



ANNO PRIMO

# GULIELMI IV. REGIS.

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## *Cap. xxi.*

An Act for the better assessing and recovering of the Rates for the Relief of the Poor, and of the Ecclesiastical or Church Rates, upon small Tenements within the Parish of *Liverpool* in the County Palatine of *Lancaster*.

[30th *March* 1831.]

**W**HEREAS the Parish of *Liverpool* in the County Palatine of *Lancaster* is large and populous, and the Poor belonging thereunto are very numerous: And whereas the Number of small Tenements within the said Parish is very great; and the Rates for the Relief of the Poor and the Ecclesiastical or Church Rates of the said Parish, imposed in respect of such Tenements, cannot be collected, by reason of the Insufficiency of the Laws relating thereto: 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 Parliament assembled, and by the Authority of the same, That where any House, Building, Office, Apartment, or Tenement within the said Parish shall be rated or assessed at a yearly Value not exceeding the Sum of Twelve Pounds, the immediate Lessor, Landlord, or Owner, or the Person receiving or authorized to receive the Rents thereof, either on his own Account or as the Agent of any other Person or of any Body Corporate, or the Mortgagee receiving the Rents of any such House, Building, Office, Apartment, or Tenement, shall from and after

[*Local.*]

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the

Owners of Tenements assessed at not exceeding 12*l.* to pay the Poor and Church Rates.



the passing of this Act be rated and assessed to and shall pay the Rates or Assessments for the Relief of the Poor and the Ecclesiastical or Church Rates of the said Parish, for and in respect of such House, Building, Office, Apartment, or Tenement, instead of the Occupier thereof.

Where Conveyances are made to evade the Rates, the Owner to continue liable.

II. And be it enacted, That if any such Lessor, Landlord, Owner, or Mortgagee before the passing of this Act shall have made, or hereafter shall make, any Demise, Conveyance, or Transfer of any such House, Building, Office, Apartment, or Tenement to any Person, for the Purpose of evading or eluding the Payment of any Rate or Assessment intended or directed to be made by this Act, it shall be lawful for any Justice of the Peace of the Borough of *Liverpool*, either before or after the Allowance of such Rate or Assessment, to summon before him, or before any other Justice of the Peace of the said Borough, such Lessor, Landlord, Owner, or Mortgagee, and to inquire in a summary Manner into the Circumstances of the said Demise, Conveyance, or Transfer, and notwithstanding the same, if he shall so think fit, to order and direct, by Writing under his Hand, that the Name of the Lessor, Landlord, Owner, or Mortgagee so making such Demise, Conveyance, or Transfer shall be inserted in the Rate Book or Books of the said Parish as the actual immediate Lessor, Landlord, Owner, or Mortgagee of such House, Building, Office, Apartment, or Tenement, within the Meaning of this Act.

Power to compound for Rates.

III. Provided always, and be it enacted, That where the Lessor, Landlord, or Owner, or the Person receiving or authorized to receive the Rents, or the Mortgagee receiving the Rents, of any such House, Building, Office, Apartment, or Tenement, shall be rated or assessed as aforesaid, it shall be lawful for the Churchwardens and Overseers of the Poor of the said Parish, or any Two of them, in case of Rates for the Relief of the Poor, or for the said Churchwardens only in case of Ecclesiastical or Church Rates, if they respectively shall think fit, upon the Application of any such Lessor, Landlord, or Owner, or of any such Person receiving or authorized to receive such Rents, or of any such Mortgagee, within the Space of Three Calendar Months next after the Publication of any Rate, to compound with him for the Payment of the Rates or Assessments directed to be made by this Act, at such reduced yearly Proportion or Amount as the said Churchwardens and Overseers, or any Two of them, in case of Rates for the Relief of the Poor, or as the said Churchwardens only in case of Ecclesiastical or Church Rates, shall respectively think reasonable, such reduced Proportion or Amount not being less than One Half of the annual Value of such House, Building, Office, Apartment, or Tenement, according to the Assessment or Rate thereof for the Time being, and from Time to Time to alter, discontinue, or renew any of such Compositions; and all such Compositions shall be entered in the Book or Books of Rates of the said Churchwardens and Overseers: Provided also, that if such Lessor, Landlord, or Owner, or the Person receiving or authorized to receive the Rents, or the Mortgagee receiving the Rents, shall not make such Application to compound as aforesaid, or the same shall fail of Effect, and he shall, within the Space of Three



