



ANNO NONO

GEORGII IV. REGIS.

Cap. i.

An Act for better assessing and collecting the Poor and other Rates in the Parish of *Saint Mary Martin* otherwise *Merton*, in the County of *Surrey*.
[21st March 1828.]

WHEREAS the Parish of *Saint Mary Martin* otherwise *Merton*, in the County of *Surrey*, is large and populous, and the Poor belonging thereto are numerous, and supported at a great Expence: And whereas the Laws now in force for assessing and collecting Monies for the Relief of the Poor, and other Parochial Purposes of the said Parish, are found inconvenient and ineffectual, and the Rates and Assessments made in the said Parish are in many Cases evaded and rendered unproductive: And whereas it would tend to the Equalization and Reduction of the present Poor and other Parochial Rates and Assessments within the said Parish, if further and additional Powers were given for assessing and collecting such Rates and Assessments; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's

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Rates of small Houses let in separate Apartments or ready furnished, to be paid by the Landlord.

Landlords, &c. of Houses not exceeding the yearly Rent of 18*l.* and Owners of Houses let in Lodgings, &c. may compound.

most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers of all such Houses, Buildings, Tenements, and other Hereditaments within the said Parish of *Saint Mary Martin* otherwise *Merton*, the yearly Rent or Value whereof respectively shall not exceed Eighteen Pounds, or which (whatever the yearly Rent or Value may be) shall be let to weekly or monthly Tenants, or which shall be let furnished, or in Lodgings, or in separate Apartments, or at Rents which shall become payable and be collected at any shorter Periods than quarterly, shall and may from Time to Time, and at all Times hereafter, be rated and assessed to the Rates for the Relief of the Poor, and all or any of the Parochial Rates of the said Parish, for or in respect of all such Houses, Buildings, Tenements, and Hereditaments respectively, instead of the actual Occupiers thereof, and the Person or Persons so rated, whether Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers, or the Occupier or Occupiers, shall from Time to Time pay or cause to be paid all and every such Rates and Assessments in respect of such Houses, Buildings, Tenements, and Hereditaments respectively: Provided always, that if the Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers of any House, Building, Tenement, or Hereditament, the yearly Rent or Value whereof shall not exceed Eighteen Pounds, and which shall be let to one Tenant only, at a Rent which shall become or be made payable quarterly only, shall be rated and assessed as the Occupier or Occupiers of any such House, Building, Tenement, or Hereditament, then it shall be lawful for the Churchwardens and Overseers of the Poor of the said Parish, or the major Part of them, and they are hereby required, on the Application and Request of every or any such Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers, to compound with him, her, or them for the Payment of all or any of the Rates and Assessments for the Relief and Maintenance of the Poor, and all or any of the Parochial Rates of the said Parish, at such reduced yearly Rentals as the said Churchwardens and Overseers of the Poor, or the major Part of them, (or the said Churchwardens only in case of Church Rates,) shall think reasonable, not being more than Two Thirds nor less than One Half of the annual Value of such Houses, Buildings, Tenements, or Hereditaments respectively; and it shall also be lawful for the said Churchwardens and Overseers of the Poor of the said Parish, (or for the Churchwardens only in case of Church Rates,) and they are hereby required, on such Application and Request as aforesaid, to compound with any such Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers of any Houses, Buildings, Tenements, or other Hereditaments in the said Parish, which shall be let to weekly or monthly Tenants,

or which shall be let furnished, or in Lodgings, or in separate Apartments, or at Rents which shall become payable or be collected at any shorter Period than quarterly, for the Payment of all or any of the said Rates and Assessments for or in respect of such Houses, Buildings, Tenements, or Hereditaments, at such reduced yearly Rentals as the said Churchwardens and Overseers of the Poor, or the major Part of them, (or the said Churchwardens only in case of Church Rates,) shall think reasonable, not being less than One Half of the annual Value of such Houses, Buildings, Tenements, or Hereditaments respectively; and the said Churchwardens and Overseers of the Poor respectively may vary, discontinue, alter, or renew any or either of such Compositions as they shall from Time to Time deem expedient.

