

ANNO SECUNDO

VICTORIÆ REGINÆ.

***

for the more effectual Execution of the Office of a Justice of the Peace within the said Borough of *Stoke-upon-Trent* and Places adjoining thereto, and for other Purposes connected therewith: 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 it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time as Occasion may require, to appoint and from Time to Time to remove One fit and able Person, being a Barrister at Law of Six Years standing at the least, and being a Justice of the Peace for the County of *Stafford*, to execute the Office of a Justice of the Peace within the said Borough of *Stoke-upon-Trent* and the Places adjoining thereto herein-before mentioned; and it shall be lawful for any such Person so appointed to act as a Justice of the Peace within the said Borough and Places adjoining thereto aforesaid without having such Qualification and without taking such Oath of Qualification as are required by Law for qualifying any Person to act as a Justice of the Peace, any Law or Statute to the contrary notwithstanding; and it shall also be lawful for any such Person so appointed a Justice of the Peace to receive and take the Stipend or Salary herein-after mentioned as a Remuneration for his Services under the Provisions of this Act.

Her Majesty may appoint a Stipendiary Justice of the Peace for the Limits herein described.

II. And be it further enacted, That it shall be lawful for any such Stipendiary Justice to sit and act as a Justice of the Peace of the said County within the said Borough and Places adjoining thereto aforesaid, either alone or together with any other Justice or Justices of the Peace of the said County who may think proper to attend; but such Stipendiary Justice shall not during his Continuance in his said Office act as a Justice of the Peace out of the Limits of this Act.

Such Justice may act with or without other Justices, but not out of the Limits;

III. Provided always, and be it further enacted, That it shall be lawful for any such Stipendiary Justice to do alone any Act within the Limits of this Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice in all Cases relating to Assaults.

may act alone in certain Cases;

IV. Provided also, and be it further enacted, That no Stipendiary Justice of the Peace to be appointed by virtue of this Act shall during his Continuance in Office as such Stipendiary Justice be capable of being elected or of sitting as a Member of the House of Commons.

not to be a Member of the House of Commons.

V. And be it further enacted, That such Stipendiary Justice shall reside within the Borough of *Stoke-upon-Trent*, or within Two Miles of the *North Staffordshire* Infirmary by the nearest Road, and shall attend at some suitable public Rooms or Offices, at the Times and in the several Towns herein-after mentioned, for the hearing and Despatch of Business; that is to say, in every Week, One Day at *Hanley* or at *Shelton*, One Day at *Burslem*, One Day at *Tunstall*, One Day at *Stoke-upon-Trent* or *Fenton* alternately, and One Day at *Lane End*

The Limits within which such Justice must reside; his Attendances and Places of sitting.

or at *Longton*, and on each Day from the Hour of Ten of the Clock in the Forenoon to the Hour of Four of the Clock in the Afternoon, unless the Business of the Day be sooner disposed of, and at all such other Times when any special Occasion may require his immediate Services: Provided always, that the Attendance of such Justice may, when requisite, be supplied by any other Justice of the Peace for the said County; provided also, that no such Attendance shall be given on *Sunday*, *Christmas Day*, *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, unless in Cases of urgent Necessity, or when it shall be directed by One of Her Majesty's Principal Secretaries of State.

Salary.

VI. And be it further enacted, That a Salary at the Rate of Eight hundred Pounds in each Year shall be paid by the Treasurer to be appointed as herein-after directed to the Justice to be appointed by virtue of this Act, and his Successors respectively, such Salary to commence from the Time when any such Justice shall enter on the Duties of his Office, and to be paid so long as any such Justice shall continue to discharge the Duties of his Office; such Salary to be payable and paid by Two equal half-yearly Payments on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December*, or on any following Day, on Demand made by or by Authority of such Justice; and a due Proportion of the first half-yearly Sum shall be paid at the Time and in manner aforesaid in case the Justice shall enter on the Duties of his Office on any Day between such half-yearly Days; and in case of the Resignation or Removal of any such Justice between any such half-yearly Days of Payment, then he shall be entitled to and be paid a due Proportion of the said Salary up to the Period of his Resignation or Removal; and in case of his Death between any such half-yearly Days of Payment, his Representative shall be entitled to and be paid a due Proportion of the said Salary up to the Period of his Death.

Justice to appoint Clerk.

VII. And be it further enacted, That it shall be lawful for any such Justice to be appointed in pursuance of this Act from Time to Time to appoint a Clerk, and from Time to Time at his Pleasure to remove any Clerk so appointed; and such Clerk shall attend in his own Person, and not by any Deputy, Substitute, or Proxy, (except when prevented by Illness or some other sufficient Cause, to be allowed under the Hand of such Justice,) at all official Sittings of any Justice acting for the Purposes of this Act, and assist him in the Execution of his Duties; and the said Clerk shall be allowed and paid a Salary or Sum not exceeding Two hundred and fifty Pounds *per Annum*, at the Discretion of the said Stipendiary Justice, in full Recompence for his Trouble and Attendance in the Execution of this Act; such Salary or Sum to be paid by the Treasurer to be appointed as herein-after mentioned in Four equal quarterly Payments in every Year, and the first quarterly Payment thereof to be made at the End of Three Calendar Months from the Time of such Appointment.

Clerk while in Office not to act as a Solicitor.

VIII. Provided always, and be it further enacted, That no such Clerk to be appointed as aforesaid shall during his Continuance in Office as such Clerk act as an Attorney or Solicitor, or Clerk to any Attorney

Attorney or Solicitor, or Clerk to any Board of Guardians of the Poor.

Fees to the Clerk.

