to rate such Owner in the Rate Books of the said several Townships as the Owner of the Property to be rated by the Description of "Owner," without stating his Name.

Designation of Owner.

VIII. And in order to prevent Disputes touching the Designation of Owner intended to be made liable by this Act to the Payment of Rates, be it enacted, That the Person receiving or claiming to be entitled to receive the Rack Rent of any Tenement immediately payable by the Occupier thereof, either on his own Account or the Mortgagee in receipt of such Rent, shall be deemed to be the Owner of the same for the Purposes of this Act.

Penalty on Occupier, on Request of Collector, refusing to give

IX. And be it enacted, That if on the Request of the Person authorized to make or the Collector of the said Rates the Occupier of the said Property shall refuse of wilfully omit to disclose or shall wilfully

Name of Owner.

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, 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, at a Time and Place to be mentioned in such Summons, before such Justice, or before some other Justice, 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 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 Neglect or Refusal 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 the Rates or Compositions under this Act may be recovered.

Tenant under existing Leases to repay the Owner Amount of Rates paid by him.

X. 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 during the Continuance of such Lease, 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 Provision herein-before contained may be recovered, if the same be not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Where Owner cannot be found or refuses to pay, Occupier to pay to the Amount of Rent due, and deduct the same from the Rent.

XI. And be it enacted, That in all Cases where the Owner is absent or cannot be found, or refuses or neglects to pay the 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 Compensation 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 of any 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 such Occupier; but no such Occupier shall at any Time be required to pay any greater Sum for or towards discharging of any such Rate or 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 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

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.

Summons or Warrant may include several Persons, &c.

XII. 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.

XIII. 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 Owner in the same Manner as other similar Rates within the said Townships might have been appealed against by the Occupiers or Parties aggrieved before the passing of this Act.

Rate Books to be open for Inspection.

XIV. 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.

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

XV. 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.

Owners of Cottages converted into Dwelling Houses and let in Lodgings or separate Apartments liable to Rates.

XVI. And whereas it may happen that after the passing of this Act small Tenements to which this Act extends may be converted into One or more Dwelling House or Dwelling Houses for the Purpose of letting the same in Lodgings or separate Apartments; be it therefore enacted, That in all Cases in which any small Tenements within the said Townships, now severally assessed or hereafter to be severally assessed to the Rate for the Relief of the Poor of the said Townships at a Sum not exceeding the net annual Value of Six Pounds Ten Shillings, shall, after the passing of this Act, be formed into One or more Dwelling House or Dwelling Houses, and be let in Lodgings or separate Apartments, the Owners of such Dwelling House or Dwelling Houses, whatever the net annual Value thereof may be, 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 the Recovery and enforcing Payment of such Rates as are herein mentioned and contained with respect to such small

small Tenements, and shall be entitled to the same Right of compounding, and shall otherwise in all respects be entitled to the same Rights and subject to the same Liabilities as are by this Act provided with reference to the before-mentioned Owners, of Tenements in the said Townships of the net annual Value of not exceeding Six Pounds Ten Shillings.

As to the Payment of the Costs of Act.

XVII. And be it enacted, That all the Costs, Charges, and Expences of passing this Act, and all preliminary and other Charges and Expences incident to or attending the obtaining thereof, or in any Matter relating thereto, shall be borne, paid, and defrayed out of the Poor Rates for the Townships of *Wolverhampton*, *Bilston*, *Willenhall*, and *Wednesfield*, out of the *Wolverhampton* Town Rate, the Highway Rates of the said Townships of *Wolverhampton*, *Bilston*, *Willenhall*, and *Wednesfield*, in proportion to the Amount of the respective Rates or Assessments made on the Average of the last Two Years within the several Townships and Places aforesaid, such Costs, Charges, and Expences to be taxed by the Clerk of the Peace for the County of *Stafford*, and the same shall be paid out of the first Monies received or to be received by the Officers authorized to make and collect the said Rates respectively.

Short Title.

XVIII. 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 *Wolverhampton* Rates Bill, 1847."

Interpretation of Act.

XIX. And be it enacted, That wherever 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 Rate, and Police Rate, and *Wolverhampton* Town Rate, as the Case may require, except Land let or used for farming Purposes; the Words "Mortgagee in the Receipt of Rents" shall be held to include every other Description of Incumbrancer in possession as well as a Mortgagee; the Words "Officer authorized to make or collect the Rate" shall mean (as the Case may be or the Subject require) Churchwardens, Overseers, Assistant Overseers, Collectors of Rates, Surveyors Assistants, Surveyors, Board of Surveyors, Commissioners, and all other Persons whose Duty it may be to make or 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.

Things requisite to be done by Two Justices may be performed by Stipendiary Justice.

XX. And be it enacted, That any Act, Matter, or Thing necessary or requisite to be done by or before any One or Two Justices of the Peace of the County of *Stafford* in the Execution of this Act, in Petty Sessions, may be done by or before the Stipendiary Justice acting in and for the said Townships of *Wolverhampton*, *Bilston*, *Willenhall*, and *Wednesfield*.

XXI. Pro-

XXI. 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.

This Act subject to Provisions of any future general Act relating to rating of Tenements.

XXII. And be it 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.

Public Act.

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