Calendar Months next after the Publication of such Rate or Assessment, tender to any Person lawfully authorized to receive the same Two Third Parts of the Amount of any Rate then due from him under this Act, it shall be lawful for such Person so authorized as aforesaid, and he is hereby required, to accept and receive the same in full for the whole Amount of the Rate in respect whereof such Tender shall have been made.

IV. And be it further enacted, That if any Person who shall be rated or assessed to the Payment of any of the Rates or Assessments directed by this Act to be made shall make it appear to the Satisfaction of any Five Members of the Select Vestry of the said Parish, of whom One Churchwarden and One Overseer shall be Two, that he is unable through Poverty to pay the Amount of the Rate or Assessment so made upon him, it shall be lawful for such Five Select Vestrymen to order and direct that such Person shall be wholly excused from the Payment of such Rate or Assessment or from such proportionate Part thereof as to them may seem proper; and the Sum at which such Person may have been so rated or assessed, or such proportionate Part of the same from the Payment of which such Person may be so excused as aforesaid, shall not be collected, nor shall any Person be charged therewith or in any Manner called upon or liable to account for the same; and such Excuse, and the Cause thereof, and the Date when allowed, shall be entered in the Rate Book, and the Entry thereof shall be signed by the said Five Select Vestrymen who shall have made such Order as aforesaid: Provided always, that nothing in this Act contained shall extend to alter, affect, or determine the Liability of any Tenant or Occupier of any such House, Building, Office, Apartment, or Tenement as aforesaid, to his Lessor or Landlord, with regard to the Burthen of any Rates for the Relief of the Poor, or Church or Ecclesiastical Rates, or to prevent such Lessor or Landlord from suing such Tenant or Occupier upon any Covenant, Contract, or Agreement made or to be made as to such Rates.

Power to  
remit Rates.

V. And be it enacted, That where any Rate, Assessment, or Composition directed or authorized to be made by this Act shall remain unpaid for the Space of Six Calendar Months after the same respectively shall have become due, and the Person by this Act made liable to the Payment of such Rate, Assessment, or Composition shall not be a resident Householder within the said Parish, it shall be lawful for the Churchwardens and Overseers of the said Parish for the Time being in case of Rates for the Relief of the Poor, and for the said Churchwardens only in case of Ecclesiastical or Church Rates, whether the said Rate, Assessment, or Composition shall have become due in their own Time or in the Time of their Predecessors, to bring an Action of Debt for the same, against any such Person so made liable as aforesaid, in any of His Majesty's superior Courts of Record, or in the Court of Passage for the Borough of *Liverpool*, in which said Action it shall be sufficient for the said Churchwardens and Overseers, in case of Rates for the Relief of the Poor, to sue by the Name and Description of "The Churchwardens and Overseers of the Parish of *Liverpool*," and for the Churchwardens only, in

Owner, not  
being a resi-  
dent House-  
holder, made  
liable to  
Action of  
Debt for  
Rates.



Rate Books  
to be Evi-  
dence.