IX. And be it further enacted, That as soon as conveniently may be after the passing of this Act Her Majesty's Justices of the Peace acting in and for the Hundred or Division of *Pirehill North* in the County of *Stafford*, in Special Sessions assembled, or any Two of them, shall make and settle a Table of the Fees which shall be taken by the said Clerk; and such Table of Fees shall be submitted to One of Her Majesty's Principal Secretaries of State, and such Table of Fees shall be confirmed and allowed by such Secretary of State, either with or without any Additions, Abatements, or Alterations therein to be made or not, at the Discretion of such Secretary of State, and thenceforth the Clerk of such Justice shall and lawfully may demand and take the Fees therein mentioned: Provided always, that it shall be lawful for any such Justices assembled in Special Sessions, or any Two of them, from Time to Time as Occasion may require, to make and settle any other Table of Fees to be taken instead of the Fees contained in any former Table, which shall be also submitted to and be confirmed and allowed by One of Her Majesty's Principal Secretaries of State in the Manner herein-before mentioned with respect to the first-mentioned Table of Fees; provided also, that until such Tables of the Fees so to be taken shall have been made and confirmed as aforesaid it shall be lawful for such Clerk to take such Fees as are authorized by the Table for the Time being to be taken by the Clerks to the Justices acting for the said County of *Stafford*; provided further, that a Copy of the Table of Fees payable to such Clerk shall be affixed for public Inspection in the public Office or Place of public Business of the Justice acting in pursuance of this Act; and the said Clerk shall and he is hereby required, at the Expiration of every Calendar Month, to pay over the Amount of all Fees and Monies received by him by virtue of this Act into the Hands of the Treasurer to be appointed for the Purposes of this Act, and also from Time to Time to keep a true and accurate Account of all such Fees and Monies, and to enter the same, upon Receipt thereof, in a Book to be kept for that Purpose, which Book shall at all Times during every Sitting of any Justice acting in pursuance of this Act be open to the Inspection of the Justice or Justices then attending, and of any Owner or Owners or Occupier or Occupiers of Property rated under this Act at the Value of Twenty Pounds or upwards; and which Accounts shall be regularly made out half-yearly up to the Twenty-fourth Day of *June* and Twenty-fifth Day of *December* in every Year, and shall, within Fourteen Days after the Expiration of every such half-yearly Period, be verified by such Clerk upon some Declaration made and taken before any One of Her Majesty's Justices of the Peace for the said County; and in case at any Time any such Fees or Monies shall not be so paid over to such Treasurer, then the same may be levied and recovered by Distress and Sale of the Goods and Chattels of such Clerk, on the Information of such Treasurer, in like Manner as is herein-after provided respecting Monies due from Collectors and other Officers; and all such Fees and Monies as shall so be paid over to or recovered by the said Treasurer shall be applied in aid or reduction of the Rates or Assessments to be levied as herein-after mentioned.

X. And

Chief Bailiffs, &c. appointed Commissioners.

X. And be it further enacted, That the Chief Bailiff for the Time being of *Hanley* and *Shelton*, his last living Predecessor in the Office of Chief Bailiff, the Chief Constable of *Burslem* for the Time being, his last living Predecessor in the Office of Chief Constable, the Chief or Head Constable of the Parish of *Norton-on-the-Moors* for the Time being, the Chief or Head Constable or Chief Bailiff of the Township of *Longton* for the Time being, his last living Predecessor in the Office of Chief or Head Constable or Chief Bailiff, the Chief or Head Constables of the several Townships of *Wolstanton*, *Tunstall*, *Fenton Culvert*, *Penkhull*, and *Trentham* for the Time being (being Twelve in Number), shall be and are hereby respectively appointed Commissioners for the Purposes herein-after mentioned: Provided always, that if by virtue of any Act passed or to be passed for the Purpose of watching or lighting or improving or regulating the Police in any Places within the Limits of this Act any Person shall be appointed Chief Bailiff of any of the Towns of *Wolstanton*, *Tunstall*, *Longton*, *Fenton Culvert*, *Penkhull*, and *Trentham* respectively, or of any District comprising any of the said Towns, then and in every such Case the Chief or Head Constable of the Township wherein any Chief Bailiff shall be so appointed shall thenceforward cease to be a Commissioner for the Purposes of this Act, and the Chief Bailiff for the Time being of the District comprising such Township shall be and is hereby declared to be a Commissioner for the Purposes herein-after mentioned in the Place or Stead of the Chief or Head Constable of the same Township so ceasing to be such Commissioner.

Meetings and Proceedings of the Commissioners.

XI. And be it further enacted, That the said Commissioners shall hold their First Meeting at the *Swan* Inn at *Hanley*, or some other convenient Place within the Limits of this Act, on the Third *Friday* after the passing of this Act, or on some subsequent *Friday*; and that all subsequent Meetings of the said Commissioners shall be held there, or at such others of the Towns herein-before named for the Attendance of the Stipendiary Justice, and on such Days and at such Hours, as the said Commissioners shall from Time to Time appoint (such Meetings not being convened earlier than Eleven of the Clock in the Forenoon or later than Three of the Clock in the Afternoon); and all the Powers and Authorities by this Act given to or authorized to be done by the said Commissioners shall and may be executed and done by or before any Five of the said Commissioners assembled at any Meeting, and shall be of as full Force and Effect as if executed or done by or before all the said Commissioners; and all Acts, Proceedings, and Determinations of the said Commissioners made at any such Meeting consisting of Five or more Commissioners, wherein the major Part of the Commissioners present at such Meeting shall concur, shall be as valid and effectual as if all the said Commissioners present at such Meeting had concurred therein; and at such Meetings a Chairman shall be appointed or elected by the Commissioners present, and in case of an Equality of Votes on any Question such Chairman shall have a second or the casting Vote on every such Question; and all such Acts, Proceedings, and Determinations shall be from Time to Time entered in a Book to be kept for that Purpose, and shall be signed by the Chairman; and such Meetings may be

adjourned from Time to Time as the said Commissioners shall think proper; and in case at any such Meeting a less Number than Five of the said Commissioners shall attend, then the Clerk of the said Commissioners shall adjourn such Meeting to some future Day within Fourteen Days then next; and the said Commissioners at their respective Meetings shall pay their own Expences, except for the Use of the Room wherein such Meeting shall be held.