II. And in order to prevent Disputes touching the Designation of the Landlord or Owner intended to be made liable by this Act, be it further enacted, That the Person or Persons receiving or claiming to be entitled to the Rents of every such House, Tenement, Hereditament, and Premises, immediately payable by the Tenants or Occupiers thereof respectively, shall be deemed and taken to be the Landlord or Owner of the same for the Purposes of this Act, and to be the Person or Persons to enter into such Composition as aforesaid, and shall continue to be rated to, and liable to the Payment of all and every such Rates as aforesaid, until some other Person or Persons shall be rated to or pay the same, unless the real Landlord, Owner, or Lessee is or shall be known to the said Churchwardens and Overseers.

Persons receiving Rents to be deemed Owners.

III. And in order to enable more effectually the Churchwardens and Overseers of the Poor of the said Parish to collect and levy the Rates and Assessments to be made by virtue of this Act, be it further enacted, That it shall be lawful for the Inhabitants of the said Parish; at a public Vestry to be convened and held for that Purpose, to nominate and elect One or more Person or Persons to be a Collector or Collectors of the Poor's Rate, and other Parochial Rates to be made, collected, and levied in the said Parish by virtue of this Act, (every such Person being a resident Householder in the said Parish,) and to make such Allowance by way of Salary or Poundage to such Collector or Collectors, (not exceeding Three-pence in the Pound Sterling on the Monies actually collected,) as to the said Vestry shall seem proper and expedient, and to revoke, countermand, alter, and vary such Allowance, as to any subsequent Vestry of the Inhabitants of the said Parish shall seem meet and proper.

Collector may be appointed.

IV. And be it further enacted, That the said Churchwardens and Overseers shall and may take such Security from such Collector or Collectors respectively, as they the said Churchwardens and Overseers of the Poor, or the major Part of them, shall think proper, for the due and faithful Execution of his or their Office of Collector, in every Part thereof, and, among other Things,

Security may be taken from Collectors.

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for the duly accounting for all Monies which, as such Collector or Collectors, he or they shall or may receive, and for the Payment of the same, within the Space of Seven Days from the Receipt thereof, to the said Churchwardens or Overseers, or to the Person by them, or the major Part of them, appointed to receive the same.

Collectors may be removed; their Books to be produced or delivered up at any Time.

V. And be it further enacted, That the said Churchwardens and Overseers, or the major Part of them, shall and may at all Times, at their Will or Pleasure, wholly displace and remove such Collector or Collectors, or any of them; and the said Collector or Collectors, and each and every of them, shall and they are hereby respectively required at all Times whatever, either upon being so displaced or otherwise, to produce and deliver up to the said Churchwardens and Overseers of the Poor, or the major Part of them, whenever they shall be thereto required, all and every the Rate Book or Books, and all other Papers, Documents, Matters, or Things respecting their said Office or Employment, in order that the said Churchwardens and Overseers of the Poor may take Possession of and retain the same, either for the Purpose of Inspection, safe Custody, or on any other Account, which to them shall appear meet and expedient.

Collectors to account, and pay over the Balances.

VI. Provided always, and be it further enacted, That if any such Collector or Collectors, when thereunto required by the said Churchwardens and Overseers, or the major Part of them, shall refuse, or shall not, within Seven Days after such Request has been so made to him or them, deliver up such Rate Book or Books, and all and every the Account and Accounts of all Monies by him or them received for or on account of the said Rates or Assessments, and all Papers, Matters, and Things respecting their same Office or Employment, or such and so many thereof as shall have been of them demanded in manner aforesaid, or shall not, upon being thereunto required, pay the Balance of the Monies received which shall appear to remain in his or their Hands, by virtue of his or their respective Office or Offices, then and in every such Case, upon Complaint made by the said Churchwardens and Overseers, or the major Part of them, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the said County of *Surrey*, such Justice may and he is hereby authorized and required to summon the Person or Persons so refusing or neglecting as aforesaid to appear before him; and upon his or their appearing, or if he or they shall not appear, then upon due Proof that the Person or Persons so neglecting to appear had been summoned, or could not be found for the Purpose of being summoned, to hear and determine the Matter of such Complaint in a summary Way; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of this Act shall remain due from

