ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LXV.

An Act for empowering the Juſtices of the Peace for the County of *Middleſex*, at their General or Quarter Seſſions of the Peace, to make a fair and equal County Rate for the ſaid County. [25th *May* 1797.]



WHEREAS it is expedient that Power and Authority ſhould be given to the Juſtices of the Peace for the County of *Middleſex*, in their General or Quarter Seſſions aſſembled, to make a fair and equal County Rate, and for that Purpoſe to aſſeſs and tax rateably and in equal Proportions, according to the Annual Rent or Value of Eſtates, within all and every the Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, and Places, within the ſaid County, for and towards the ſame: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, the Juſtices of the Peace for the ſaid County of *Middleſex*, in their General or Quarter Seſſions aſſembled, ſhall have full Power and Authority, and they are hereby required from Time to Time to aſſeſs and tax all and every Pariſh, Town, Liberty, Precinct, Village, Hamlet, and Place, within the ſaid County, rateably and in equal Proportions, according to the Annual Rent or Value of Eſtates within ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, and Place reſpectively. Preamble.

Juſtices empowered to make an equal County Rate, according to the Annual Rent or Value of Eſtates in each Pariſh.

Churchwardens and Overſeers to make a Return, upon Oath, of Amount of the Rental of Eſtates in each Pariſh, within a certain Time.

II. And, in order the better to enable the ſaid Juſtices of the Peace for the ſaid County of *Middleſex*, to aſſeſs and tax rateably and in equal Proportions, all and every ſuch Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, and Places, be it further enacted, That at the next General or Quarter Seſſions of the Peace to be holden in and for the ſaid County of *Middleſex* after the paſſing of this Act, the Churchwardens and Overſeers of the Poor of the ſaid ſeveral Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, and Places, ſhall, and they are hereby required, within the Two Firſt Days of ſuch next Seſſions, to make a Return in Writing to the ſaid Juſtices in Seſſions aſſembled, which Return ſhall be verified upon Oath in open Court at the Time of delivering in the ſame, of the Total Amount of the Rental or Value of the Eſtates within the Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, to which they ſhall reſpectively belong, charged or aſſeſſed to the Poors Rate of and in the ſaid Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, at the Time of making ſuch Return; and where the proportionable Mode of rating is leſs than the real Rent or Value, the ſame ſhall be ſtated and pointed out in Writing upon ſuch Return, and verified as aforeſaid, in order that the ſaid Juſtices may be enabled to diſcover the real Amount of the Rental or Value of the Eſtates within the ſaid ſeveral Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, or Places.

The like Return upon Oath to be made annually to the *Michaelmas* Seſſions.

III. And be it further enacted, That the Churchwardens and Overſeers of the Poor of all and every Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place within the ſaid County, or ſome or One of them, ſhall yearly and every Year, from and after the paſſing of this Act, within the Two Firſt Days of the *Michaelmas* Quarter Seſſions to be holden in and for the ſaid County, make a Return to the Juſtices of the Peace then and there aſſembled, of the Total Amount of the Rental or Value of Eſtates within the ſaid Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, at the Time of making the laſt preceding Rate for the Relief of the Poor, and alſo ſhall, when the proportionable Mode of rating is leſs than the real Rent or Value, ſtate and point out the ſame in Writing upon ſuch Return; and ſhall verify every ſuch Return upon Oath in Manner aforeſaid.

Penalty for Neglect.

IV. And be it further enacted, That in caſe the ſaid Churchwardens and Overſeers of the Poor of any of the ſeveral Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, or Places within the ſaid County, ſhall neglect or make Default in making ſuch ſeveral Returns, ſo verified as aforeſaid, at the next Seſſions of the Peace after the paſſing of this Act, or in making ſuch Annual Return at the *Michaelmas* Quarter Seſſions, as herein-before directed, that each and every ſuch Churchwarden and Overſeer of the Poor ſhall forfeit and pay ſuch Sum and Sums of Money, not exceeding One hundred Pounds, as ſhall or may be ordered or adjudged by the ſaid Juſtices in their General or Quarter Seſſions aſſembled, by Way of Penalty for ſuch Neglect or Default; and in caſe any ſuch Penalty is not paid, the ſaid Juſtices in ſuch Seſſion aſſembled, may iſſue their Warrant to the High Conſtable of the Diviſion where ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place ſhall be ſituate, directing him to levy ſuch Penalty upon the reſpective Goods and Chattels of each and every Churchwarden and Overſeer of the Poor of the Pariſh, Town, Liberty,