Providing Offices and Lock-up Houses.

XII. And be it further enacted, That in order to provide suitable and convenient Rooms and Offices for the Attendance and Business of the said Stipendiary Justice, and proper Lock-up Houses or temporary Places of Confinement for Persons charged with Felonies, Misdemeanors, and other Offences within the Limits of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, (on Application or Requisition made to them for the Purpose in Writing signed by any Twenty or more Householders in the Townships or Places of *Hanley* and *Shelton* as one Division, or in such Parts of the Parish of *Burslem* as are in the Borough of *Stoke-upon-Trent* as one other Division, or in such Parts of the Townships of *Tunstall* and *Wolstanton* as are within the said Borough as one other Division, or in the Townships or Places of *Stoke-upon-Trent* and *Penkhull* as one other Division, or in the Townships of *Fenton Culvert* and *Fenton Vivian* as one other Division, or in the Townships of *Lane End* and *Longton* as one other Division, respectively liable to be rated or assessed in such Townships or Parishes or Places respectively for the Purposes of this Act to the Amount of Twenty Pounds each or upwards,) to treat, contract, and agree with any Person or Persons for the Purchase of or for the hiring for any Term or for any Number of Years of any fit and suitable Buildings and Premises, or of any Land or Ground for the Erection thereon of any Buildings, for any of the Purposes aforesaid, and also to contract and agree with any Person or Persons for the erecting of any such Rooms, Offices, or Lock-up Places as aforesaid, or any of them, or for any Uses or Purposes incidental to the Execution of this Act, as the said Commissioners shall from Time to Time order and direct; and the Treasurer to be appointed for the Purposes of this Act shall and he is hereby authorized and required from Time to Time to pay the Purchase Money for such Houses, Buildings, Lands, Grounds, and Premises, and also the Costs and Expences of all Erections, Alterations, Fittings up, Repairs, and Works made or done from Time to Time by the Order or Directions of the said Commissioners for the Purposes of this Act, and also such yearly or periodical Rents or Payments as shall be agreed upon as aforesaid between such Commissioners and the respective Owners, Lessees, or Persons interested in such Houses, Buildings, and Premises, on Demand and Production of any Lease, Assignment, Contract, or Agreement made in pursuance of this Act, on an Order signed by any Five or more of the said Commissioners for such Payments; and all such Buildings, Land, Ground, and Premises shall be conveyed to the Chief Bailiff or Chief or Head Constable (as the Case may require) for the Time being of the Division or District in which the same are respectively situated, and be vested in and held by him in Trust for the Purposes of this Act.

XIII. And

Authorizing Constables to take Recognizances.

XIII. And be it further enacted, That for the better Administration of the Police within the Limits of this Act it shall and may be lawful for the Justice to be appointed by virtue of this Act, by Writing under his Hand, to appoint One or more of the Constables in every Township within the Limits aforesaid, and at his Pleasure in like Manner to vacate any such Appointment, for the Purpose of taking, and every such Constable so appointed is hereby authorized to take, Recognizances, without any Fee or Reward, from all or any Persons or Person who shall be brought before him, them, or any of them in the Night-time (or at any other Time when the said Justice is not sitting for the Dispatch of Business as aforesaid) on any Charge not amounting to Felony, for the Appearance of such Persons or Person before the Justice so to be appointed under this Act at his next public Sitting, for further Examination; and that such Recognizances so to be taken as aforesaid shall be of equal Obligation to the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before any of Her Majesty's Justices of the Peace; and such Constable or Constables shall enter in a Book to be kept for that Purpose the Names, Residences, and Occupations of the Parties and of their Sureties (if any) entering into any such Recognizance, together with the Conditions thereof, and the Sums respectively acknowledged, and shall lay the same before the Justice or Justices who shall be present at the Time and Place when and where the Parties are required to appear; and if the Parties do not appear at the Time and Place required, or within One Hour afterwards, such Justice or Justices shall cause a Record of the Recognizance to be drawn up, and to be signed by such Constable or Constables as aforesaid, and shall return the same to the next General or Quarter Sessions of the Peace, or the Adjournment thereof, for the said County of *Stafford*, with a Certificate at the Back thereof, signed by such Justice or Justices, that the Parties have not complied with the Obligation therein contained; and the Clerk of the Peace shall make the like Extracts and Schedules of every such Recognizance as of Recognizances taken in the Sessions of the Peace; but in case the Parties not appearing shall apply, by any Person on their Behalf, to postpone the Hearing of the Charge against them, it shall be lawful for the said Justice or Justices to enlarge the Recognizances to such further Time as he or they shall think proper; and in case of Appearance of the Parties before any Justice in pursuance of a Recognizance, then such Recognizance shall be discharged by such Justice without a Fee.

Justice may order Destruction of Dogs for Protection against Canine Madness.

