



ANNO QUINQUAGESIMO SEXTO

# GEORGI II. REGIS.

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## *Cap. v.*

An Act for the better assessing and collecting the  
Poor and other Parochial Rates in the Parish of  
*Mitcham* in the County of *Surrey*.

[28th *March* 1816.]

**W**HEREAS the Poor within the Parish of *Mitcham* in the County  
of *Surrey* are very numerous, and are maintained and sup-  
ported at a great Expence, and by means of very heavy Rates:  
And whereas the Laws and Statutes now in force within this Realm, for  
the assessing and collecting of Monies for the Relief and Maintenance of  
the Poor, are found ineffectual in the said Parish, by reason that divers  
Houses within the same Parish are let to occasional Occupiers, and also let  
out in Parcels to Undertenants, and to Lodgers in separate Apartments,  
and others are let at small yearly Rents, and by the Week, whereby the  
Rates made in the said Parish are, in many Cases, evaded and unpro-  
ductive: And whereas it would tend to the Equalization and Reduction of  
the present Poor and other Parochial Rates within the said Parish, and  
to the great Alleviation of many industrious Families who now pay the  
same, and of the Inhabitants of the said Parish in general, if further and  
additional Powers were given for the assessing, compounding, and col-  
lecting of such Rates; and for better maintaining and regulating the Poor:  
May it therefore please Your Majesty that it may be enacted; and be it  
enacted by the King's most Excellent Majesty, by and with the Advice  
and Consent of the Lords Spiritual and Temporal, and Commons, in this

[*Local.*]

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present

For the better recovering Rates on Houses let at small Rents.

present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, when the yearly Rent or Value of any House, Tenement, or Hereditament within the said Parish, shall not amount to Eighteen Pounds, or where any House, Tenement, or Hereditaments (whatever the yearly Rent or Value may be) shall be let to any weekly or monthly Tenant or Tenants, the Rent whereof shall become payable at any shorter Period than quarterly, or shall be let out, either in the whole or in part, in Lodgings or in separate Apartments, then and in every such Case it shall and may be lawful to and for the Churchwardens and Overseers of the Poor of the said Parish, or the major Part of them (if they shall think proper), to compound with the Landlord or Landlords, Owner or Owners, of all and every or any such House or Houses, Tenement or Tenements, Hereditament or Hereditaments, in the said Parish, for the Payment of all and every or any of the Rates or Assessments for the Relief and Maintenance of the Poor, and all other the Parochial Rates of the said Parish, (but with any of the People called *Quakers* for the Poor's Rates only,) at such reduced yearly Rental as the said Churchwardens and Overseers of the Poor, or the major Part of them, for that Purpose, shall think reasonable, so that no such House or Houses, Tenement or Tenements, Hereditament or Hereditaments, be rated at less than One Half or more than Four Fifths of the annual Value of the said Premises respectively; and the Landlord or Landlords, Owner or Owners of all such Houses, Tenements, or Hereditaments respectively, is and are hereby required to enter into such Composition with the said Churchwardens and Overseers of the Poor, or the major Part of them, in manner aforesaid; and in case such Landlord or Landlords, Owner or Owners respectively, shall refuse or neglect to enter into such Composition, he, she, or they shall from thenceforth be rated and assessed to and for such Premises, and from Time to Time shall pay or cause to be paid the Rates or Assessments charged upon the same Premises respectively for the Relief of the Poor, and all other the Parochial Rates and Assessments of the said Parish, according to a fair and equal Assessment to be made by the said Churchwardens and Overseers of the Poor, or the major Part of them; and upon Nonpayment thereof the said Churchwardens and Overseers, or any of them, are hereby authorized to levy the same by Distress and Sale of the Goods and Chattels of such Landlord or Landlords, Owner or Owners respectively, wheresoever the same shall be found, or of the Goods and Chattels of the Person or Persons occupying or inhabiting such House or Houses, Tenement or Tenements, Hereditament or Hereditaments respectively: Provided always, that no such Landlord or Owner shall be charged with or liable to pay for any increased Rent, reserved or made payable to him for or on account of such Landlord or Owner having agreed to pay the Rates heretofore chargeable upon the Occupier of such Premises: And provided also, that the Goods and Chattels of all and every or any Person or Persons renting or occupying any such House, Tenement, or Hereditament, or any Part or Parts thereof, the Rates or Assessments whereof, or upon which the Landlord or Landlords, Owner or Owners of such respective Houses, Tenements, or Hereditaments, is and are hereby made liable and subject to as aforesaid, shall at all Times be liable to be distrained and sold for Payment of so much of the said Rates or Assessments, and all Arrears thereof, as became due for or in respect of the said Premises during the Time of his, her, or their Occupancy only; but no such Occupier or Occupiers shall at any Time be subject or liable to pay any greater Sum for



