



ANNO TERTIO

GEORGII IV. REGIS.

Cap. cvii.

An Act for regulating the Office of Treasurer, and altering and amending the Acts now in force for assessing, collecting, and levying of County Rates, so far as the same relate to the County of *Middlesex*.
[22d July 1822.]

WHEREAS an Act of Parliament was passed 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 of County Rates*, whereby the Justices of the Peace at their General or Quarter Sessions were authorized and empowered from Time to Time to make One general Rate or Assessment for such Sum or Sums of Money as they in their Discretion should think sufficient to answer all and every the Purposes therein mentioned, instead and in lieu of the several separate and distinct Rates directed by former Acts to be made, levied, and collected, which Rate should be assessed upon every Town, Parish, or Place within the respective Limits of their Commissions in such Proportions as any of the Rates theretofore made in pursuance of the said several Acts had been usually assessed, and the several and respective Sums so assessed upon each and every Town, Parish, or Place within the respective Limits of their Commissions should be collected by the High Constables of the respective Hundreds and Divisions in which any Town, Parish, or Place did lie, in such Manner and at such Times as was and is therein-after directed: And whereas an Act was passed in the
[Local.]

Minute or Memorandum of such Loss or Destruction shall be entered in the said Order Book of the said General Quarter Sessions.

Copies from the Registry of Bonds to be received in Evidence in certain Cases.

IV. And be it further enacted, That in any Action or Suit in any Court of Law or Equity upon or relating to any such Bond as aforesaid it shall be lawful for any Judge or Judges, Justices or others, to receive in Evidence the Memorial of such Bond, or the Entry thereof, in the Books of the aforesaid Registry Office, (the Party offering such Memorial or Entry in Evidence first producing sufficient Proof of the Entry of such Minute or Memorandum of the Loss or Destruction of the original Bond as aforesaid,) as and for legal Proof of such Bond or Bonds having been signed, sealed, and delivered by the Obligor or Obligors therein named, in like Manner as if such Bond or Bonds had been produced, and the Execution thereof duly proved at the Trial or Hearing of such Action or Suit.

Penalty on Treasurer acting without Bond having been given.

V. And be it further enacted, That every Person who shall act in the Execution of the said Office of Treasurer by receiving any Sum or Sums of Money or otherwise, without such Bond or Bonds as aforesaid having been executed and registered as aforesaid, (save and except any Person acting in the said Office *pro tempore* under any Appointment from the Justices of the Peace for the said County, or any of them, duly authorized to make such Appointment, and who shall by such Appointment be expressly authorized to act, without giving Security,) shall for every such acting forfeit and pay the Sum of One hundred Pounds, and also Double the Amount of any such Sum or Sums of Money as he shall have so received as aforesaid, such Penalty or Penalties to be recovered, with full Costs of Suit, by any Churchwarden or Churchwardens of any Parish in the said County, who shall be authorized to sue for the same by the Vestry of such Parish, or by the Overseer or Overseers of any Extra-parochial Place in the said County, for the Use and Benefit of the Poor of such Parish or Place, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and the Sum or Sums of Money recovered (the Costs excepted) shall be applied to the Use of the Poor of such Parish or Place accordingly.

Treasurer to deliver in Accounts at every Quarter Sessions.

VI. And be it further enacted, That at every General Quarter Sessions of the Peace to be holden in and for the said County of *Middlesex*, on the First Day of such Sessions on which the Justices shall assemble at the Session House for the said County, the Treasurer of the said County for the Time being shall and is hereby required to exhibit and deliver to the Justices of the Peace then and there assembled true and exact Accounts of all and every the Sum and Sums of Money received by him under or by virtue of the then last preceding or any former Rate or Rates not accounted for, and of all and every Sum and Sums of Money paid out of the Monies so received or otherwise in the Execution of his said Office of Treasurer, up to the Day next preceding the First Day of the same Quarter Sessions inclusive; and that thereupon the said Justices or the major Part of them so assembled shall appoint a Committee of Justices