from such Collector or Collectors, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, 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 Collector or Collectors, each and every of them; and if it shall appear to such Justice that such Collector or Collectors shall have refused or neglected to render and give such Account, or to produce and deliver up the Rate or Rates, Book or Books, Papers or Writings, or other Matters or Things relating to the Collection of the Rates, or in anywise respecting or appertaining to the said Office or Employment, which shall be in his or their Custody or Power, and required from him or them as aforesaid, or shall not have paid the Balance remaining in his or their Hands in manner aforesaid, then and in each and every such Case such Justice shall commit such Offender or Offenders to the Common Gaol or House of Correction for the County where such Offender shall be or reside, there to remain without Bail or Mainprize until he or they shall give and make a true and perfect Account, and deliver up such Books, Papers, and Writings, or pay such Balance to the said Churchwardens and Overseers: Provided always, that no such Collector or Collectors so committed shall be confined or detained in Prison for want of sufficient Distress only, by virtue of such Warrant, for any longer Space of Time than Six Calendar Months: Provided nevertheless, that no such Commitment of any Collector or Collectors as aforesaid shall acquit or discharge any Surety or Sureties, or vacate, impeach, or make void any Bond or Security that shall or may have been taken by or given to the said Churchwardens and Overseers for the due and faithful Execution of the Office of such Collector or Collectors, in manner herein-before expressed and provided, nor prevent, abate, or defeat any Action, Suit, or Process commenced or to be brought for the Recovery of any Money so received by such Collector or Collectors, and not accounted for as aforesaid.

VII. And for the more speedy Execution of the Purposes of this Act, be it further enacted, That it shall be lawful for the Churchwardens and Overseers of the Poor of the said Parish for the Time being, with the Consent of the Inhabitants of the said Parish in Vestry assembled, to be specially called for that Purpose, to raise by Annuities on Lives any Sum or Sums of Money, not exceeding in the whole the Sum of Three thousand Pounds, or so much thereof as the said Churchwardens and Overseers shall find necessary and expedient to raise, which Sum or Sums when raised shall be vested in the said Churchwardens and Overseers for the Purposes of this Act; and it shall be lawful for any Person or Persons whomsoever to contribute, advance, and pay into the Hands of the said Churchwardens and Overseers, or into the Hands of such other Person or Persons as they the said Churchwardens and Overseers shall by any Writing under their Hands authorize to receive the same, for the Uses and Purposes of this Act, any Sum or Sums of Money not exceeding in the whole the

For borrow-
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way of An-
nuity for
Lives.

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Sum of Three thousand Pounds, for the absolute Purchase of Annuities to be paid and payable during the natural Life or Lives of such Contributor or Contributors respectively, at the Time of Payment of their respective Contribution Money; and all such Annuities shall be paid and payable by the said Churchwardens and Overseers Half-yearly in the Vestry Room of the said Parish, or in such other convenient Place as they shall appoint for that Purpose.

Form of
Grant of An-
nuity.

VIII. And be it further enacted, That the Grant of any Annuity which shall be granted under the Authority of this Act shall be in the Words or to the Effect following; (that is to say,)

WE, the Churchwardens and Overseers of the Poor of the Parish of *Saint Mary Martin* otherwise *Merton*, in the County of *Surrey*, acting in pursuance of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*] in consideration of the Sum of _____ Pounds to do hereby grant unto the said _____ an Annuity or yearly Sum of _____ Pounds, to be paid out of the Rates or Assessments received on account of [*here set forth the Rate on the Security of which such Annuity is granted*]; which Annuity or yearly Sum of _____ Pounds shall be paid to the said _____ or his or her Assigns, during the Term of his or her natural Life, [*or as the Case may be*], to the said _____ his or her Executors, Administrators, and Assigns, during the natural Life of _____ [*or during the natural Lives of _____ and _____ and the Life of the Survivor*], upon the _____ Day of _____ and the _____ Day of _____ in every Year during the natural Life or Lives of him, her, or them the said _____ at the _____ the First Quarterly Payment thereof to be made on the _____ Day of _____ next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals, the _____ Day of _____ in the Year _____

And every such Grant shall be good, valid, and effectual in the Law, without any Enrolment or Registry of a Memorial thereof in the High Court of Chancery or elsewhere (except as herein-after mentioned); and every such Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the said Churchwardens and Overseers out of the said Rate or Assessment so charged therewith, according to the Grant of such Annuity.

Restriction
as to granting
Annuities.