or towards the Discharge of the said Rates or Assessments, or any of them, or of the Arrears thereof, than the Amount of the Rent actually due by such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners, of the Premises so occupied by him, her, or them respectively: Provided also, that each and every Occupier who shall pay any such Rates or Assessments, or any Arrear thereof, or upon whom the same shall be levied, shall and may, from Time to Time and at all Times, deduct the Amount thereof from the Rent then due, or at any Time thereafter to grow due from him, her, or them, to the respective Landlords or Owners of the said Premises, and the Receipt for such Payment shall be a good and sufficient Discharge to such Occupier or Occupiers, to his, her, or their Landlord or Landlords, for so much Money as he, she, or they shall pay in the Manner directed by this Act.

II. Provided always, and to prevent Disputes touching the Designation of the Landlord or Owner intended to be made liable by this Act, be it enacted, That the Person or Persons receiving or claiming to be entitled to the Rents of every such House or Houses, Tenement or Tenements, Hereditaments, 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 required 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 known to or voluntarily compounds for the same with the said Churchwardens and Overseers as aforesaid.

Persons receiving Rents to be deemed Owners.

III. And be it further enacted, That for the better enabling the said Churchwardens and Overseers of the Poor to make fair and equal Assessments for the Relief of the Poor of the said Parish, and for other the Purposes of this Act, it shall and may be lawful to and for the said Churchwardens and Overseers, or the major Part of them, with the Consent and Approbation of the Inhabitants, at a public Vestry Meeting to be called for that Purpose, but not otherwise, from Time to Time, and as often as shall be found necessary, to appoint and employ any Surveyor or Surveyors, or other competent Person or Persons, to ascertain and estimate the annual Value of all or any Houses, Lands, Tenements, Tithes, and Hereditaments, and all rateable Property whatsoever within the said Parish, and to pay, out of any Rate or Rates made or to be made for the Relief of the Poor of the said Parish, such Sum or Sums of Money to every such Surveyor or Surveyors, or other competent Person or Persons, for his or their Trouble therein, as to the said Vestry Meeting shall appear just and reasonable: Provided always, that no Person shall be capable of acting as a Surveyor or Valuer as aforesaid, until he shall have taken and subscribed the Oath following before the said Churchwardens and Overseers, or any Two of them, which Oath any Two or more of them are hereby empowered to administer:

For the better enabling the Churchwardens, &c. to make equal and fair Rates, Surveyor may be appointed.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I will truly, honestly, and impartially, according to the best of my Skill and Judgment, execute the Trust in me reposed, as a Surveyor or Valuer, under and by virtue of an Act made in the Fifty-sixth Year of the Reign of His present Majesty, intituled [*here insert the Title of this Act*]. So help me GOD.’

IV. And



Churchwardens and Overseers may appoint Collectors of Rates.

IV. And in order the better to enable the Churchwardens and Overseers of the Poor of the said Parish of *Mitcham* to collect and levy the said Rates, be it further enacted, That it shall be lawful for the said Churchwardens and Overseers of the Poor, or the major Part of them, with the Approbation of a public Vestry Meeting to be held for that Purpose, to appoint One or more Person or Persons to be a Collector or Collectors of the Poor's Rates, and other Rates, to be made, collected, and levied by virtue of this Act, (every such Collector being a resident Householder in the said Parish,) and out of such Rate or Rates, Assessment or Assessments, to make such Allowances, by way of Salary or Poundage, to the said Collector or Collectors, not exceeding Three-pence in the Pound on the Monies actually collected, and to revoke, countermand, alter, and vary such Allowances, and make others in their stead, or not, as to any subsequent public Vestry Meeting shall seem meet and proper.

Security to be taken from Collectors.

V. 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 all and every Part thereof, and, among other things, 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 Banker or other Person by them, or the major Part of them, appointed to receive the same.

Collectors may be removed, and their Books to be delivered up.

