ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

CAP. XLIX.

An Act to explain and amend an Act, passed in the last Session of Parliament, for the more easy assessing, collecting, and levying of County Rates.

[20th *June* 1816.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to amend an Act of His late Majesty King* George *the Second, for the more easy assessing, collecting, and levying of County Rates*: And whereas, by the said recited Act, the Justices of the Peace of the several Counties, Ridings, or Divisions of Counties, Cities, Towns, or other Places, having Commissions of the Peace within themselves, in that Part of *Great Britain* called *England*, are authorized and empowered to assess and tax, for the Purposes of the said Act, every Parish, Township, and other Place, whether Parochial or Extra-parochial, within the respective Limits of their Commissions, according to a certain Pound Rate of the full and fair annual Value of the Messuages, Lands, Tenements, and Hereditaments rateable to the Relief of the Poor therein; and Doubts having arisen under the said Act, whether any Messuages, Lands, Tenements, or Hereditaments, situate within any Extra-parochial or other Place where no Rate for Relief of the Poor is made and collected, could be made subject to the County Rate to be raised under the said Act, and it is expedient that such Doubts should be removed; 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 all Messuages, Lands, Tenements, and Hereditaments, situate, lying, or being in any Extra-parochial Place, or other Places, whether rated to the Relief of the Poor or not so rated, although the same may not be deemed rateable to the Relief of the Poor within such Extra-parochial Places, or other Places where no Rate is made for the Relief of the Poor, shall be, and the same are hereby declared to be subject to be assessed, taxed, and rated, by and under the Order, Direction, and Authority of Justices of the Peace, in such and the same Manner as the Messuages, Lands, Tenements, and Hereditaments, within any

55 G. 3. c. 51.

Extra-parochial and other Places, though not deemed rateable to the Relief of the Poor, subject to be rated to the County Rate.

any Pariſhes or Places where a Rate is made for the Relief of the Poor; and the Juſtices of the Peace ſhall in all Caſes, where the ſame may be neceſſary, appoint proper Perſons within ſuch Extra-Parochial or other Places, as directed in and by the ſaid recited Act, for the aſſeſſing, taxing, and rating ſuch Extra-parochial Meſſuages, Lands, Tenements, and Hereditaments, and levying, collecting, and paying over ſuch Aſſeſſments, Taxes, or Rates, under the Proviſions of the ſaid recited Act.

Juſtices in General or Quarter Seſſions, to appoint Juſtices to fix and determine Boundaries, between Counties, Ridings, Diviſions or Parts of Counties, and other Places of diſtinct and ſeparate Juriſdiction.

II. And whereas Doubts have ariſen and may ariſe, touching the Boundaries of Counties, Ridings, and Diviſions and Parts of Counties, and other Places of diſtinct and ſeparate Juriſdiction, and touching the Juriſdictions of Juſtices of the Peace in relation thereto, under the Proviſions of the ſaid recited Act; and it is expedient that ſuch Doubts ſhould be removed, and that Boundaries ſhould be aſcertained in all ſuch Caſes, for the Purpoſes of carrying the ſaid recited Act into Execution; be it therefore enacted, That the Juſtices of the Peace of Counties and Ridings, and Diviſions and Parts of Counties, and other Places of diſtinct and ſeparate Juriſdiction, in that Part of *Great Britain* called *England*, aſſembled at their ſeveral and reſpective General or Quarter Seſſions of the Peace, or at any Adjournment thereof, ſhall be and they are hereby authorized and required, in any Caſe in which any Queſtion or Doubt does or ſhall exiſt, or ſhall have ariſen, or may in the Judgement of the ſaid Juſtices be likely to ariſe, as concerning any Boundary between any Counties, Ridings, Diviſions or Parts of any County, or other Places of diſtinct and ſeparate Juriſdiction, for which they reſpectively act as ſuch Juſtices, to nominate and appoint Two Juſtices of the Peace of each ſuch County, Riding, Diviſion or Parts of any County, or other Places of diſtinct and ſeparate Juriſdiction, between which the Boundary is required to be aſcertained, for the Purpoſe of fixing and determining ſuch Boundary, and the Clerks of the Peace, Town Clerks, and other proper Officer of the ſeveral and reſpective General or Quarter Seſſions of the Peace at which ſuch Juſtices ſhall be appointed, ſhall forthwith give Notice to each other, and to ſuch Juſtices, of ſuch Appointment; and the Juſtices ſo appointed ſhall in every ſuch Caſe, as ſoon as may be after their Appointment, meet and proceed to aſcertain the Boundary, upon ſuch Evidence as can be obtained by them, or as they ſhall deem neceſſary for that Purpoſe, either by Examination of Witneſſes upon Oath (which Oath any One of the ſaid Juſtices is hereby empowered to adminiſter) or of any Maps, Plans, Surveys, or any other Records or Documents, or in ſuch other Manner as they the ſaid Juſtices ſo appointed ſhall think requiſite; and it ſhall be lawful for ſuch Juſtices, or for any Perſons authorized under the Hand of any Three or more of ſuch Juſtices, to enter upon any Lands, Grounds, or Premiſes, for the Purpoſe of examining the ſame, or making any Meaſurement, Maps, or Plans thereof, for the Purpoſes aforeſaid; and it ſhall be lawful for the ſaid Juſtices to ſummon any Witneſſes to be examined in that Behalf, and to impoſe any Penalty or Forfeiture not exceeding Ten Pounds upon any Witneſs who ſhall, without reaſonable Excuſe, refuſe or neglect to attend to be examined upon any ſuch Summons, which Penalty or Forfeiture may be recovered as any Penalty or Forfeiture may be recovered under any of the Proviſions of the ſaid recited Act; and ſuch Juſtices ſhall thereupon fix, aſcertain, and determine the Boundary ſo referred to them to be aſcertained, and ſhall cauſe the Boundary ſo fixed and determined to be laid down on Two Maps or Plans, to be ſigned by the ſaid Juſtices ſo appointed as aforeſaid, which ſhall be depoſited with the Clerks of the Peace, Town Clerks, or other proper Officer, for the Counties, Ridings, Diviſions or Parts of