XIV. And be it further enacted, That it shall be lawful for any Justice of the Peace, in case of the Prevalence or Existence of Canine Madness, or in case of Suspicion thereof, by any Order under his Hand, to authorize and require any Person or Persons to be named in any such Order, and all such Persons are hereby respectively authorized accordingly, to destroy all Dogs which shall be found at large within the Limits of this Act on and after the Expiration of Twelve Hours from due Notice thereof being posted up in the several Towns within the said Borough of *Stoke-upon-Trent*, in such Manner as the said Justice shall direct; all which Orders of the

the said Justice shall continue in force until he shall see fit to recall or revoke the same.

For Appointment of Treasurer and other Officers by the Commissioners.

XV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to appoint a Treasurer or Treasurers of the Monies to be raised by virtue of this Act, with Power to remove any Treasurer or Treasurers, and appoint another Treasurer or Treasurers in the Room or Stead of the Treasurer or Treasurers who shall be so removed, or who shall die or refuse to act, such Treasurer or Treasurers being either some established Banking Firm in the said Borough of *Stoke-upon-Trent*, or some other proper Person or Persons residing in the said Borough; and it shall be lawful for the said Commissioners from Time to Time to nominate and appoint a Clerk and also to nominate and appoint any Two or more Persons being liable to be rated for the Purposes of this Act to be the Auditors of the Accounts of Receipts and Expenditure of such Monies, and also from Time to Time to remove any such Clerk, or any or either of such Auditors, and to nominate and appoint any other or others in their Place or Stead; and also from Time to Time to nominate and appoint any Person or Persons to be Assessor or Assessors of the Rates to be raised for the Purposes of this Act, and also from Time to Time to nominate and appoint any Person or Persons to be the Collector or Collectors of the Rates or Assessments under this Act, and also from Time to Time to remove any such Assessor or Collector, and to appoint another Person in the Place or Stead of the Person so removed; and every such Collector shall weekly or oftener pay over to the Treasurer for the Time being all such Monies as shall come to his Hands by virtue of his said Office; and such Treasurer shall from Time to Time pay to such Clerk, Assessors, and Collectors respectively such Compensation for their Services, and shall retain to his own Use such Compensation for his own Services, as such Commissioners shall under their Hands order and direct.

Security to be taken from the Treasurer and other Officers.

XVI. And be it further enacted, That every Person who shall be appointed Treasurer for the Purposes of this Act, and also every Person who shall be appointed such Collector as aforesaid, shall, by himself and One or more sufficient Surety or Sureties, to be approved of by the said Commissioners, before entering on the Duties of his Office, enter into a Bond or Recognizance to Her Majesty, Her Heirs or Successors, in a sufficient Sum for the due and faithful Discharge of the Duties of such Office, and for the due and punctual Payment of all Monies pursuant to the Directions herein contained; and the same may be sued for in any Court of Record; and all Monies that shall be recovered and received under or by virtue of any such Bonds or Recognizances shall be paid over to the Treasurer for the Time being under this Act.

Offices of Treasurer and Clerk not to be held by the same Person.

XVII. Provided always, and be further enacted, That it shall not be lawful to appoint the Person who may be appointed Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of

any

any such Clerk to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be Clerk in the Execution of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster* by Action of Debt or upon the Case.

Officers to account.

XVIII. And be it further enacted, That all Collectors and other Officers to be appointed for the Purposes of this Act shall, under their Hands, within Fourteen Days after the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, or at such other Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to their Clerk, true and perfect Accounts in Writing of all Monies which shall have been received by them respectively by virtue of or for the Purposes of this Act; and if any such Officer shall, for the Space of Ten Days next after Notice in Writing signed by any Two of the said Commissioners, or by their Clerk, requiring him so to do (to be given to or left at the last or usual Place of Abode of such Officer), refuse or wilfully neglect to make and render such Accounts as aforesaid, or to make due Payment to the Treasurer for the Time being under this Act, or shall refuse or neglect to deliver to the said Commissioners, or to their Clerk, all Books, Vouchers, Papers, Writings, and Effects in his Custody or Power relating to the Execution of this Act, or to give sufficient Information to the said Commissioners or their Clerk respecting the same, it shall be lawful for any Justice of the Peace for the County of *Stafford* and he is hereby authorized and empowered to summon the Officer so refusing or making default as aforesaid to appear before him, and upon his Appearance, or having been summoned and not appearing, (except on some reasonable Cause for Delay, to be allowed by such Justice), to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, or shall be unaccounted for by him, such Justice may and he is hereby

authorized and required, upon Nonpayment thereof to the Treasurer for the Time being as aforesaid, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, together with the Costs and Charges of such Complaint, Distress, and Sale; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money and Charges aforesaid, or if it shall be proved to the said Justice, after such Summons as aforesaid, that such Officer shall have refused or wilfully neglected to render or give such Account, or to produce and deliver up all such Books, Vouchers, Papers, Writings, or Effects in manner aforesaid, then and in any of the said Cases such Justice may commit such Offender to any Common Gaol in or for the County of *Stafford*, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account as aforesaid, and shall have paid such Money and shall have delivered up such Books, Vouchers, Papers, Writings, and Effects as aforesaid, or until he shall have given Satisfaction in respect thereof, to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison on that account for any longer Term than Six Calendar Months; provided also, that if any Money shall be due from such Officer, his Commitment to Prison as aforesaid shall not be deemed a Discharge for the same, nor exonerate the Surety or Sureties of such Officer, but such Officer, and his Surety or Sureties, shall remain liable to the Payment thereof in the same Manner as if such Officer had not been committed to Prison.

Representatives of deceased Officers to account.