Justices of the Peace of the said County, to audit the said Accounts and to examine the Vouchers in support thereof; which Committee of Justices so to be appointed as aforesaid, or Three of them at the least, shall forthwith proceed to audit and examine the same Accounts and Vouchers, and having so done they or Three of them shall make a Report in Writing, to be subscribed with their Names and Handwriting, of the Result of their Examination, to the said Justices at the same General Quarter Sessions of the Peace or some Adjournment thereof; at which Sessions or Adjournment the said Justices or the greater Part of them then and there assembled (having first audited and allowed the said Accounts) shall proceed to make a General Quarterly Rate or Assessment upon the said County as herein-after mentioned; and thereupon the Treasurer of the said County shall, within Seven Days from the Time of making such Rate, transmit to the Churchwardens and Overseers of the Poor of every Parish and extra-parochial Place in the said County a Copy of the Order for making such Rate or Assessment for the Information of the Inhabitants of such respective Parishes and extra-parochial Places, and shall cause a like Copy to be stuck upon the Door of the Sessions House for the said County within Forty-eight Hours after the making of such Rate.

Copies of Orders for making Rate to be transmitted to Parishes.

VII. And be it further enacted, That within Fourteen Days after the Allowances of every such Account by the said Justices as aforesaid the Treasurer of the said County for the Time being shall transmit a full Copy of the same Account, with the Names of the Justices who shall have audited and reported on the same subjoined thereto, together with a true Copy of the Order for allowing the said Account, attested by the Clerk of the Peace or his Deputy, to the Churchwardens or Overseers of the Poor of every Parish or extra-parochial Place in the said County contributing to the County Rates, for the Information of the Inhabitants of such respective Parishes and extra-parochial Places; and the said Treasurer of the said County for the Time being shall and he is hereby further required, within Ten Days from and immediately after the Time of such Allowance as aforesaid, to publish in Three of the daily *London* Newspapers circulating in the said County a true and accurate Abstract of such Accounts under their several Heads, with the Names of the Justices who shall have audited the said Accounts subjoined thereto, under a Penalty of Fifty Pounds for every Omission of such Publication, to be levied and recovered in such Manner as by the said Act made in the Fifty-fifth Year of the Reign of His said late Majesty King *George* the Third is directed with respect to Penalties for Offences committed contrary to the Provisions of that Act, the Expence of which Copies, and of advertising the same as aforesaid, shall and may be defrayed out of the County Rate.

Within 14 Days after Allowance of Accounts, Treasurer to transmit Copies thereof to Parish Officers.

VIII. And be it further enacted, That if it shall appear to the Justices of the Peace assembled at any General Sessions or General Quarter Sessions of the Peace, or any Adjournment thereof, or the Majority of them, by any such Quarterly Account as aforesaid, that the Treasurer of the said County hath received any Sum or Sums of Money, and not duly accounted for the same, to the Amount of

Treasurer making Default to be removed from his Office.

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Five hundred Pounds or upwards, the said Justices shall and are hereby required forthwith to remove such Treasurer from his said Office, and to appoint some other Person in his Place or Stead; and also to direct the Clerk of the Peace for the said County to put in Suit against such defaulting Treasurer, and his Surety or Sureties, and his and their Heirs, Executors, and Administrators, or any of them, or any other Person or Persons liable thereto, the Bond or Bonds to be executed by him or them as herein-before directed, for the Purpose of recovering the Monies which shall have been received and not duly accounted for by such Treasurer as aforesaid.

Justices to make a County Rate at every Quarter Sessions.

IX. And be it further enacted, That it shall be lawful for the Justices of the Peace for the said County of *Middlesex* assembled at their General Quarter Sessions of the Peace, or some Adjournment thereof, or the major Part of them so assembled, and they are hereby required, after the Accounts of the Treasurer of the said County shall have been audited and allowed as herein-before mentioned, to make a County Rate at each and every such Quarter Sessions for the Quarter of the Year then next ensuing, (to be computed from the County Day in every such Quarter Sessions until the County Day in the Quarter Sessions then next ensuing,) every such Rate to be made in the same Manner as the Half-yearly Rates for the said County have been heretofore made: Provided always, that it shall not be necessary for the said Justices to require new Returns of the Rental or Value of Estates within the several Parishes, Towns, Liberties, Precincts, Villages, Hamlets, and Places within the said County previous to making any such Quarterly Rate, but it shall be lawful for them to make any such Rate or Rates upon any previous Returns, so that such Returns be not made less frequently or in any other Manner than is now required by Law.