IX. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according

according to the Price of Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

48G.3. c.142.

52G.3. c.129.

X. And be it further enacted, That it shall be lawful for the said Churchwardens and Overseers, with such Concurrence as aforesaid, if they shall think it more beneficial for the said Parish, to raise and borrow the aforesaid Sum of Three thousand Pounds, or any Part thereof, by way of Bond or Mortgage, or other Security, bearing an Interest at the Rate of not more than Five Pounds *per Centum per Annum*, for such Term as shall be agreed upon between the said Churchwardens and Overseers, or any of them, and the Person or Persons advancing such Money respectively, instead of raising the same by Annuities as aforesaid; which Sum or Sums when so raised shall be vested in the Churchwardens and Overseers of the Poor of the said Parish for the Time being, to be applied for the Purposes of this Act; and it shall be lawful for any Person or Persons whomsoever to contribute, advance, and pay into the Hands of the said Churchwardens and Overseers, or of such other Person or Persons as they the said Churchwardens and Overseers shall by any Writing under their Hands authorize to receive the same, for the Uses and Purposes of this Act, any Sum or Sums of Money not exceeding in the whole the said Sum of Three thousand Pounds, on such Bond or Mortgage, or other Security as aforesaid; and all the Interest which shall become due thereon shall be paid and payable by the said Churchwardens and Overseers, half-yearly, in the Vestry Room of the said Parish, or in such other convenient Place as the said Churchwardens and Overseers shall appoint for that Purpose.

Money may be raised by way of Bond or Mortgage. 2

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XI. And be it further enacted, That all and every the Annuity or Annuities so to be purchased, or the Interest of the Money so to be raised by Bond or Mortgage as aforesaid, under or by virtue of this Act, shall be and the same is and are hereby charged upon and made payable from Time to Time out of the Monies to arise by the Rate or Rates made or to be made, yearly or otherwise, for the Relief of the Poor of the said Parish of *Saint Mary Martin*, otherwise *Merton*; and all and every the Contributor or Contributors of any Money upon the Credit of this Act, duly paying the Consideration or Purchase Money for any such Annuity or Annuities, or other Security as aforesaid, or such Person or Persons as he, she, or they shall appoint, his, her, or their respective Executors, Administrators, or Assigns, shall receive and enjoy,

Annuities or Interest of Money to be charged on Poor Rates. 6

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enjoy, and be entitled, by virtue of this Act, to have, receive, and enjoy the respective Annuity or Annuities so to be purchased, or the Interest of such Bond, Mortgage, or other Security, out of the said Rate or Rates by this Act charged therewith; and all and every such Purchaser and Purchasers of all and every such Annuity or Annuities, Bond, Mortgage, or other Security, and his, her, and their respective Executors, Administrators, and Assigns, shall have a good, sure, absolute, and indefeasible Estate, Right, and Interest in and to the said Annuities, Bond, Mortgage, or other Security, so to be by them respectively purchased as aforesaid, according to the Tenor and true Meaning of this Act. 8

Power to transfer Securities.

XII. And be it further enacted, That it shall be lawful for any Purchaser or Purchasers of any such Annuity or Annuities, Bond, Mortgage, or other Security, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, or their Hand and Seal or Hands and Seals, to assign the same or any Part thereof respectively, or his, her, or their Interests therein, to any Person or Persons whomsoever, as often as Occasion shall require; which Assignment, after a Memorial thereof shall be entered in a Book or Books to be kept by or by the Order of the said Churchwardens and Overseers, shall be effectual to vest the same in the Assignee or Assignees. 9

Manner of levying Rates.