VI. 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 Balances.

VII. 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 Three 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 thereto required, pay the Balance of 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 Church-



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 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 required and 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 such Collector or Collectors, such Justice may and he is hereby authorized and required, upon Non-payment 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 that no such Collector or Collectors so committed shall be confined or detained in Prison, for Want of sufficient Distress, 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.

VIII. And for the better and more effectually raising and levying the Rates and Assessments to be made for the Relief of the Poor of the said Parish, and all other the Rates and Assessments to be made by the Churchwardens and Overseers of the Poor of the said Parish, or which are mentioned and authorized to be made by this Act; be it further enacted, That in case any of the Landlords or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, of any Land, Ground, Dwelling House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement, or Hereditament within the said Parish, shall refuse or neglect to pay any Rate or Assessment upon him, her, or them made,

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For better  
collecting  
and levying  
Rates.



laid, and assessed, under and by virtue of this Act, or by any other Means, and all Arrears due thereon, or upon any former Rate or Rates, or the Amount of any such Composition or Compositions, it shall and may be lawful to and for any One or more of His Majesty's Justices of the Peace acting in and for the said County of *Surrey*, and he and they is and are hereby authorized and required to summon, by Writing under his or their Hand or Hands, all and every Person and Persons who shall have refused or neglected as aforesaid, (upon Oath being made before him or them, by any One of the Churchwardens and Overseers of the said Parish, or by a Collector of the said Rate or Rates, for the Time being, of his or their 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 which such Rate or Rates, Composition or Compositions, shall be due and owing, and of such Person or Persons having neglected or refused to pay the same,) to appear before such Justice or Justices, at a Time and Place to be mentioned in such Summons, or before such other Justice or Justices of the said County as shall be sitting upon the Return of such Summons or Summonses; and it shall and may be lawful to and for the said Churchwardens and Overseers, Collector or Collectors, or any One of them, or for any of the Constables, Headboroughs, or Beadles of the said Parish, to serve all and every such Summons and Summonses upon all and every Person or Persons refusing or neglecting 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 the Premises for which the Rates or Compositions 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 shall be then and there sitting, that he, she, or they is or are not chargeable with such Rate or Rates, Composition or Compositions, then and in every such Case all and every such Person and Persons who shall have been so summoned shall pay the reasonable Costs and Charges of such Summons and Service thereof, to be ascertained by such Justice or Justices; and in all Cases where the said Rate or Rates, Composition or Compositions, or any of them, shall not be paid upon the Return of such Summons, it shall and may be lawful to and for such Justice or Justices who have issued such Summons or Summonses as aforesaid, or such other Justice or Justices of the Peace in and for the said County of *Surrey* as shall be sitting at the Return of such Summons, 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 by the Party who shall have served the same, to grant a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, authorizing and directing the said Churchwardens and Overseers, Collector or Collectors, or any Constable, Headborough, or Beadle of the said Parish, to collect and levy all and every such Rate or Rates, Assessment or Assessments, Composition or Compositions, and all Arrears thereof, and the Expences of the Summons and Service thereof (if the same shall not have been before paid) and Warrant, by Distress of the Goods and Chattels of the Party so neglecting or refusing, which shall be found within the said Parish; and if within Five Days next after any such Distress shall be made, the said Rate or Rates, Assessment or Assessments,

ments, Composition or Compositions, with all Arrears due thereon, shall not be paid, together with the reasonable Charges of the said Summons and Service and Warrant, of making such Distress and keeping such Goods and Chattels, the said Churchwardens and Overseers, Collector or Collectors, Constable or Constables, Headborough or Headboroughs, Beadle or Beadles, shall cause the said Goods to be appraised by One or more Appraiser or Appraisers, and to be sold, or such Part or Parts thereof, by Auction or otherwise, as shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, Composition or Compositions, together with all Arrears due thereon, and the reasonable Charges and Expences aforesaid, and the Costs and Charges of appraising and selling the same, returning 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.

IX. And be it further enacted, That the Goods and Chattels of any Person or Persons rated or assessed as aforesaid, and neglecting or refusing to pay the Sum or Sums of Money by him, her, or them respectively payable as aforesaid, shall and may be distrained, not only in the said Parish of *Mitcham*, but in any other Place within the said County of *Surrey*; and if sufficient Distress 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 of the Goods or Chattels of such Person 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 to make such Distress, the Goods and Chattels of the said Person or Persons so neglecting or refusing to pay shall be subject and liable to such Distress and Sale in such other County, City, Liberty, or Place where the same shall be found, and may, by virtue of such Warrant and Certificate, be distrained in the same Manner as if the same had been found within the said Parish of *Mitcham*.