Returns of Rentals not to be required oftener than at present.

Proviso to be inserted in new Rate, when Three-fourths of Money collected by virtue of preceding Rate have not been expended.

X. Provided always, and be it further enacted, That in case at the Time of making any such Quarterly Rate or Rates as aforesaid it shall not be made appear to the said Justices that Three-fourths or more of the Monies actually received by the Treasurer for the said County for the Time being on account of the last preceding Rate have been actually and duly expended, then and in such Case, and so often as the same shall happen, the Order for making any new Rate shall contain a Proviso or Direction that no Monies shall be collected or paid as herein-before mentioned, on account of such new Rate, until Three-fourths of the Monies so received as aforesaid on account of the preceding Rate shall have been actually expended as aforesaid, and the said High Constable shall have been authorized as next herein-after mentioned to require Payment of the Monies due on such new Rate: Provided nevertheless, that in case it shall happen that Three-fourths of the Money so actually received on account of a preceding Rate as aforesaid shall have been expended and exhausted in the Interval between any Two General Quarter Sessions of the Peace, then and in such Case, and so often as the same shall happen, it shall be lawful for the Justices of the Peace for the said County at any Adjournment of such Sessions, or at any General Sessions of the Peace or Adjournment thereof, on Production before them of the Order made at the then last preceding General Quarter Sessions

Order for Payment of Money on such Rate when Three-fourths of Money collected by virtue of preceding Rate have

Sessions of the Peace for the making of a new Rate, with such Proviso or Restriction as herein-before mentioned, and on the Oath of the Treasurer for the said County for the Time being (which Oath the said Justices are hereby authorized to administer) that Three-fourths or more of the Monies actually received as aforesaid have been then duly paid and expended, to make an Order for authorizing the Payment and Receipt of the Rate so made as last aforesaid; and thereupon it shall be lawful for the High Constables receiving such Order to issue their Warrants to all Churchwardens, Overseers, and other Persons who shall or may be liable in that Behalf, demanding Payment of the same, and which shall be accordingly paid in like Manner as if no such Proviso or Restriction as aforesaid had been contained in the Order for making such Rate or Rates.

been expended between Two General Quarter Sessions.

XI. And be it further enacted, That in case the Treasurer of the said County for the Time being shall die, or become Bankrupt or Insolvent, and at the Time of such Death, Bankruptcy, or Insolvency any Balance shall appear to be due from such Treasurer or his Estate, or any Sums of Money shall be unaccounted for by him which shall not be immediately recoverable, then and in any or either of the said Cases, and so often as the same shall happen, it shall be lawful for the said Justices at the next General Sessions or General Quarter Sessions of the Peace for the said County, if they shall find it expedient, to make a new Rate or Rates for making good such Balance or Sums of Money unaccounted for, notwithstanding Three-fourths of the then preceding Rate may not have been expended, independent of such Balance or Sums unaccounted for, as the Case may be, any thing contained in the said recited Acts or in this Act to the contrary in anywise notwithstanding: Provided always, that a separate and distinct Rate shall be made for each or any of the Purposes last mentioned, and the same shall not be included in any General Quarterly Rate to be made as aforesaid; and the Cause of making such Special Rate shall be specified in the Order for making the same: Provided also, that after any such Special Rate as last mentioned shall have been made and raised, all and every such Sum and Sums of Money as shall be recovered from the Treasurer making such Default as aforesaid, or his Assignees, or his Heirs, Executors, or Administrators, or his Surety or Sureties, his or their Heirs, Executors, or Administrators, shall be paid to the next succeeding Treasurer of the said County as Part of the County Stock.