XIII. And be it further enacted, That in case any Lessor or Lessors, Landlord or Landlords, Owner or Owners, Occupier or Occupiers of any Houses, Buildings, Tenements, or Hereditaments within the said Parish, for or in respect whereof he, she, or they shall be rated or assessed in or to any Rate or Assessment made or to be made by virtue of this Act, shall neglect or refuse to pay any Rate or Assessment upon him, her, or them made, laid, and assessed under and by virtue of this Act, and all Arrears due thereon, or upon any former Rate or Rates, or the Amount of any Composition or Compositions, it shall be lawful for any One or more of His Majesty's Justices of the Peace for the said County of Surrey, and he and they is and are hereby authorized and required (on Proof made before him or them by any One of the Churchwardens or Overseers of the Poor of the said Parish, or by a Collector of the said Rate or Rates for the Time being, of his having demanded the Rate or Rates, Composition or Compositions aforesaid, of the Person or Persons intended to be summoned, or of the Occupier of the Premises for or in respect of which such Rate or Rates, Composition or Compositions, shall be due and owing, and of his, her, or their having neglected or refused to pay the same) to summon, by Writing under his or their Hand or Hands, all and every Person and Persons who shall have neglected or refused as aforesaid to appear at the Time and Place to be mentioned in such Summons before such Justice or Justices, or before some other Justice or Justices of the said County; and it shall be lawful for any Person appointed to collect and receive such Rates or Assessments, or for any Constable, Headborough, or Beadle of the said Parish, or for any other 10

other Person, to serve all and every such Summons and Summonses upon all and every Person and Persons neglecting or refusing to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or leaving the same at his, her, or their last or usual Place or Places of Abode, or at, in, or upon the Premises for or in respect whereof the Rate or Rates, Assessment or Assessments mentioned in such Summons shall remain due and owing; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she, or they shall attend, and shall not shew good and sufficient Cause to such Justice or Justices as may be then and there present, that he, she, or they is or are not chargeable with such Rate or Rates, Assessment or Assessments, then and in every such Case all and every such Person and Persons who shall have been so summoned shall pay the Rate or Rates, Assessment or Assessments, in respect of which Summons or Summonses was or were issued, and also the Costs and Charges of such Summons or Summonses, and the Service thereof; and in all Cases where any Rate or Assessment, Rates or Assessments, or any of them, or any Arrears thereof, shall not be paid upon the Return of such Summons, it shall be lawful for such Justice or Justices who shall have signed and issued such Summons or Summonses as aforesaid, or for any other Justice or Justices of the Peace for the said County, and he and they is and are hereby authorized and required, upon Oath made before him or them of the due Service of such Summons or Summonses, to grant a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, authorizing and directing the Person appointed to collect such Rate or Rates, Assessment or Assessments as aforesaid, or any Constable, Headborough, or Beadle of the said Parish, or any other Constable, Headborough, or other Person, to levy such Rate or Rates, Assessment or Assessments, and all Arrears thereof, and the Costs and Expences of the Summons and Service thereof, (if the same shall not have been paid before,) and the Costs and Charges of every such Warrant, and also the reasonable Costs, Charges, and Expences of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing, which shall be found within the said Parish or elsewhere; and if, within Five Days next after any such Distress shall be made, the said Rate or Rates, Assessment or Assessments, and all Arrears due thereon, together with the before-mentioned Costs, Charges, and Expences, and the Charges and Expences of making such Distress and of keeping such Goods and Chattels, shall not be paid, then the said Person appointed to collect the said Rate or Rates, Assessment or Assessments as aforesaid, or the Constable, Headborough, or Beadle, or other Person or Persons authorized by the said Warrant, shall cause the Goods and Chattels to be appraised by One or more Appraiser or Appraisers, and to be sold, either on the Premises where the same shall be distrained or elsewhere, or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay and satisfy the said Rate

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Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, and the said Costs, Charges, and Expences, and the Costs and Charges of appraising, removing, keeping Possession of and selling the same, (the Amount of all such Costs, Charges, and Expences relating to the Recovery of the said Rate or Rates, Assessment or Assessments, being, in case of Dispute, settled by any One Justice of the Peace for the said County,) and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him, her, or them for that Purpose.

If Goods cannot be found, or if the same shall be fraudulently removed, &c. Persons may be committed to the Common Gaol.