Goods may be distrained in any other County.

X. And be it further enacted, That every Warrant of Distress for Non-payment of any Rate or Assessment, Composition or Compositions, to be made by virtue of this Act, may include One or more Person or Persons; and shall be in Words or to the Effect following :

Form of Warrant of Distress.

‘ *Surrey,* } TO the Churchwardens, Overseers, and Collectors of the Poor  
 ‘ to wit. } Rates of the Parish of *Mitcham* in the County of *Surrey*,  
 ‘ and to all Constables, Beadles, and other Peace Officers of  
 ‘ the same Parish :

‘ **WHEREAS** the under-mentioned Persons, now or late Inhabitants,  
 ‘ Holders, Landlords, Tenants, Occupiers, or Enjoyers of Lands,  
 ‘ Houses Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, or  
 ‘ other Buildings, Tithes, Tenements, or Hereditaments, or Part of some  
 ‘ Building or Tenement, within the said Parish of *Mitcham*, were and are  
 ‘ truly rated and assessed, or liable to pay the Rate and Rates, or Composi-  
 ‘ tions, duly made for the Purpose of an Act made in the Fifty-sixth Year  
 ‘ of the Reign of King *George* the Third, intituled [*here set forth the Title*  
 ‘ *of the Act*]: And whereas it duly appears, upon Oath to  
 ‘ of His Majesty’s Justices of the Peace for the said County of *Surrey*,  
 ‘ that the said Persons have refused or neglected to pay the several Sums  
 ‘ of Money at and against their Names hereunto respectively set down,  
 ‘ due from them for or towards the Purposes in the said Act mentioned,  
 ‘ and



‘ and that the said several Sum and Sums are still remaining due, in  
 ‘ arrear, and unpaid ; and that the said several Persons have been duly  
 ‘ summoned to appear before \_\_\_\_\_ to answer the Premises, and  
 ‘ they, nor either of them, having shewn any sufficient Cause why such  
 ‘ Sum or Sums of Money should not be paid : These are therefore in His  
 ‘ Majesty’s Name to will and require you, or either of you, forthwith to  
 ‘ levy the said several Sums due from the said Persons, and hereunder  
 ‘ joined to or set against their Names respectively, by Distress and Sale of  
 ‘ their respective Goods and Chattels, (such Goods and Chattels being kept  
 ‘ for the Space of Five Days before the same are sold,) rendering to them  
 ‘ respectively the Overplus (if any), the reasonable Charges of such Distress,  
 ‘ Sale, and Keeping being first deducted ; and if no sufficient Distress  
 ‘ can be had or taken, that then you certify the same to  
 ‘ to the end such further Proceedings may be had therein as to the Law  
 ‘ doth appertain. And we do hereby strictly charge and command all and  
 ‘ singular the Constables and other His Majesty’s Peace Officers for the  
 ‘ said County, to be aiding and assisting in all Things relating to these  
 ‘ Premises. Given under \_\_\_\_\_ Hand and Seal, this  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ .’

	Sums due.	Costs.	Total.
	£ s. d.	£ s. d.	£ s. d.
‘ A. B. - - - - -			
‘ C. D. - - - - -			
‘ E. F. the Landlord for divided } ‘ Premises - - - - - }			
‘ G. H. Landlord [or Receiver, } ‘ as the Case may be], for Pre- } ‘ mises compounded for - - - }			

Justices may rectify Omissions in Rates.

XI. And be it further enacted, That if it shall appear to the said Churchwardens and Overseers, at any Time after making any Rate or Assessment, that the Name or Names of any Person or Persons liable to be included in such Rate or Assessment hath or have been omitted therein, or that the Sum or Sums which he, she, or they ought to have been assessed, have been omitted to be carried out, it shall be lawful for the said Churchwardens and Overseers, with the Privity of the Justices who shall have allowed such Rate or Rates, or either of them, or with the Consent of any other Justice or Justices of the Peace for the said County, to add or cause to be added to such Rate or Assessment the Name or Names of the Person or Persons so omitted, together with the Sum and Sums for which he, she, or they ought to be rated, and the Amount of such Rate or Assessment in respect thereof, and the Sum or Sums so omitted to be carried out ; and every Addition made to any of the said Rates shall be as valid and effectual in Law, to all Intents and Purposes, as if the same had been inserted in the Rate at the Time it was first made and allowed.