Penalty to be levied by High Conſtables, in like Manner as County Rates are levied.

berty, Precinct, Village, Hamlet, or Place, ſo neglecting or making Default, in like Manner, and with ſuch Powers and Authorities as the ſaid High Conſtable is by a Statute, made in the Twelfth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more eaſy aſſeſſing, collecting, and levying County Rates*, veſted with for levying on the Churchwardens and Overſeers of the Poor the Sum aſſeſſed for the County Rate.

In Caſes where Returns are neglected to be made, Juſtices empowered to make a Rate.

V. And be it further enacted, That if the ſaid Churchwardens and Overſeers of the Poor ſhall ſo make Default in making ſuch Return as aforeſaid, to the ſaid *Michaelmas* Quarter Seſſions annually, or if it ſhall happen that notwithſtanding the incurring of a Penalty or Penalties as aforeſaid, for or on Account of ſuch Neglect or Default, a Return as aforeſaid for any Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, ſhall not be made within the Time before limited for the making thereof, it ſhall and may be lawful to and for the ſaid Juſtices, and they are hereby required, either at the ſaid Quarter Seſſions, or at ſome ſubſequent General or Quarter Seſſions to be held for the ſaid County, to rate and aſſeſs each and every the Pariſh, Town, Liberty, Precinct, Hamlet, or Place, the Churchwardens and Overſeers of the Poor of which ſhall ſo neglect or make Default as aforeſaid, for and towards the ſaid County Rate, according to ſuch Eſtimate of juſt and fair Annual Rent or Value of the Eſtates within ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, or Pariſhes, Townſhips, Liberties, Precincts, Villages, Hamlets, or Places reſpectively, as the ſaid Juſtices ſhall be able to procure by any other Means than the Returns which are by this Act required to be made as aforeſaid; and to order ſuch Allowance and Compenſation to be made to the Conſtables and other Perſons within the ſeveral Diſtricts and Diviſions in the ſaid County, for their Expences and Trouble in procuring, collecting, and levying the ſame, as to the ſaid Juſtices ſhall appear reaſonable and proper, and that all ſuch Allowances, Compenſations, and other Expences as ſhall be thereby incurred, ſhall be by the Juſtices of the Peace for the ſaid County of *Middleſex*, in their General or Quarter Seſſions aſſembled, charged upon the Pariſh, Town, Liberty, Precinct, Hamlet, or Place, the Churchwardens and Overſeers of the Poor of which ſhall ſo neglect or make Default as aforeſaid, in Addition to their Proportion of the ſaid County Rate, and be collected and paid therewith.

Appeal againſt Rate by Churchwardens and Overſeers of the Poor.

VI. Provided always, and be it further enacted, That if the Churchwardens and Overſeers of the Poor of any of the ſaid Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, or Places, within the ſaid County, ſhall at any Time hereafter have Reaſon to believe that ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, is over-rated by any Rate to be made in purſuance of this Act, ſuch Churchwardens and Overſeers of the Poor may appeal to the Juſtices of the Peace for the ſaid County, at their next General or General Quarter Seſſions, againſt ſuch Part of the Rate only as may affect the Pariſh or Place in which they ſerve ſuch Offices; which Juſtices are hereby empowered to hear and finally determine the ſame, and to give ſuch Appellants ſuch Relief as in their Diſcretion ſhall appear fair, juſt, and equal: Provided nevertheleſs, that upon ſuch Appeal, ſuch Rate ſhall not be quaſhed or deſtroyed in regard to any other Pariſhes or Places aſſeſſed thereby; any Thing in this Act, or any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

General Appeal.

