



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 9.

An Act for better assessing and collecting the Poor and other Rates in the Parish of *Saint Saviour*, in the Borough of *Southwark*, in the County of *Surrey*, and regulating the Poor thereof.

[21st March 1808.]

WHEREAS the Poor within the Parish of *Saint Saviour*, in the Borough of *Southwark*, in the County of *Surrey*, are very numerous, and are maintained and supported 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 said Parish are let to occasional Occupiers, and also let out in Parcels to Under Tenants, and to Lodgers in separate Apartments both furnished and unfurnished, and others are let at small Yearly Rents : 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 indutrious 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 and collecting of such Rates, and for better maintaining and regulating the Poor thereof: 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 present

[*Loc. & Per.*]

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Declaring
that Persons
letting
Houses in se-
parate Apart-
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shall be deem-
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piers, and
compellable
to pay the
Rates.

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

Landlords
not to be
rated for re-
served Rent.

sent Parliament assembled, and by the Authority of the same, That the Landlord or Landlords, Owner or Owners of all and every House, Tenement, or other Premises within the said Parish, which is, are, or shall be let in Parcels or separate Apartments, or in Lodgings furnished or unfurnished, shall be deemed and taken to be the Occupier or Occupiers thereof, and shall be rated to and shall pay the several Rates and Assessments for the Relief and Maintenance of the Poor, and all other the Parochial Rates of the said Parish.

II. And be it further enacted, That when the yearly Rent or Value of any House, Tenement, or Hereditament within the said Parish shall not exceed Twenty Pounds, or where any House, Tenement or Hereditament shall be let to any Weekly or Monthly Tenants, or in separate Apartments furnished or unfurnished, and the Rents thereof shall become payable and be collected at any shorter Period than quarterly, then and in every such Case it shall and may be lawful to and for the Churchwardens and Overseers of the Poor, or the major Part of them in Vestry assembled (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 the Rate or Rates, Assessment or Assessments for the Relief and Maintenance of the Poor, and all other the Parochial Rates of the said Parish, at such a reduced yearly Rental as the said Churchwardens and Overseers of the Poor or the major Part of them for that Purpose in Vestry assembled, 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 Rack Rent at which the same respectively shall then be let, or of the annual Value of the said Premises respectively; and the Landlord or Landlords, Owner or Owners of all such Houses, Tenements, or Hereditaments, as shall not exceed the yearly Rent of Twenty Pounds, or as shall be let to any Weekly or Monthly Tenants, or in separate Apartments furnished or unfurnished, and from whence the several Rents thereof shall become due and be collected at any shorter Period than Quarterly, 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 so assembled; and in case such Landlord or Landlords, Owner or Owners shall refuse to enter into such Composition, he, she, or they shall from thenceforth be deemed and taken to be the Occupier or Occupiers of such Premises, and shall thereupon be rated to and from Time to Time shall pay or cause to be paid the Rates or Assessments charged upon their respective Premises for the Relief of the Poor, and all other the Parochial Rates of the said Parish, according to a fair and equal Assessment by the said Churchwardens and Overseers of the Poor or the major Part of them so assembled; and upon Non-payment 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 the Landlord or Landlords, Owner or Owners of the respective Premises aforesaid where-soever they may be found, or of the Person or Persons inhabiting the same 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 several Occupiers of such Premises; and provided, also that the Goods and Chattels of all and every Person or Persons renting or occupying any such House, Tenement, or Hereditament,

reditament, or any Part or Parts thereof, the Rate or Rates, Assessment or Assessments whereof the Landlord or Landlords, Owner or Owners is and are hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment of so much of the said Rates or Assessments, and of all Arrears thereof as became due upon the said Premises during the Time of his, her, or their Occupancy only; but no such Occupier or Occupiers shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners of the Premises so occupied by him, her, or them; provided also, that each and every Occupier who shall pay any such Rate or Rates, Assessment or Assessments, or any Arrears thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the same from the Rent due and payable from him, her, or them, to the respective Landlords or Owners of the Premises (unless there shall be some Agreement to the contrary between the Landlord and Tenant) and the Receipt for such Payment shall be a sufficient Discharge to such Occupier and Occupiers, and 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; provided also, that no such Tenant or Occupier, by Payment of any such Rate or Rates, Assessment or Assessments in Manner aforesaid, or which shall have been compounded for as aforesaid, shall be deemed to acquire any Settlement in the said Parish, but in every such Case the Landlord or Owner of the Premises shall be deemed and construed to have paid the same, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