XIV. And be it further enacted, That in case no Goods or Chattels of any Person or Persons so neglecting or refusing to pay can or may be any where found, or being found, cannot be distrained by virtue of any such Warrant, by reason of such Goods and Chattels being locked up, secured, or removed, with a fraudulent Intention to elude or evade the Payment or Recovery of any such Rates or Assessments, so that the Amount thereof cannot be distrained for and recovered, then and in every such Case, upon Information thereof given to any Two Justices of the Peace for the said County of *Surrey*, it shall be lawful for such Justices to issue a Warrant under their Hands and Seals, for the Apprehension of any such Person or Persons, and to commit such Person or Persons to the Common Gaol or House of Correction for the said County; and if such Person or Persons cannot be found in the said County, then upon Oath thereof made before any Justice of the Peace of any other County, City, Liberty, or Place in which any such Person or Persons shall be found or suspected to be, (which Oath such Justice is hereby required to administer, and certify by indorsing in his Handwriting his Name on the Warrant granted for such Apprehension,) the said Person or Persons shall be committed by such Justice to the Common Gaol or House of Correction of such other County, City, Liberty, or Place, there to be kept and confined in the same Manner as Persons confined for Debt, without Bail or Mainprize, for any Term not exceeding the Space of Six Calendar Months, unless such Rates or Assessments, and all Arrears thereof, and all such Costs, Charges, and Expences, or so much thereof as shall remain unsatisfied by any such Distress or Distresses, or otherwise, shall be sooner paid.

Goods of Occupiers liable to be distrained to a certain Extent.

XV. Provided always, and be it further enacted, That the Goods and Chattels of all and every Person and Persons renting or occupying any House, Building, Tenement, or other Hereditament within the said Parish, or any Part or Parts thereof, (the Poor or other Parochial Rates of which the Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers, is or are hereby made liable and subject to,) shall be at all Times liable to be distrained and sold by virtue of any Warrant under the Hand and Seal of One of His Majesty's Justices of the Peace for the said County of *Surrey* (which Warrant such Justice is hereby authorized and

and required to grant,) for any Rates or Assessments which have accrued or become due during the Term of the Occupancy, by any such Person or Persons, of any such House, Tenement, or Hereditament, or separate Part or Apartment thereof, and for the Costs, Charges, and Expences of such Warrant, and of any Appraisement, Possession, Removal, and Sale of such Goods and Chattels, or attendant thereon; but no such Person or Persons shall be required, or compellable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments and Expences, or any of them, than the Amount of the Rent actually due and payable by such Person or Persons to the Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers of such House, Tenement, or Hereditament, or other Person or Persons rated or assessed as the Occupier or Occupiers of the same respectively; and each and every Person or Persons who shall pay any such Rates or Assessments as ought to have been paid by the Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers of any such House, Tenement, or Hereditament, or upon whose Goods or Chattels the same shall or may be levied in pursuance of this Act, shall and may deduct such Rates or Assessments, and Costs, Charges, and Expences of such Distress and Levy, from and out of the Rent due and payable to his, her, or their Lessor or Lessors, Landlord or Landlords, so letting out the same House, Tenement, or Hereditament, or separate Part or Apartment thereof, to him, her, or them; and the Receipt and Receipts for such Payment or Payments shall be a sufficient Discharge to every such Person and Persons, for so much as he, she, or they shall have so paid, or which shall have been levied on his, her, and their Goods and Chattels in pursuance of this Act, and shall be repaid by such Owner or Owners, being the immediate Lessor or Lessors of the actual Occupier or Occupiers, or be allowed by him, her, or them, in part or full Payment (as the Case may be) for the Rent due or to become due to him, her, or them respectively, from such Person or Persons as aforesaid, for or in respect of such Houses, Buildings, Tenements, or Hereditaments, or separate Part or Apartments thereof respectively.

XVI. And be it further enacted, That every Warrant of Distress for Nonpayment of any Rates or Assessments authorized and directed to be granted and issued by virtue of this Act may include One or more Person or Persons, and shall or may be in the Form or to the Effect following; (that is to say,)

Form of Warrant of Distress.

‘ Surrey, } To the Churchwardens, Overseers, and Collectors of
 ‘ to wit. } the Poor Rates of the Parish of *Saint Mary Martin*,
 ‘ otherwise *Merton*, in the County of *Surrey*, and to all
 ‘ Constables, Headboroughs, and Beadles of the said
 ‘ Parish :

‘ WHEREAS the under-mentioned Person [or Persons, if more
 ‘ than One], now or late a Lessor, Landlord, Owner, or Occu-
 ‘ pier, [or Lessors, Landlords, Owners, or Occupiers, if more than
 ‘ [Local.] D One,]