In case of Death, Bankruptcy, or Insolvency of Treasurer, Justices may make new Rates.

Cause of making Special Rate to be specified in Order for the same.

XII. And whereas a County Rate, made by the Justices of the Peace for the said County of *Middlesex* on or about the Tenth Day of *January* One thousand eight hundred and twenty-two, was at the General Quarter Sessions of the Peace holden by Adjournment on or about the Eighteenth Day of *April* One thousand eight hundred and twenty-two quashed on the Ground that it did not sufficiently appear that Three-fourths of the Monies received on account of the last preceding Rate had been expended previous to the making of such Rate: And whereas some Payment or Payments may have been made on account of the Rate so quashed: And whereas on or about the same Eighteenth Day of *April* One thousand

Monies paid on account of Rate quashed to be deemed a Payment of Rate made 18th April 1822.

thousand eight hundred and twenty-two, another Rate was made for the County in lieu of the Rate so quashed as aforesaid, but Doubts are entertained whether such new Rate is not also illegal on the Ground above stated; be it therefore enacted, That all and every Payment and Payments which before the passing of this Act hath or have been made on account of the Rate so quashed as aforesaid shall be taken and accepted as a Payment or Payments on account of the Rate made on the Eighteenth Day of *April* One thousand eight hundred and twenty-two aforesaid.

Rate to be valid.

XIII. And be it further enacted, That the said last-mentioned Rate shall be and be deemed to be as good and valid as if Three-fourths of the Monies collected or received on account of the last preceding Rate had been duly expended previous to the making thereof (subject nevertheless and without Prejudice to any Appeal or Appeals already made or hereafter to be made against any Part or Parts of the same on the Ground of any Inequality in the Assessments of any Parishes or Places specified or comprised therein).

Churchwardens of Parishes and others may appoint Persons (under an Order of a Justice) to inspect Accounts, &c.

XIV. And be it further enacted, That it shall be lawful for the Churchwardens and Overseers of the Poor of every Parish or extra-parochial Place within the said County, from Time to Time, by any Writing or Writings under his or their Hand or Hands respectively, to appoint any One or Two Persons to inspect the Accounts of the Treasurer of the said County and the Vouchers for the same, in which Case any Two Justices of the Peace for the said County shall and are hereby authorized, if they shall think fit, to make an Order that the Person or Persons so to be appointed shall have full and free Access to such Accounts and Vouchers, and all Papers connected therewith, at all seasonable Times; which Order the said Treasurer and the Clerk of the Peace for the said County, and all other Persons concerned or interested, are hereby required to obey; and every Person disobeying such Order shall for every such Act of Disobedience incur a Penalty of Fifty Pounds, to be levied and recovered in such Manner as by the said Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third is directed with respect to Penalties for Offences committed contrary to the Provisions of that Act.

Churchwardens of Parishes and others may demand Copies of Rates and Accounts.

XV. And be it further enacted, That it shall be lawful for any such Churchwarden or Churchwardens, Overseer or Overseers as aforesaid, or any other Person or Party who shall be liable to the Payment of any such Rate or Rates as aforesaid, to ask and demand of and from the Clerk of the Peace for the said County or his Deputy a Copy or Copies, Extract or Extracts of or from any Order or Orders for making any County Rate or Rates, or for any Payments or Allowances out of Monies arising from any County Rate or Rates, and also any Copy or Copies, Extract or Extracts of or from any Account or Accounts of the Treasurer of the said County, or any Voucher or Vouchers belonging to any such Account or Accounts; for which Copies or Extracts the said Clerk of the Peace shall be allowed to charge the Sum of One Shilling if the same shall not contain more than One hundred Words, and if the same shall contain more than One

One hundred Words, then at and after the Rate of One Shilling for the first One hundred Words contained therein, and for every subsequent One hundred Words, and so in proportion for every Number of Words (more or less) than One hundred after the first One hundred Words; and no more; and if the Clerk of the Peace or his Deputy shall for Ten Days next after he shall be so asked or required refuse or neglect to give such Copy or Copies, Extract or Extracts as aforesaid, to any Churchwarden or Churchwardens, Overseer or Overseers, who shall so ask or demand the same, and who shall at the Time of such Demand offer to pay the Charges of such Copy or Copies, Extract or Extracts, as herein-before directed, he or they shall for every such Refusal or Neglect be liable to the Penalty of Twenty Pounds, to be levied and recovered in such Manner as by the said Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third is directed with respect to Penalties for Offences committed contrary to the Provisions of that Act.