Counties, or other Places of diſtinct and ſeparate Juriſdiction, between which ſuch Boundary ſhall be ſo fixed and determined, and which Maps and Plans ſhall be kept amongſt the Records of their reſpective Seſſions, and ſhall be received as Evidence of ſuch Boundaries; and ſuch Boundaries, ſo fixed and determined, ſhall be and be deemed the Boundaries between the reſpective Counties, Ridings, Diviſions or Parts of Counties, or other Places of diſtinct and ſeparate Juriſdiction, for which the ſame ſhall have been ſo aſcertained, for all the Purpoſes of this and of the ſaid recited Act, and the carrying the Proviſions thereof reſpectively into Execution, any Thing contained in any other Act or Acts of Parliament, relating to ſuch Counties, Ridings, Diviſions or Parts of ſuch Counties, or other Places of diſtinct and ſeparate Juriſdiction, or any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Appointment of new Juſtices.

III. And be it further enacted, That if any of the Four Juſtices ſo appointed as aforeſaid, or who ſhall be appointed in Manner herein-after mentioned, ſhall, before the Execution of all the Powers and Authorities hereby in them reſpectively veſted, die, decline or refuſe to act, or become incapable of acting, the Juſtices of the Peace of Counties, Ridings, Diviſions and Parts of Counties, and other Places of diſtinct and ſeparate Juriſdiction, aſſembled at their ſeveral and reſpective General or Quarter Seſſions of the Peace, or at any Adjournment thereof, from which ſuch Juſtice ſo appointed or to be appointed ſhall die, decline, refuſe to act or become incapable of acting, ſhall, and they are hereby authorized and required to appoint another Juſtice in the room of him ſo dying, declining, refuſing to act, or becoming incapable of acting as aforeſaid, and ſo from Time to Time as often as any Juſtice ſo to be appointed as laſt aforeſaid ſhall die, decline, or refuſe to act, or become incapable of acting; and every Juſtice to be appointed as aforeſaid ſhall have the like Power and Authority as the Juſtice in whoſe Place he ſhall be appointed was inveſted with by virtue of this Act; and that Notice ſhall be given by the Clerks of the Peace, Town Clerks, or other proper Officer, to ſuch Juſtice, of his Appointment, in Manner herein-before directed.

In caſe of Difference between Juſtices, a Referee to be appointed to meet them, and determine Boundary.