One,] of the Tenement [or Tenements, if more than One Person be included in the Warrant], or other Hereditaments within the said Parish, was and is [or were and are, as the Case may be,] liable to the Payment of the Sum or Sums of Money set opposite to his, her, or their respective Name or Names [as the Case may be,] hereunder written, by virtue of a Rate or Rates duly made under and by virtue of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act [here set forth the Title of this Act]*: And whereas it duly appears upon Oath unto me, One of His Majesty's Justices of the Peace for the said County, that the said Person or Persons [as the Case may be] has or have neglected or refused to pay the Sum or several Sums of Money set opposite to his, her, or their Name or Names [as the Case may be] hereunder written, due from him, her, or them, by virtue of such Rate or Rates [as the Case may be], and that the said Sum or Sums of Money [as the Case may be] still remains due and unpaid: And whereas it also duly appeareth unto me the said Justice, upon Oath, that the said Person or Persons [as the Case may be] hath or have been duly summoned to appear to answer the Premises, and they nor either of them [as the Case may be] having shewn sufficient Cause why such Sum or Sums of Money should not be paid by them respectively [or as the Case may be]; These are therefore in His Majesty's Name to will and require you, or either of you, forthwith to levy the said Sum or several Sums of Money [as the Case may be] due from the said Person or Persons, and hereunder set opposite to his, her, or their Name or Names respectively [as the Case may be], and also such further Sum or Sums for Costs as is or are also set opposite to his, her, or their Name or Names respectively [as the Case may be], by Distress and Sale of his, her, or their respective Goods and Chattels [as the Case may be], such Goods and Chattels being kept for the Space of _____ Days before the same are sold, rendering to him, her, or them respectively [as the Case may be] the Overplus (if any), on Demand, the reasonable Charges of such Distress, and of any Removal, or keeping Possession, Appraisalment, and Sale, being first deducted; and if no sufficient Distress can be had or taken, then that you certify the same to me, to the end that such Proceedings may be had therein as to Law doth appertain. And I do hereby strictly charge and command all and singular the Constables, Headboroughs, and other His Majesty's Peace Officers for the said County, to be aiding and assisting in all things relating to the Premises. Given under my Hand and Seal, this _____ Day of _____ in the Year of our Lord

	Sums due.	Costs.	Total.
A. B. Occupier - - - - -			
C. D. Landlord or Owner - - - - -			
E. F. for a House let or offered to be let in separate Tenements - - - - -	}		
G. H. for a House let or offered to be let ready furnished - - - - -			
I. K. - - - - -			

XVII. And

XVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, which shall be made in pursuance of this Act, or by reason of being overrated or unfairly charged therein, or on account of any Order, Judgment, or Determination of any Justice or Justices of the Peace acting in the Execution of this Act, or by any Matter or Thing done or directed to be done in pursuance of this Act, such Person or Persons may appeal to the next General or Quarter Sessions of the Peace to be holden for the said County of *Surrey* within Two Calendar Months next after Cause of Complaint or Grievance shall have arisen, first giving or causing to be given Ten Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Person or Persons appealed against, or leaving such Notice for him, her, or them, at his, her, or their last or usual Place or Places of Abode, and within Two Days next after such Notice entering into a Recognizance before One of His Majesty's Justices of the Peace for the said County, with Two sufficient Sureties, in the Sum of Forty Pounds, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may then and there, if they see Cause, mitigate any Forfeiture or Fine, and award such further Satisfaction to be made to the Party injured as they shall judge proper; and the Determination of such Justices at their General or Quarter Sessions shall be final, binding, and conclusive.

Appeal from Rates.

XVIII. Provided always, and be it further enacted, That upon an Appeal from such Rates or Assessments, or any of them, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to any other Person or Persons mentioned in the same; but if, upon Appeal from the whole Rate or Assessment, it shall be found necessary to quash and set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made.

Sessions may amend Rates, without quashing the whole.

XIX. And be it further enacted, That in all Cases where any Person or Persons shall be convicted of any Offence committed against this Act, or any Matter in pursuance thereof, the Conviction shall or may be in the Words or to the Effect following; (that is to say,)

Form of Conviction.