Inhabitants not rated not entitled to vote in Vestry.

XII. Provided always, and be it further enacted, That no Inhabitant of the said Parish, or other Person, shall be entitled to a Vote or Voice at or in any Vestry to be held for the said Parish, who shall not be actually rated or assessed for the Relief of the Poor of the said Parish, nor for or in respect of the Occupation of any House, Tenement, or Hereditament, of whatever annual Value the same may be, which shall be let to any weekly or monthly Tenant, or in separate Apartments, furnished or unfurnished,  
 nor



nor for or in respect of the Occupation of any House, Tenement, or Hereditament, the Rates or Assessments for which shall be compounded for under the Provisions of this Act; nor shall any Inhabitant of the said Parish, or other Person, be entitled to a Vote or Voice at or in any Vestry to be held for the said Parish, until he, she, or they shall have paid or tendered all and every the Rates and Assessments made as aforesaid upon him, her, or them, or for which he, she, or they shall be liable, provided the same have or hath been or shall be then and there lawfully demanded of him, her, or them.

XIII. And be it further enacted, That in all Actions, Prosecutions, Informations, Appeals, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said Parish shall be deemed incompetent to give Evidence, by reason of his or her being rated or assessed by virtue of this Act; any Law, Custom, or Usage to the contrary notwithstanding.

Inhabitants deemed competent Witnesses.

XIV. 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 Proceedings relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards 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 Restrictions as is by this Act hereinafter provided, touching any Action to be brought for or in respect of any Matter or Thing done by colour or in performance of this Act.

Parties making Distress not to be deemed Trespassers *ab initio*.

XV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any such Rate or Rates, Assessment or Assessments, or by reason 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 in pursuance thereof, then and in every such Case he, she, or they may appeal to the next General Quarter Sessions of the Peace to be holden for the said County of *Surrey*, which shall happen next after the Expiration of Fourteen Days after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Ten Days Notice at least of such Appeal, and of the Matter thereof, to the Party or Parties appealed against, and within Two Days next after such Notice entering into a Recognizance in the Sum of Twenty Pounds, before some Justice of the Peace for the said County, conditioned for prosecuting such Appeal, and to abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such General Quarter Sessions; and the said Justices assembled at such General Quarter Sessions, upon due Proof of such Notice being given, and of entering into such Recognizance, shall hear and determine the Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall think proper, and also to order and award such Satisfaction to be made to the Party injured as they shall think reasonable.

Persons aggrieved to appeal to the Quarter Sessions.

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XVI. Pro-



Sessions may  
amend Rates.

XVI. 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 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 other 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.

Form of  
Conviction.

XVII. 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 be in the Words or the Effect following:

‘ Surrey, } **BE** it remembered, That on the Day of  
‘ to wit. } in the Year of our Lord *A. B.* is convicted  
‘ before of His Majesty’s Justices of the Peace for the  
‘ County of *Surrey*, for that he the said *A. B.* did on Day of  
‘ in the Year of our Lord contrary to an Act  
‘ made in the Fifty-sixth Year of King *George* the Third, 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.’

Proceedings  
not to be re-  
moved by  
Certiorari.

XVIII. And be it further enacted, That no Order, Judgment, Conviction, or other Proceeding, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*; any Law or Statute to the contrary in anywise notwithstanding.

Limitation  
of Actions.

XIX. And be it further enacted, That no Action or Suit shall be brought or commenced against any Person or Persons for any thing done under colour of or in pursuance of this Act, but within Three Calendar Months after the Fact shall have been committed, out of which the Cause of such Action shall have arisen; 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 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, Twenty-one 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 the 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 and may 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 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 of and by 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 Twenty-one 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 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, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases in Law.

General  
Issue to be  
pleaded.

XX. And be it further enacted, That all Costs, Charges, 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 out of the first Monies which shall arise or be collected out of any Rate or Assessment made or to be made for the Relief and Maintenance of the Poor of the said Parish of *Mitcham*.

Costs of Act  
how to be  
defrayed.

XXI. 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.

Public Act.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1828.