III. And be it further enacted, That in case any Person or Persons shall remove out of or from, or quit the Possession of any House, Shop, Building, Tenement, or other Premises, before such Rate or Rates, Assessment or Assessments charged thereon respectively shall be paid and discharged, or if any Person or Persons shall enter into the Occupation of any House, Shop, Building, Tenement, or other Premises in the said Parish, out of or from which any other Person or Persons shall have so removed, before such Rate or Rates, Assessment or Assessments, shall have been paid and discharged, then and in every such Case the Person or Persons so removing out of or from, or quitting the Possession of, and the Person or Persons entering into the Occupation of any such House, Shop, Building, Tenement, or other Premises, shall be respectively subject and liable to the Payment of all such Rates and Assessments in proportion to the Time that such Persons respectively possessed or occupied the same, in the same Manner as if the Person or Persons so removing or quitting as aforesaid had remained in the Possession or Occupation of such House, Shop, Building, Tenement, or other Premises, or the Person or Persons so entering into the Possession or Occupation thereof respectively, had been originally rated and assessed to such Rates or Assessments or any of them, and such Proportion shall be ascertained by the Churchwardens and Overseers of the Poor of the said Parish; and in case of any Dispute respecting the Amount or Proportion thereof, the same shall be settled by any Two or more of His Majesty's Justices of the Peace in and for the said County of Surrey.

How Rates may be collected from Parties removing.

Rates to be
levied in
Manner di-
rected by
43 Eliz. c. 2.

IV. And be it further enacted, That such Rates or Assessments for the Relief of the Poor shall and may be levied and recovered in such Manner as the several Rates and Assessments made for the Relief of the Poor, by virtue of an Act made in the Forty-third Year of the Reign of Queen Elizabeth, intituled, *An Act for the Relief of the Poor*, can or may be levied and recovered.

Certain Acts
not to be
affected.

22 & 23 Car. 2.
c. 28.

28 G. 2. c. 23.

30 G. 2. c. 31.

14 G. 3. c. 75.

V. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to repeal, vary, alter, or affect any of the Clauses, Provisions, Directions, Matters, or Things contained in an Act made in the Twenty-second and Twenty-third Year of the Reign of King Charles the Second, intituled, *An Act for making the Manor of Paris Garden a Parish, and to enable the Parishioners of Saint Saviour's, Southwark, to raise a Maintenance for Ministers, and for Repair of their Church*, or to repeal, vary, alter, or affect any Clauses, Provisions, Directions, Matters, or Things contained in an Act made in the Twenty-eighth Year of the Reign of King George the Second, intituled, *An Act to enable the Churchwardens, Overseers, and Inhabitants of the Parish of Saint Saviour, in the Borough of Southwark, in the County of Surrey, to hold a Market within the said Parish, not interfering with the High Street in the said Borough*; or to repeal, vary, alter, or affect any Clauses, Provisions, Directions, Matters, or Things contained in a certain other Act made in the Thirtieth Year of the Reign of King George the Second, intituled, *An Act to explain, amend, and render more effectual an Act. passed in the Twenty-eighth Year of His present Majesty, intituled, 'An Act to enable the Churchwardens, Overseers, and Inhabitants of the Parish of Saint Saviour, in the Borough of Southwark, in the County of Surrey, to hold a Market within the said Parish, not interfering with the High Street in the said Borough*; or to repeal, vary, alter, or affect any of the Clauses, Provisions, Directions, Matters, or Things contained in an Act made in the Fourteenth Year of the Reign of His Majesty King George the Third, intituled, *An Act for enlarging the present or providing a new Workhouse for the Use of the Parish of Saint Saviour, Southwark; and for regulating the Poor in such Workhouse, for widening King Street at the Entrance into the High Street, Southwark, for making a Carriageway from the said High Street through the Greyhound Inn into Queen Street; and for improving the Passage from thence into Gravel Lane leading towards the Blackfriars Bridge Road in the Parish of Christ Church*; but such several Acts, and all and every the Clauses, Provisions, Directions, Matters, and Things therein contained, shall be as good, valid, and effectual, and have the same Force and Effect as if this Act had not been made.

Paupers to be
removed by
Beadles in-
stead of
Overseers.