IV. Provided always, and be it further enacted, That if it ſhall happen that the Juſtices ſo appointed to fix, aſcertain and determine the Boundaries as aforeſaid, ſhall diſagree in opinion touching the Boundary between any County, Riding, Diviſion or Parts of any County, or other Place of diſtinct and ſeparate Juriſdiction, ſo referred to them under and by virtue of this or the ſaid recited Act, and there ſhall be an Equality of Votes, ſo that the ſaid Juſtices cannot make any Determination thereon, then and in ſuch caſe the ſaid Juſtices, or the major Part of them, ſhall forthwith appoint under their Hands, ſuch Perſons as they may think proper to act as Referee, which Perſon ſo appointed as Referee ſhall, within Twenty-one Days from the Receipt of ſuch Appointment, fix a Time and Place to meet ſuch Juſtices; and at ſuch Meeting the ſaid Perſon ſo to be appointed as Referee as aforeſaid ſhall, together with the ſaid Juſtices to whom any Boundary ſhall be referred to be aſcertained as aforeſaid, proceed to fix, aſcertain and determine the Boundary about which ſuch Diſagreement ſhall take place amongſt them the ſaid Juſtices, in ſuch and the ſame Manner and with ſuch and the like Powers in all Reſpects as herein before expreſſed, and that the Determination and Deciſion of the ſaid Juſtices, and of the Perſon whom they ſhall appoint as Referee as aforeſaid, or of the major Part of them, ſhall be for ever binding and concluſive; and that the ſaid Juſtices, and the Perſon whom they ſhall appoint as Referee as aforeſaid, or the major Part of them, ſhall cauſe the Boundary ſo fixed

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and determined to be laid down on Two Maps or Plans, to be ſigned by the ſaid Juſtices and the Perſon ſo appointed as Referee as aforeſaid, or by the major Part of them, which ſhall be depoſited with the Clerks of the Peace, Town Clerks, or other proper Officer, as herein-before directed, and kept amongſt the Records of their reſpective Seſſions, and ſhall be received as Evidence of ſuch Boundaries; and ſuch Boundaries ſo fixed and determined ſhall be and be deemed the Boundaries between the reſpective Counties, Ridings, Diviſions or Parts of Counties, or other Places of diſtinct and ſeparate Juriſdiction, for which the ſame ſhall have been ſo aſcertained for all the Purpoſes of this and of the ſaid recited Act, and the carrying the Proviſions thereof reſpectively into Execution, any Thing contained in any other Act or Acts of Parliament, relating to ſuch Counties, Ridings, Diviſions or Parts of ſuch Counties, or other Places of diſtinct and ſeparate Juriſdiction, or any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Appeals how to be proceeded in.

V. Provided always, and be it further enacted, That in all Caſes in which any Appeal or Appeals ſhall be made under the ſaid recited Act, to any Rate or Aſſeſſment made in purſuance thereof, or of this Act, the ſame ſhall be made to the next General or Quarter Seſſions of the Peace, after the Cauſe of Appeal ſhall have ariſen, and that Fourteen clear Days Notice in Writing ſhall be given of the Intention to try ſuch Appeal previous to ſuch General or Quarter Seſſions, and that notwithſtanding ſuch Appeal or Notice thereof, the Rate or Rates made upon any Pariſh, Townſhip, or Place (whether Extra-parochial or otherwiſe) under the ſaid recited Act and this Act, ſhall be paid, and ſhall and may be levied, recovered, and received, in the ſame Manner as if no Appeal had been made or Notice given thereof; and that if upon the hearing of any ſuch Appeal or Appeals, the Court of General or Quarter Seſſions of the Peace ſhall order any Rate or Aſſeſſment to be decreaſed or lowered, and it ſhall appear to the ſaid Court, that any Pariſh, Townſhip, or Place, have or hath previouſly to the hearing ſuch Appeal or Appeals paid any Sum or Sums of Money in conſequence of ſuch Rates or Aſſeſſments, which ought not to have been paid or charged therein, then and in every ſuch Caſe the ſaid Court ſhall order all and every ſuch Sum and Sums of Money to be repaid and returned to the Perſon or Perſons, Pariſh, Townſhip, or Place, having paid the ſame reſpectively.

Act not to determine any Queſtion of Boundary.

VI. Provided always, That nothing in this Act contained, nor any Proceedings under the ſame, ſhall extend, or be conſtrued to extend, to determine any Queſtion of Boundary for any Purpoſe, except for the Purpoſe of aſſeſſing, collecting, and levying Rates, according to the Proviſions of this Act, and of the ſaid recited Act.

Extending former Act to this Act.

VII. And be it further enacted, That all the Powers, Authorities, Proviſions, Clauſes and Regulations contained in the ſaid recited Act, ſhall be deemed and taken to apply to this Act, as if the ſame were ſeverally and reſpectively repeated and re-enacted in this Act; and this Act and the ſaid recited Act ſhall be conſtrued as one Act.

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