Twenty-one  
Days Notice  
to be given  
before Action  
commenced.

in case of Ecclesiastical or Church Rates, to sue by the Name and Description of "The Churchwardens of the Parish of *Liverpool*," and to declare that the Defendant is indebted to the Plaintiffs for certain Rates or Assessments, or for a certain Composition for Rates or Assessments, as the Case may be; and upon the Trial of any such Action the Book or Books of Rates of the said Churchwardens and Overseers, or of the said Churchwardens only if they shall have a separate Book or Books for Ecclesiastical or Church Rates, or examined Copies of any such Books respectively, shall be received as Evidence of the Rates or Assessments and of the Compositions directed or authorized to be made by this Act: Provided always, that before any such Action shall be commenced, a Notice, signed by a Churchwarden or an Overseer of the Poor, or an Assistant Overseer of the Poor of the said Parish in case of Rates for the Relief of the Poor, or by One Churchwarden of the said Parish in case of Ecclesiastical or Church Rates, shall be left at the Dwelling House or last known Place of Abode of the Person so made liable as aforesaid, which said Notice shall state that Rates for the Relief of the Poor, or Ecclesiastical or Church Rates, as the Case may be, are due from such Person so made liable as aforesaid, and that at the Expiration of Twenty-one Days from the Delivery of the said Notice an Action at Law will be commenced for the Recovery of such Rates, unless the same shall in the meantime be discharged: Provided also, that no Action of Debt shall be commenced against any of the People called *Quakers*, for or in respect of any Ecclesiastical or Church Rate directed to be made by this Act, but the same shall be levied and recovered by virtue of this Act by Warrant of Distress and Sale under the Hand and Seal of a Justice of the Peace of the said Borough, which Warrant of Distress may include One or more Person or Persons.

Occupiers  
Goods made  
liable to the  
Rates to the  
Extent of  
Rent due by  
them.

VI. And be it enacted, That where any such Lessor, Landlord, or Owner, or Person receiving or authorized to receive the Rents, or Mortgagee receiving the Rents, of any such House, Building, Office, Apartment, or Tenement within the said Parish, shall be rated or assessed as aforesaid, the Person renting or occupying the same respectively shall and may, at the Discretion of the said Churchwardens and Overseers, or of any Two of them, or in case of Ecclesiastical or Church Rates at the Discretion of the said Churchwardens, be called upon and required to pay such Rate or Assessment, or any Composition for the same, made as aforesaid; and in case of Non-payment thereof by such Person so renting or occupying as aforesaid, the Goods and Chattels of such Person shall be liable to be seized, distrained, and sold for such Nonpayment, as if such Person so renting or occupying had been rated or assessed in such Rate or Assessment, or had himself compounded for such Rate or Assessment: Provided always, that no such Person so renting or occupying as aforesaid shall be called upon or required to pay, nor shall his Goods and Chattels be seized or distrained upon, for any greater Sum than the Amount of the Rent actually due by such Person for and in respect of the House, Building, Office, Apartment, or Tenement which shall be so rated or assessed as aforesaid, at the Time of such Requisition to pay, or of such Seizure and Distress respectively: Provided



Provided nevertheless, that no Action of Debt shall be brought against any such Person so renting or occupying as aforesaid, for any Rate or Assessment or Composition directed or authorized to be made by this Act.

VII. And be it enacted, That every Person so renting or occupying as aforesaid, who shall be required to pay and shall pay the Amount of such Rate or Assessment or Composition as aforesaid, or upon whose Goods and Chattels the said Amount shall have been levied as aforesaid, may deduct the same from the Rent then due or thereafter to become due by him for the renting or occupying of the Premises in respect of which such Rate, Assessment, or Composition shall be made as aforesaid (unless there shall be some Agreement to the contrary between such Person and his Landlord or Lessor); and the Receipt of the Amount so paid or levied, by the Person lawfully authorized to receive the same, shall be a good and sufficient Discharge to the Person so renting or occupying as aforesaid, against his Lessor or Landlord, for the Amount in such Receipt mentioned; and the Receipt in Writing under the Hand of such Person so authorized as aforesaid shall, upon Proof of his Handwriting, be Evidence of such Receipt.

Occupier  
paying Rates  
may deduct  
them from  
the Rent.