XIX. And be it further enacted, That in case of the Death of any Clerk, Treasurer, Collector, or other Officer appointed for the Purposes of this Act before he shall have duly paid over all the Monies which he shall have received by virtue of this Act, the Executors or Administrators of such deceased Officer shall pay the same in the due Course of Administration, out of the Estate and Effects of such Officer, into the Hands of the Treasurer for the Time being under this Act, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up to the said Commissioners, or Person or Persons by them appointed to receive the same, all Books, Papers, Vouchers, Writings, and other Things concerning his Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Nondelivery of such Books, Papers, Vouchers, Writings, and Things, for the Space of Ten Days after due Demand made thereof in Writing, it shall be lawful for the Treasurer for the Time being to commence and prosecute or cause to be commenced and prosecuted an Action or Actions in any of Her Majesty's Courts of Record at *Westminster* against such Executors or Administrators for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Vouchers, Writings, and Things: Provided also, that the Surety or Sureties of such deceased Officer shall not be exonerated

from the Liability to pay or make good the Balance of any Monies remaining due from such Officer, but shall remain liable to the Payment thereof in the same Manner as if such Officer were still alive, and as if such Action or Actions had not been commenced or prosecuted against his Executors or Administrators.

Treasurer's Account to be audited and published.

XX. And be it further enacted, That the Treasurer for the Time being acting under this Act shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which such Sums shall have been received and paid, and the Books containing the Accounts shall at all seasonable Times be open to the Inspection of the said Commissioners and the Auditors herein directed to be appointed; and all the Accounts, with all the Vouchers and Papers relating thereto, shall in the Month of *January* in every Year be submitted by the Treasurer to the Auditors herein-before directed to be appointed, for the Purpose of being examined and audited for the Year then preceding; and if the said Accounts shall be found to be correct the Auditors shall sign the same, and shall, together with the said Treasurer, make out in Writing a full Abstract of the said Accounts for such Year, and sign the same, and cause a true Copy thereof to be published in some Newspaper or Newspapers printed or circulated in the said Borough, and the Expences thereof (to be certified by the said Auditors) shall be paid by the Treasurer, and allowed in his Accounts; and in case of the Removal of such Treasurer, such Accounts and Matters from the Period of the last preceding annual Audit to the Time of such Removal shall be in like Manner submitted and audited immediately upon or after Removal; and the Balance of Monies in the Hands of the Treasurer so removed shall within One Month after such Removal be paid over by him to the Treasurer then acting under this Act, and in default of such Payment the same shall be levied and recoverable by Distress and Sale, in like Manner as any Penalty or Forfeiture may be levied or recovered under this Act.

Abstract of Accounts to be transmitted to the Clerk of the Peace, and be open to Inspection.

XXI. And be it further enacted, That an annual Account in abstract shall be prepared of the total Receipts and Expenditure of all Funds to be levied under this Act for the past Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account duly audited, and certified by Five or more of the said Commissioners; and a Copy of such annual Account shall be transmitted, free of Charge, to the Clerk of the Peace for the said County of *Stafford* on or before the First Day of *March* in each Year; and in case of Neglect the said Commissioners shall for each Offence forfeit and pay the Sum of Ten Pounds, to be recovered, levied, and applied in like Manner as any Penalty or Forfeiture may under the Powers or Provisions of this Act be recovered, levied, and applied; and such Clerk of the Peace shall be entitled to a Fee of Five Shillings for receiving such Copy; and the same shall at all seasonable Times be open to the Inspection of the Public on Payment of a Fee of One Shilling, and the further Fee of One Shilling for every Hour of every such Inspection.

XXII. And

Assessors to make Valuations of Premises to be rated.

XXII. And be it further enacted, That it shall be lawful for the Assessor or Assessors to be appointed by virtue of this Act, from Time to Time, as often as he or they shall be required so to do by the said Commissioners, to inquire into and ascertain the Amount of the yearly Value of the several and respective Premises authorized to be rated or assessed by virtue of this Act; and for such Purposes it shall and may be lawful for the said Assessor or Assessors, from Time to Time and at all convenient Times, to inspect or take Copies of or Extracts from any of the Rates or Assessments made for the Relief of the Poor of the several Parishes, Townships, or Places within the Limits of this Act, which Inspections, Copies, and Extracts the Person or Persons having the Custody of such Rates or Assessments is and are hereby required to permit and suffer to be made without Fee or Reward; and in case such Person or Persons shall neglect or refuse so to do, he or they shall for every such Offence forfeit and pay the Sum of Ten Pounds, to be recovered, in case of Nonpayment, on Information of any such Assessor, or of any Householder liable to be rated for the Purposes of this Act, before One or more Justice or Justices of the Peace for the said County, who is and are hereby authorized and empowered to hear and decide upon the Information, and to issue his or their Warrant under his Hand and Seal or their Hands and Seals against the Goods and Chattels of the Party offending and convicted; and thereupon such Penalty, and the Costs and Charges of the Information and Conviction, shall be levied by Distress and Sale of such Goods and Chattels; and the Overplus (if any) of the Money raised by such Distress and Sale shall be returned, on Demand, to the Owner or Owners of the Goods and Chattels so distrained; and such Penalty shall be paid into the Hands of the Treasurer under this Act, and applied in aid or reduction of the said Rates or Assessments; and every such Assessment made by such Assessor or Assessors shall be by such Assessor or Assessors entered in a Book or Books, and shall specify the Amount of the yearly Value of such several and respective Premises, the Names of the Occupiers liable to be rated, and a sufficient Description of the Premises, and such other Particulars as the said Commissioners shall require to be specified for enabling them to make a just and equitable Pound Rate or Assessment on the Occupiers thereof for the Purposes of this Act; and such Assessments so entered in such Book or Books shall be signed by such Assessor or Assessors, and the same, or a Copy or Copies thereof respectively, certified by such Assessor or Assessors to be a true Copy or true Copies respectively, signed by such Assessor or Assessors, shall be by such Assessor or Assessors delivered to the said Commissioners; and it shall be lawful for the said Commissioners to make any Amendment or Alteration which they shall consider necessary in any such Valuation, upon such Evidence as they shall consider satisfactory; and such Valuation, when approved by the said Commissioners, shall be signed by them, or any Five or more of them; and the Expences of making the same Valuations (to be allowed by the said Commissioners under their Hands) shall be paid by the Treasurer out of the Monies received by virtue of this Act.