VI. And be it further enacted, That whenever any poor Person or Persons, or any Vagrant or Vagrants, shall be ordered to be removed from the said Parish of Saint Saviour to the Place or Parish of his, her, or their legal Settlement, it shall be lawful for the said Churchwardens and Overseers of the Poor (if they shall think fit) to cause such poor Person or Persons, Vagrant or Vagrants, to be respectively removed, in the usual Manner of removing Paupers or Vagrants, by a Beadle or some Person or Persons to be appointed by the said Churchwardens and Overseers of the Poor or any Two or more of them for that Purpose, by Writing under their Hands; and every Overseer and other proper Officer of the Parish or Place to which such poor Person or Persons, Vagrant or Vagrants, shall be ordered to be removed

removed as aforesaid, is hereby required to receive every such poor Person or Persons, Vagrant or Vagrants, in like Manner as he or they would have been bound to do if such poor Person or Persons, Vagrant or Vagrants, had been delivered to him, her, or them, by One of the Overseers of the Poor of the said Parish of *Saint Saviour*, any Law, Custom, or Usage to the contrary notwithstanding.

VII. And be it further enacted, That it shall and may be lawful to and for the Churchwardens, Overseers of the Poor, and Inhabitants of the said Parish assembled in Vestry, or the major Part of them so assembled, from Time to Time, as often as they may find necessary, to employ any Surveyor or Surveyors, or other competent Person or Persons to estimate and ascertain the annual Value of all or any House or Houses, or Hereditaments liable to be assessed to any Rate for the Relief or Maintenance of the Poor, they the said Churchwardens and Overseers of the Poor paying out of the Poor's Rates such Sum and Sums of Money to such Surveyor or Surveyors for his or their Trouble therein, as to the said Churchwardens and Overseers shall seem just and reasonable: Provided always, that no Person shall be capable of acting as a Surveyor as aforesaid, until he shall have taken and subscribed the Oath following before the said Churchwardens and Overseers, (which Oath they or any One or more of them are hereby empowered to administer):

And for the more effectually assessing the Poor and other Parochial Rates within the Parish.

I *A. B.* do swear, That I will truly, impartially, and honestly execute the Trust reposed in me as a Surveyor, by virtue of an Act, passed in the Forty-eighth Year of His Majesty King *George the Third*, intituled, *An Act for better assessing and collecting the Poor and other Rates in the Parish of Saint Saviour, in the Borough of Southwark, in the County of Surrey, and regulating the Poor thereof, without Favour or Affection, Prejudice or Malice to any Person whomsoever.*

So help me GOD.

VIII. And be it further enacted, That when and as often as any Distress shall be made for Non-payment of any such Rate or Rates, Assessment or Assessments, or any Part thereof, it shall and may be lawful to and for the Person or Persons making such Distress to raise and levy the reasonable Charges of making such Distress, and selling and disposing of the same, upon the Goods and Chattels, over and above the Sum of Money due upon the Rate or Rates, Assessment or Assessments for which such Distress shall be taken.

Expence of making Distresses to be paid with the Rates.

IX. And be it further enacted, That where any such 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 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: Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, unless Notice in Writing shall have been given to the Defendant or Defendants, or to his, her, or their Attorney or Attornies, or left at his, her, or their last or usual Place of Abode Twenty-one Days before such Action shall be commenced,

Parties making Distress not to be deemed Trespassers.

Parties not to recover unless Notice of Action shall have been given.

[*Loc. & Per.*]

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menced, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in 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 every or any such Irregularity, Trespass, or wrongful Proceeding 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 depend, at any Time before Issue joined, to pay into the Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Order and Judgement 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.

Proceedings
not to be
quashed for
Want of
Form.

X. And be it further enacted, That no Rate or Rates, Assessment or Assessments, nor any Proceedings to be had touching 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.

If dissatisfied
may appeal to
the Quarter
Sessions

XI. Provided always, and be it 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, Judgement, or Determination of any Justice or Justices of the Peace acting in 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 or Quarter Sessions of the Peace to be holden for the 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 or Quarter Sessions; and the said Justices assembled at such General or 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.

Justices may
relieve on Ap-
peal against
Rates without
quashing the
whole Asses-
ment.

XII. Provided always, and be it enacted, That on 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 other Persons mentioned in the same; but if upon Appeal from the whole Rate or Assessment, it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made.

Inhabitants
may be Wit-
nesses.

XIII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the

the Execution of this Act, no Inhabitant of the said Parish shall be deemed an incompetent Witness on account of his, her, or their being charged with and liable to pay any such Rate or Assessment.

XIV. 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 pursuance of this Act after Six Months after the Fact committed or the Cause of such Action shall have arisen; and every such Action shall be laid and brought in the County of *Surrey*, and not elsewhere, and the Defendant or Defendants in such Action or Actions to be brought, 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 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 or tendered 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 upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement 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 by Law.

XV. 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 by virtue of this Act.

XVI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices and others, without being specially pleaded.

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