VIII. And be it enacted, That where, upon the Request of the Person lawfully authorized to rate or assess or to assist in rating or assessing Tenements under this Act, the Tenant or Occupier of any such House, Building, Office, Apartment, or Tenement as aforesaid shall wilfully refuse or omit to disclose or make known, or shall wilfully mis-state to the Person so lawfully authorized as aforesaid, the Name of his immediate Lessor or Landlord, or of the Person receiving or authorized to receive the Rent of the same, it shall be lawful for any Justice of the Peace of the said Borough, upon Oath made before him of such Request and wilful Refusal or Omission or Mis-statement, to summon, by Writing under his Hand, the Person who shall have so wilfully refused or omitted or mis-stated as aforesaid, to appear at a Time and Place to be mentioned in such Summons before such Justice, or before some other Justice of the said Borough, and which Summons shall be served either by Delivery thereof to the Person summoned, or by leaving the same at his Dwelling House or usual Place of Abode; and if the Person so summoned shall neglect or refuse to attend at the Time and Place mentioned in such Summons, or if he shall attend and shall not show good and sufficient Cause to the Justice then present for such his wilful Refusal or Omission or Mis-statement, it shall be lawful for such Justice, upon Proof, in case of such Neglect or Refusal to attend as aforesaid, of the due Service of the said Summons, to commit the Person who shall have so wilfully refused or omitted as aforesaid, or shall have made such wilful Mis-statement as aforesaid, to the Borough Gaol of *Liverpool*, there to be kept without Bail or Mainprize, in the same Manner as Persons confined for Debt, for any Term not exceeding One Calendar Month, unless he shall sooner, upon Oath to be administered to him by some Justice of the said Borough, disclose or make known the Name of his immediate Lessor or Landlord, or of the Person receiving or authorized to receive such Rent as aforesaid.

Occupier  
compellable  
to disclose  
the true  
Name of  
Owner.

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IX. And



Rates made  
under this  
Act to be  
allowed, and  
collected, as  
similar Rates  
may be  
recovered.

**IX.** And be it enacted, That the Rates or Assessments directed to be made by this Act shall be allowed and published in like Manner and under the same Powers and Authorities as other Rates or Assessments made within the said Parish for the like Purposes are allowed and published; and the Rates, Assessments, and Compositions so directed or authorized to be made as aforesaid may be collected, levied, and recovered, and the Payment thereof enforced, in the like Manner as Rates for similar Purposes may by Law be collected, levied, and recovered, and the Payment thereof enforced; and all Persons acting in the Execution of this Act shall have the same Privileges and Indemnities as Persons acting in the Execution of the Laws made for any Purpose of the like Nature.

**X.** And be it further enacted, That every Warrant of Distress for the Nonpayment of any Rate or Assessment or Composition directed to be made by this Act may include One or more Person or Persons.

**XI.** And be it enacted, That no other or greater Sum or Sums shall be demanded or paid for the issuing or Service of any Summons, Warrant, or Order under and by virtue of this Act, than such as are fixed and set forth in the Schedule hereto annexed:

#### SCHEDULE of the LIMITATION of Costs.

	s.	d.
To the Clerk of the Justice for every Summons	2	0
To the Clerk of the Justice for every Information and Warrant of Distress	4	0
For every Name in such Warrant exceeding One	0	6
Man in Possession, <i>per</i> Day	2	6

Appeal.

**XII.** And be it enacted, That the Rates or Assessments directed to be made by this Act may be appealed against in like Manner as other similar Rates: Provided nevertheless, that any Person aggrieved by any such Rate or Assessment may, if he shall think proper, appeal in the first instance to the Select Vestry of the said Parish, who shall hear such Appeal, and determine the Matter thereof, and make such Order therein, and deal with the Matter in such Manner as the Justices of the General or Quarter Sessions of the Peace may do in the Case of like Appeals; and the Determination, Order, or Decision of such Select Vestry shall be binding and conclusive, unless the Person aggrieved thereby shall, within the Space of Seven Days next after such Determination, Order, or Decision, give Notice, in Writing, of Appeal therefrom to the next General or Quarter Sessions of the Peace to be held not less than Ten Days after the making of such Determination, Order, or Decision; and in case of such last-mentioned Appeal, the Justices of the Peace then present shall hear such last-mentioned Appeal, and shall deal with and determine the same in the same Manner as if the Party aggrieved had in the first instance appealed to the General or Quarter Sessions of the Peace: And provided also, that in case any such Lessor, Landlord, or Owner, or Person receiving or authorized to receive such Rents as aforesaid, shall be rated or assessed in respect of any such House, Building, Office,