XVI. And be it further enacted, That if the Churchwarden or Churchwardens, Overseer or Overseers of the Poor, or other Inhabitant or Inhabitants of any Parish, Township, or Place, whether Parochial or otherwise, where there is no Churchwarden or Overseer, or Person appointed to act as such, shall at any Time have Reason to think that such Parish, Township, or Place is aggrieved or injured by any Rate or Rates to be made under or by virtue of either of the said recited Acts or of this Act, on the Ground of any Account of the said Treasurer, or any Part or Parts of any such Account, not having been audited, or having been unduly or improperly audited or allowed, or of such Abstract as aforesaid not having been published as herein-before directed, or on the Ground of Three-fourths of any former Rate or Rates not having been duly expended previously to the making of any new Rate or Rates, or any other just or reasonable Objection to such Rate or Rates, then and in such Case, and so often as the same shall happen, it shall be lawful for such Churchwarden, Overseer, or other Inhabitant as aforesaid who shall so think himself or themselves, or the Parish, Township, or Place in respect of which he or they shall be interested or concerned, aggrieved or injured as aforesaid, to appeal against any such Rate or Rates to the next General Sessions or General Quarter Sessions of the Peace for the said County, provided the County Day of such Sessions shall not fall or happen within Fourteen clear Days next after the Expiration of One Calendar Month from and after the Receipt by such Churchwardens or Overseers of the Poor of the before-mentioned Copy of the Order for making such Rate; but if the same County Day shall so fall or happen, then to the General Sessions or General Quarter Sessions then next succeeding, such Churchwarden or Overseer, or other Inhabitant as aforesaid, giving Ten clear Days Notice in Writing of his or their Intention so to appeal previous to the County Day of such Sessions or succeeding Sessions, as the Case may be, to the Clerk of the Peace and the Treasurer for the said County for the Time being, by leaving the same at their respective Offices; and the Justices of the Peace shall at such Sessions or succeeding

Appeal
against
Rates.

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Sessions,

Sessions, or at some subsequent Sessions to which they may think proper to adjourn such Appeal, hear and determine the Causes and Matters thereof, and quash, alter, or amend the Rate appealed against, or give such other Relief in the Premises as to them shall seem just and proper: Provided always, that the Payment of any Rate or Assessment shall not be suspended or delayed in consequence of any such Notice of Appeal, or while such Appeal may be depending, but the same and every Part thereof shall and may be demanded, collected, and recovered in such and the same Manner as if no such Notice of Appeal had been given.

Rate not to be quashed for Want of Form.

XVII. Provided also, That no Rate or Rates, Assessment or Assessments, Order or Orders, or other Proceedings whatsoever under this Act or the said recited Acts, shall be vacated or quashed for Want of Form; but that any Rate or Assessment, or any Matters of Form in any Order or Proceeding, may be amended as the Justices at any such General Sessions or General Quarter Sessions of the Peace may order and direct.

Expence of Appeals.

XVIII. And be it further enacted, That in case of any Appeals 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 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 Sessions or General Quarter Sessions award and order, and shall not be charged to or be paid out of the County Rate.

Expences of Act to be paid out of County Rates.

XIX. And be it further enacted, That the Costs and Expences of preparing, obtaining, and passing this Act, and all other Charges incident or relating thereto, shall be paid by the Treasurer of the said County of *Middlesex* out of the first Monies which shall be in his Hands on account of the County Rates.

Public Act.

XX. 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, without being specially pleaded.