XXIII. And

Rates to be made.

XXIII. And be it further enacted, That for raising the Monies necessary from Time to Time for Payment of the Salary of the Justice to be appointed under this Act, and of the Clerks, Treasurer, and other Officers to be appointed as aforesaid, and for Payment of the Expences of applying for, obtaining, and passing this Act, (together with lawful Interest for any Money which shall have been advanced and paid for such Expences from the Time of advancing the same,) and also for Payment of the Charges and Expences of carrying this Act and the Purposes thereof into execution, it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time, when and so often as shall be necessary, to make or charge or levy, or cause to be made or charged or levied, a just and equitable Pound Rate or Assessment upon all and every the Persons and Person who for the Time being shall inhabit, use, or occupy any House, Shop, Warehouse, Manufactory, Mill, Steam Engine, Lime Kiln, Brick Kiln, Slip-house, Stable, Coach-house, Barn, Shed, Cellar, Vault, Counting-house, Office, and other Building, or any Curtilage, Yard, Garden, Orchard, and Wharf, within the Limits of this Act: Provided nevertheless, that the Rate or Assessment for the first Two Years after the passing of this Act shall not (except as herein-after mentioned) exceed the Sum of Four-pence in the Pound in any One Year, and afterwards such Rates or Assessments shall not (except as herein-after mentioned) exceed in any one Year the Sum of Two-pence in the Pound, upon the Valuation made by the Assessor or Assessors and approved as aforesaid; and the Rates or Assessments to be made by the said Commissioners by virtue of this Act shall be entered in a Book or Books, and shall be signed by the said Commissioners, or any Five or more of them, and a Copy of such Rates or Assessments, signed by any Five or more of the said Commissioners, shall be delivered to the Collector or Collectors of such Rates or Assessments; and all such Rates or Assessments shall be payable and paid to the Collector or Collectors to be appointed by virtue of this Act by the Occupiers of the several and respective Premises so rated or assessed; and every Collector receiving any such Rate or Assessment shall on Receipt of each Payment make an Entry of such Receipt or Payment in the Copy so to be delivered to him as aforesaid.

Rates may be increased in certain Districts for erecting Offices.

XXIV. And whereas it may be necessary to defray the Costs and Expences of purchasing, erecting, or providing Rooms, Lock-up Houses, and other Buildings, Offices, and Land for the Purposes of this Act as aforesaid; be it therefore further enacted, That it shall be lawful for the said Commissioners to increase to any Extent not exceeding the further Sum of Sixpence in the Pound altogether, nor Two-pence in the Pound in any One Year, the Rate or Charge on the Occupiers of rateable Property within the respective Divisions wherein any such Rooms, Lock-up Houses, Buildings, Offices, or Land shall be deemed requisite by the said Commissioners to be provided for the Purposes aforesaid, and wherein any Twenty or more of the Inhabitants liable to be rated or assessed as aforesaid shall make any such Application or Requisition as herein-before mentioned: Provided always, that no such increased Rate shall be made

or assessed after the Expiration of Two Years from the passing of this Act.

Exemption from Rates.

XXV. Provided always, and be it further enacted, That no Rate or Assessment whatsoever shall be made in pursuance of this Act upon any Person or Persons for or in respect only of his, her, or their being the Occupier or Occupiers of any Dwelling House which shall be under the actual annual Value of Four Pounds, nor upon any Person or Persons whomsoever in respect of the *North Staffordshire* Infirmary, nor for or in respect of any Town Hall, Court House, Police Office, or any public Market or Market House, (held upon public Trusts, and not for the Benefit of private Individuals,) or any Buildings, Stalls, Shambles, Bulks, Sheds, or other Conveniences which now are or hereafter may be erected or set up for the Use and Convenience of any such public Market, nor for or in respect of any Church or Chapel, or any School, Institution, or Building, held upon public Trusts, and appropriated exclusively for the Purposes of Religious Worship, Charity, Education, or Science.

Rates may be reduced or remitted on account of Poverty.

XXVI. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, upon the Complaint of any Occupier of any Property subject to the Payment of the said Rates, to mitigate, reduce, lessen, remit, or excuse Payment of the said Rates, or any Part thereof, for or on account of actual Poverty or Inability to pay the same.

Assessments may be amended.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to amend any Rate or Assessment to be made by virtue of this Act by inserting therein the Name or Names of any Person or Persons who ought to have been rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by making such other Amendments or Alterations therein as will in the Judgment of the said Commissioners make such Rate or Assessment more equal, just, and conformable to the true Intent and Meaning of this Act; but no such Amendment or Alteration so to be made in any such Rate or Assessment shall be held to vitiate the same; and such Amendments or Alterations shall be certified under the Hands of Five or more of the said Commissioners.

Apportionment of Rates on Removal, &c.