Office, Apartment, or Tenement as aforesaid, and shall appeal against such Rate or Assessment, either to the Select Vestry or to the General or Quarter Sessions of the Peace, and shall thereby seek to increase the Assessment of such House, Building, Office, Apartment, or Tenement, so as to throw the Burden of the Rates thereof upon the Person renting or occupying the same; or if the Person so renting or occupying the same shall be rated or assessed to the Rates in respect of the same, and shall appeal against such Rate or Assessment, either to the Select Vestry or to the General or Quarter Sessions of the Peace, and shall thereby seek to lessen and diminish the Assessment of such House, Building, Office, Apartment, or Tenement, so as to throw the Burden of the Rates thereof upon his Lessor, Landlord, or Owner, or the Person receiving or authorized to receive the Rents thereof as aforesaid; in either of such Cases the said Select Vestry, or the Justices of the Peace to whom the hearing of such Appeal would belong, shall not hear such Appeal until satisfactory Proof shall be given before them that the Person so renting or occupying, or the said Landlord, Lessor, or Owner, or the Person receiving or authorized to receive the Rents as aforesaid, (as the Case may be,) had Ten Days Notice in Writing of such Appeal, either by the Service thereof upon him, or by the leaving and Delivery thereof at his usual or last Place of Abode.

XIII. And be it further enacted, That the Book or Books of Rates of the said Churchwardens and Overseers, and the Index or Indexes of such Book or Books respectively, shall, between the Hours of Ten and Twelve of the Clock in the Morning of every Day except *Sunday*, be open for the Inspection of any Person rated or assessed or liable to be rated or assessed for the Relief of the Poor or for the Ecclesiastical or Church Rates in the said Parish, without Fee or Reward; and such Person so rated or assessed or liable as aforesaid may take Copies of or Extracts from such Books respectively without Fee or Reward; and in case the Person having the Care of such Books or of such Indexes respectively shall refuse to permit such Person so rated or assessed as aforesaid, or so liable as aforesaid, to inspect the same, or to take such Copies or Extracts as aforesaid, such Person so refusing as aforesaid shall forfeit and pay the Sum of Ten Pounds for every such Offence, to be recovered in a summary Manner by Information upon Oath or Affirmation before a Justice of the Peace of the said Borough, and by Warrant of Distress and Sale under the Hand of such Justice; and which said Penalty, when levied, shall be applied to the Use of the Poor of the said Parish; and for the more convenient Reference to such Rate Book or Rate Books by the Person so rated or assessed or so liable as aforesaid, an Index shall be kept in alphabetical Order of the Names of the Persons rated or assessed under this Act.

Rate Book  
and Index to  
be open to  
Inspection.

Penalty for  
Refusal.

XIV. And be it further enacted, That in this Act the Words "Mortgagee receiving the Rents" shall be understood to include as well a Mortgagee as any other Description of Incumbrancer in Possession, and also any Number of Mortgagees or Incumbrancers in Possession; and the Words "Lessor," "Landlord," "Owner," "Person receiving or authorized to receive Rents," and "Person renting or occupying,"

Construction  
of Act.



occupying," shall be understood to include any Number of Lessors, Landlords, Owners, Persons receiving or authorized to receive Rents, and Persons renting or occupying, and any Number of Females as well as Males, and Bodies Corporate as well as Individuals.

Costs of Act  
how to be  
defrayed.

XV. And be it enacted, That the Costs, Charges, and Expences of obtaining this Act shall be paid and discharged out of the Rates for the Relief of the Poor of the said Parish.

Public Act.

XVI. And be it 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.

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