ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

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C A P. XCIV.

An Act to amend an Act of the last Session of Parliament, for the more easy assessing of County Rates. [10th *July* 1817.]

WHEREAS an Act was passed in the last Session of Parliament, to explain and amend an Act passed in the last Session of Parliament, for the more easy assessing, collecting, and levying of County Rates: And whereas it is expedient to repeal so much of the said Act as directs, 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 should 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 should 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 Parochial or otherwise) under the said recited Act and this Act, should be paid, and should and might 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 should order any Rate or Assessment to be decreased or lowered, and it should 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

56 G. 3. c. 49.

Caſe the ſaid Court ſhould 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; 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aſſembled, and by the Authority of the ſame, That the herein-before recited Proviſion ſhall be and the ſame is hereby repealed.

So much of recited Act as reſpects Appeals, &c. repealed.

II. And be it further enacted, That from and after the paſſing of this Act the Rate or Rates made upon any Pariſh, Townſhip, or Place (whether Extra-parochial or otherwiſe) under any Act or Acts paſſed for the aſſeſſing, collecting, and levying of County Rates, ſhall be paid, and ſhall and may be levied, recovered, and received, notwithſtanding any Appeal or Appeals may have been made to the General or Quarter Seſſions of the Peace againſt any ſuch Rate or Rates; and ſuch Rate or Rates ſhall continue to be raiſed, levied, and received, until the Deciſion of the Juſtices ſhall be made upon ſuch Appeal or Appeals: Provided always, 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 ſet aſide, decreaſed, or lowered, and it ſhall appear to the ſaid Court that any Pariſh, Townſhip, or Place have or hath, previouſly to the Determination of 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 ſuch Proportion of ſuch Sum or Sums of Money as ſhall have been ſo paid by any Perſon or Perſons, Pariſh, Townſhip, or Place, ſubſequently to the Notice which ſhall have been given of ſuch Appeal or Appeals, to be repaid and returned to the Perſon or Perſons, Pariſh, Townſhip, or Place, which have or hath paid the ſame reſpectively, out of the General Rate of the County in which the Cauſe of Appeal ſhall have ariſen: Provided always, that Fourteen clear Days Notice in Writing ſhall be given by the Parties intending to appeal againſt any Rate or Aſſeſſment, to the Parties againſt whoſe Rate the Appeal is to be made, the Clerk of the Peace of the County, and the Hundred Conſtable, of the Intention to try ſuch Appeal at the next General Quarter Seſſions of the Peace; any Thing in any Act or Acts to the contrary notwithſtanding.

Rate to be raiſed notwithſtanding Appeals, until Determination of Juſtices.

In caſe Juſtices order Rate to be ſet aſide, decreaſed, or lowered;

Money paid ſubſequent to the Time of Appeal to be returned out of the General County Rate.

Notice of Appeal.

III. And be it further enacted, That ſo much of the ſaid recited Act as directs that the Expences of all Appeals, Actions, Suits, or Proceedings at Law, in reſpect of any Thing done in purſuance of the ſaid recited Act, ſhall be paid by ſuch reſpective Pariſhes, Townſhips, Places, and Perſons as the ſaid Juſtices in General or Quarter Seſſion ſhall direct, or ſuch Court wherein ſuch Proceeding ſhall be inſtituted ſhall order, and ſhall not be charged to or be paid out of the County Rate, ſhall be and the ſame is hereby repealed.

So much of recited Act as directs that the Expences of Appeal ſhall be paid by ſuch Pariſhes as the Juſtices ſhall appoint, repealed.

IV. And be it further enacted, That in caſe of any Appeals, Actions, Suits, or Proceedings at Law 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, Townſhips, Places, and Perſons, or ſuch of them, and in ſuch Proportions, as the ſaid Juſtices ſhall upon any Appeal in their General or Quarter Seſſions award and order,

Expences of Appeals ſhall be paid in ſuch Proportions as the Juſtices ſhall award.

order, or as ſuch Courts wherein ſuch Actions, Suits, or Proceedings ſhall be inſtituted ſhall adjudge and order.

V. And whereas there are ſeveral Pariſhes, Townſhips, and Places in and over which the High Conſtables have no Juriſdiction; be it therefore further enacted, That in all ſuch Caſes it ſhall be lawful for the Juſtices of the Peace of any County in which ſuch Pariſhes, Townſhips, or Places ſhall be ſituate, to iſſue their Warrants for collecting the County Rate to One or more of the Conſtables of ſuch Pariſhes, Townſhips, or Places, and ſuch Conſtable or Conſtables ſhall collect, levy, and pay ſuch County Rate in ſuch and the like Manner as the High Conſtables are by the ſaid Act empowered and required to do, and ſhall be ſubject to the like Penalties in caſe he or they ſhall neglect to demand, levy, or account for ſuch County Rates, as the ſaid High Conſtables are ſubject or liable to by any Law or Statute now in force. Where there are no High Conſtables, other Conſtables may levy the Rates.

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