XXVIII. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House or Premises rated or assessed or liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment in proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House or Premises rated or assessed or liable to be rated or assessed as aforesaid, out of or from which any Person or Persons who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied,

unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment (although his, her, or their Name or Names may not be inserted in such Rates or Assessments) in proportion to the Time that such Person or Persons shall occupy the same, and in like Manner as if he, she, or they had been originally rated or assessed by Name for such House or Premises; which said respective Proportions, in case of Dispute, shall be ascertained and settled by the said Commissioners.

Recovery of Rates.

XXIX. And be it further enacted, That in case any Person or Persons who shall be rated or assessed or subject or liable to the Payment of any Rate or Assessment to be made and assessed as aforesaid shall refuse or neglect to pay his, her, or their Proportion or Proportions as aforesaid of any of the said Rates or Assessments to any Collector or Collectors to be appointed as aforesaid for the Space of Ten Days next after personal Demand thereof made, or Demand thereof in Writing left at the usual or last Place of Abode of such Person or Persons, it shall be lawful for any Justice or Justices of the Peace of the said County of *Stafford*, upon Proof made upon Oath of such Demand and Nonpayment, (which Oath any such Justice or Justices is and are hereby empowered and required to administer,) to issue a Summons for the Appearance of the Person or Persons so refusing or neglecting as aforesaid before him on a Day and Hour to be specified in such Summons, and upon such Appearance, or in case of Non-appearance of the Party summoned at the Hour appointed, then, on Proof of the Service of the Summons, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, (which he and they is and are hereby empowered to grant,) to authorize and direct the said Collector or Collectors to levy such Rate or Monies so in arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Overplus (if any), upon Demand, to the Owner or Owners of the said Goods and Chattels.

Assessments may be inspected.

XXX. And be it further enacted, That Duplicates of all Rates and Assessments made, allowed, and signed by virtue of this Act shall be deposited with the Clerk for the Time being of the Justice to be appointed by virtue of this Act, who shall permit any Person rated by virtue of this Act to inspect the same at all reasonable Times upon Payment of the Sum of Sixpence, and the further Sum of One Shilling for every Hour of such Inspection, and every Person making such Payments shall be entitled to take Copies of or Extracts from any such Rates or Assessments without being subject to any further Charge; but in case any Demand shall be made for a Copy or Extract thereof, then the Clerk of the said Justice shall, within as short a Space of Time after the making any such Demand as shall be absolutely requisite for making the same, make or cause to be made ready to be delivered a true Copy of all or any Part of such Rates or Assessments to any Persons rated as aforesaid, on being compensated and paid for the making of such Copy after the Rate of Sixpence for every One hundred Words or Figures thereof, and so in proportion for any greater or less Number of Figures or Words; and

and such Compensation shall not be accounted for as Fees, but shall be retained by such Clerk for his own Use.

Rate Books, &c., duly signed to be Evidence.

XXXI. And be it further enacted, That every such Book of the Valuations and Rates or Assessments, and every such Copy thereof, and the several Entries therein, signed or certified pursuant to the Directions of this Act, shall be received by all Judges, Justices, and others as Evidence of the Rates and Assessments imposed by virtue of this Act, and of the Payment of such of them, or any Part thereof, as shall by any such Entries appear to have been paid to such Collector or Collectors.

Provision for Payment of Rates out of Police Rates in certain Cases.

XXXII. And for the Purpose of facilitating the Collection and Receipt of the Rates to be made by virtue of this Act, be it further enacted, That it shall be lawful for the Commissioners acting in execution of any Act passed or to be passed for the Purpose of watching or lighting or improving or regulating the Police in any Division of the District to which the Jurisdiction of the Stipendiary Justice to be appointed by virtue of this Act is by this Act limited to appropriate, out of the Monies to be by such last-mentioned Commissioners respectively raised in such Divisions respectively by Rates on Occupiers of Property liable to be rated by virtue of this Act within such Divisions respectively, any Sum or Sums of Money not exceeding the full Amount of such Sum as shall from Time to Time be assessed under any Rate to be made by virtue of this Act upon such rateable Property within any such Division, and to pay the same to the Collector or Collectors of the Rates under this Act within the same Division; and every such Payment shall be deemed and taken to be and is hereby declared to be in lieu of the Collection of the same Rate under this Act within the Division for which such Payment shall be made, and which thereupon shall not be collected therein, any thing in this Act contained to the contrary notwithstanding; and such Payment so to be made by the Commissioners of any such Division as aforesaid to the Collector or Collectors of the Rates under this Act within the same shall be in satisfaction of such respective Rates, and shall be applied for the Purposes of this Act accordingly.

How Penalties Forfeitures, and Fines are to be recovered and applied.

XXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed, the Manner of levying, recovering, and applying of which is not herein otherwise particularly directed, shall, upon Proof of the Offence or Offences respectively before any Justice or Justices of the Peace for the said County of *Stafford*, either by the Confession of the Party or Parties offending, or by the Oath or Affirmation of One or more credible Witness or Witnesses, (which Oath or Affirmation such Justice or Justices is and are hereby empowered and required to administer,) together with all such Costs, Charges, and Expences as such Justice or Justices respectively shall adjudge and determine to be fair and reasonable and proper to be allowed, and which he and they is and are hereby authorized and empowered to ascertain and determine accordingly, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by virtue of a Warrant or Warrants under the Hand and

Seal or Hands and Seals of such Justice or Justices, which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant; and the Overplus, after deducting such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and if sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required to direct the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the Time of taking any such Security,) and which Security the said Justice or Justices is or are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, and such Penalties, Forfeitures, and Fines shall not be paid, or in case it shall appear to the Satisfaction of any such Justice or Justices that he hath not sufficient Goods and Chattels whereupon such Penalties, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for the said Justice or Justices of the Peace as aforesaid, or any other Justice or Justices of the Peace for the said County, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and all other reasonable Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

XXXIV. Provided always, and be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Proceedings for Penalties to be commenced

XXXV. Provided also, and be it further enacted, That no Person shall be subject or liable to the Payment of any Penalty or Forfeiture imposed by this Act after the Expiration of Six Calendar

within Six Months.