VII. Provided alſo, That if any other Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Act, Matter, or Thing to be done in purſuance of this Act, or the Powers hereby given, that he, ſhe, or they ſhall and may appeal to the ſaid Juſtices of the Peace of the ſaid County, at their next General or General Quarter Seſſions to be holden next after any ſuch Cauſe of Appeal ſhall ariſe; which Juſtices are hereby empowered to hear and finally determine the ſame, and to give ſuch Appellants ſuch Relief as in their Diſcretion ſhall appear fair and juſt.

Powers and Authorities in Act 12 *Geo.* II, continued, except where altered by this Act.

VIII. And it is hereby enacted and declared, That all the Powers and Authorities in and by the ſaid Act of the Twelfth Year of the Reign of King *George* the Second, and all other exiſting Laws relating to the County Rate, ſhall be and continue in full Force and Effect, except where altered by this Act.

Expences of this Act to be paid by Treaſurer out of County Rate.

IX. And be it further enacted by the Authority aforeſaid, That the Treaſurer of the ſaid County of *Middleſex* ſhall be, and he is hereby authorized and required to pay and diſcharge the reaſonable Charges and Expences occaſioned by the procuring and paſſing this Act, out of the Firſt Money belonging to the ſaid County which ſhall be in his Hands; ſuch Charges being firſt examined and allowed by the ſaid Juſtices at their General or Quarter Seſſions.

Allowance to Conſtables, *etc.*

X. And be it further enacted, That it ſhall and may be lawful for the Juſtices of the Peace for the ſaid County of *Middleſex*, in their General or Quarter Seſſions aſſembled, to order ſuch Allowance and Compenſation to be made to the Conſtables and other Perſons within ſuch Diſtricts and Diviſions in the ſaid County, where no Rate is or ſhall be made for the Relief of the Poor, for their Expences and Trouble in collecting and levying the ſaid County Rate within ſuch Diſtricts and Diviſions, as to the ſaid Juſtices ſhall appear reaſonable and proper; and to charge ſuch Allowance and Compenſation upon ſuch Diſtricts and Diviſions in Addition to their Proportion of the ſaid County Rate.

Limitation of Actions.

XI. And be it further enacted, That no Action at Law ſhall be brought or commenced, or any Proceeding had againſt any Perſon for any Thing done by virtue of this Act, until Twenty-one Days Notice thereof ſhall have been given to or left at the uſual Place of Abode of the Perſon or Perſons againſt whom ſuch Action or Proceeding is intended to be had or brought, thereby ſetting forth the particular Cauſe of ſuch Action or Proceeding; or after Tender of ſufficient Amends have been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact or Cauſe of ſuch Action ſhall have ariſen; and every ſuch Action ſhall be laid and tried in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants in ſuch Action ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action ſhall be brought before the Expiration of Twenty-one Days next after Notice ſhall have been given as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved, or after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then

and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſe by Law.

Expences of Appeals, *etc.* not to be charged to, or paid out of, the County Rate.

XII. And be it further enacted, That in caſe of any Appeals, Actions, Suits, or Proceedings at Law, as betwixt Pariſh and Pariſh, or betwixt any Perſon or Perſons and any Pariſh or Pariſhes, or any Perſon or Perſons, reſpecting any Thing done in purſuance of this Act, or any other Act or Acts relating to the County Rate, the Expences of all ſuch Appeals, Actions, Suits, or Proceedings at Law, ſhall be borne and paid by ſuch reſpective Pariſhes and Perſons, or ſuch of them, and in ſuch Proportions, as the ſaid Juſtices upon any Appeal in their General or Quarter Seſſions ſhall award and order the ſame, or as ſuch Courts wherein ſuch Actions, Suits, or Proceedings ſhall be inſtituted, ſhall adjudge and order, and ſhall not be charged to, or paid out of, the County Rate.

Publick Act.

XIII. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

FINIS.