‘ *Surrey,* } **BE** it remembered, That on the
 ‘ to wit. } Day of _____ in the Year of our Lord
 ‘ _____ *A. B.* is convicted before _____ of

of His Majesty's Justices of the Peace for the County of *Surrey*,
 for that he the said *A. B.* did, on the _____ Day of
 _____ in the Year of our Lord
 contrary to an Act passed in the Ninth Year of the Reign of His
 Majesty King *George* the Fourth, intituled [*here set forth the*
Title of this Act, and specify the Offence]. Given under our Hands
 and Seals [*or my Hand and Seal*] the Day and Year first above
 written.

Distress not
 unlawful for
 Want of
 Form.

XX. And be it further enacted, That where any Distress shall be
 made for any Sum or Sums of Money to be levied by virtue of this
 Act, the Distress itself shall not be deemed unlawful, nor the
 Party or Parties making the same be deemed a Trespasser or
 Trespassers, on account of any Defect or Want of Form in any Pro-
 ceedings relating thereto; nor shall the Party or Parties be deemed
 a Trespasser or Trespasser *ab initio*, on account of any Irregularity
 which shall afterwards be committed or done by the Party or
 Parties distraining; but the Person or Persons aggrieved by such
 Irregularity may recover full Satisfaction for the special Damage in
 an Action on the Case, but subject to such Regulations and Restric-
 tions as are by this Act herein-after provided touching any Action
 to be brought for or in respect of any Matter or Thing done by
 colour or in pursuance of this Act.

Inhabitants
 not deemed
 incompetent
 Witnesses.

XXI. And be it further enacted, That no Inhabitant of the said
 Parish of *Saint Mary Martin*, otherwise *Merton*, shall be deemed an
 incompetent Witness in any Suit, Action, Information, Complaint,
 Appeal, Prosecution, or Proceeding, to be had, made, prosecuted,
 or carried on under the Authority of this Act, by reason of such
 Person being rated or assessed, or liable to be rated or assessed,
 under or by virtue of this Act or otherwise, or by being liable
 to perform Statute Duty, or to the Payment of any Composition
 in lieu thereof, towards the Repairs of the Highways of the said
 Parish.

Proceedings
 not to be re-
 moved by
 Certiorari.

XXII. And be it further enacted, That no Rate or Rates, As-
 sessment or Assessments; nor any Proceeding to be had touch-
 ing or concerning the Conviction of any Offender or Offenders
 against this Act, or any Rate, Warrant, Conviction, or Order to
 be made, or any other Matter or Thing to be done or transacted in
 or relating to the Execution of this Act, or in pursuance or
 by virtue thereof, shall be vacated or quashed for Want of Form,
 or be removed or removable by Certiorari, or by any other
 Writ or Process whatsoever, into any of His Majesty's Courts of
 Record at *Westminster*; any Law, Statute, or Usage to the contrary
 notwithstanding.

Limitation of
 Actions.

XXIII. And be it further enacted, That no Action or Suit shall
 be brought or commenced against any Person or Persons for any
 thing done in the Execution or under the Authority of this Act,
 after Six Calendar Months from the Time when the Cause of such
 Action

Action shall have arisen or been committed; or have ceased and been determined; and every such Action shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere: Provided also, that no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding, unless Notice in Writing shall have been given to the Person or Persons against whom the same is intended to be brought, or left at his, her or their last or usual Place of Abode, Ten Days before such Action shall be commenced, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or caused to be committed the said Fact, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be depending, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court: Provided also, that the Defendant or Defendants in all and every such Action or Actions may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to be so done, or that such Action or Suit shall have been brought before the Expiration of Ten Days next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made, tendered, or paid into Court as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought or laid in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall be found against the Plaintiff or Plaintiffs, Defendant or Defendants, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then and in every such Case the Plaintiff or Plaintiffs, Defendant or Defendants, shall and may recover Treble Costs, and shall have the like Remedy for recovering the same as any other Plaintiff or Plaintiffs, Defendant or Defendants, hath or have for Costs of Suit in other Cases in Law.

General
Issue may
be pleaded.

XXIV. And be it further enacted, That all the Costs, Charges, Expences of and Expences of passing this Act, and all other Charges incident to the obtaining thereof, or incurred in relation thereto, shall be borne, paid, and defrayed by and out of the first Monies which shall come into the Hands of the said Churchwardens and Overseers for the Purposes of this Act. Act.

[Local.]

E

XXV. And

Public Act.

XXV. 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. 3

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