Months next after the Offence committed, unless some Information or Proceedings shall have been laid or had before the Expiration of such Time.

Penalties to be paid to the Treasurer.

XXXVI. And be it further enacted, That all Fines, Penalties, and Forfeitures which shall be imposed by any Stipendiary Justice to be appointed by virtue of this Act, either alone or together with any other Justice or Justices of the Peace for the said County, which are or shall be by any Act limited and made payable to Her Majesty, or to any Person whomsoever, save and except the Informer who shall sue for the same, or any Party aggrieved, shall, notwithstanding any thingi n any such Act contained, be recovered for and adjudged to be paid to the Treasurer to be appointed under this Act, and shall be applied in aid or reduction of the Rates or Assessments by this Act authorized to be made: Provided always, that nothing herein contained shall extend to any Penalties or Forfeitures to be recovered under any Act relating to the Customs, Excise, or Post Office, or to Trade or Navigation, or any Branch of Her Majesty's Revenue.

Forms of Information and Conviction:

XXXVII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever an Information shall be taken in Writing or in Print, and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'*Stafford* to wit. } BE it remembered, That on the Day of *A.B.* of informeth me, One of Her Majesty's Justices of the Peace for the County of *Stafford*, that *E.F.* of [*here describe the Offence, and the Time and Place when and where committed*], contrary to an Act passed in the Second Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*], which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me,'

Form of Conviction.

'*Stafford* to wit. } BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me, One [*or* us, Two] of Her Majesty's Justices of the Peace for the County of *Stafford* [*here describe the Offence, and the Time and Place when and where committed*], contrary to an Act passed in the Second Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*]. Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.'

Witnesses may be summoned.

XXXVIII. And be it further enacted, That it shall be lawful for the Justice to be appointed by virtue of this Act to issue his Summons requiring any Person to appear before him for the Purpose of giving Evidence touching any Matter cognizable by such Justice, either alone or together with any other Justice or Justices; and if any Person served with such Summons, either personally or by leaving a true

true Copy thereof at his or her Dwelling House or usual Place of Abode, shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse for his or her Absence shall be proved before the Justice or Justices then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined upon Oath or Affirmation by such Justice or Justices touching any such Matter, every Person so offending shall, on Conviction thereof before the said Justice or Justices, forfeit and pay such Sum of Money not exceeding Five Pounds as to the convicting Justice or Justices shall seem meet; and no Person, although liable to contribute to the Rates under this Act, shall be deemed an incompetent Witness by reason of any Penalty, Forfeiture, or Fine being applicable to the Purposes of this Act, and no Justice shall in any Case be disabled from acting in the Execution of this Act by reason of his being liable to contribute to such Rates as aforesaid.

Appeal may be made to the Quarter Sessions.

XXXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, Rates or Assessments, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, such Person and Persons may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Stafford*, the Person or Persons appealing having first given at least Twenty-one Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Collector or Collectors, or to the Clerk to the said Commissioners, as the Case may be, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon, and to pay such Costs as shall be awarded at such Sessions; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for such County, and if they see Cause may mitigate any Penalty, Forfeiture, or Fine, and may order any Money to be returned which shall have been paid by any Person or Persons so appealing, or which shall have been levied in pursuance of such Order, Judgment, or Determination of the said Commissioners or Justices, and shall and may also award such further Satisfaction to be made to the Party injured, or such Damages and Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever; and in all such Appeals against the said Rates or Assessments, or against any Alteration therein, the said Collector or Collectors shall be Respondent or Respondents, and no Person shall be incompetent to be examined as a Witness upon any Appeal by reason of his or her being a Rate-payer under this Act; and

and all such Restitution, Damages, and Costs as shall be so awarded on any Appeal in respect of the said Rates or Assessments against the Party appealing shall be paid to the Collector or Collectors (and upon Nonpayment shall be recoverable by Distress and Sale as for Rates in arrear), and shall be by him or them paid over to the Treasurer for the Purposes of this Act; and all such Damages and Costs as shall be awarded on any Appeal in respect of such Rates or Assessments against the Respondent or Respondents shall be reimbursed to him or them by the said Treasurer, together with all proper Costs and Charges to be incurred in defending such Appeal, or in relation thereto: Provided always, that no Rate or Assessment shall be quashed for Want of Form only, nor shall any such Appeal be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Quarter Sessions may alter Assessments, or quash and order new ones.

XL. Provided always, and be it further enacted, That on any Appeal against any Rate or Assessment to be made or imposed under the Authority of this Act the Justices at the General or Quarter Sessions of the Peace at which such Appeal shall be made shall and they are hereby empowered to amend such Rate or Assessment in such Manner as they may consider necessary for giving Relief to any Party or Parties injured or aggrieved thereby, without quashing such Rate or Assessment, and without altering the same with respect to other Persons mentioned therein; but if upon Appeal against the whole Rate or Assessment it shall be considered necessary to set aside the same, then and in every such Case it shall be lawful for the said Justices so to do, and to order a new Rate or Assessment to be made in lieu thereof in manner herein-before directed.

Public Act.

XLI. And be it further 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.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1839.