



ANNO QUINTO

GULIELMI IV. REGIS.

Cap. v.

An Act for better assessing and collecting the
Poor and other Rates in the Parish of *Barking* in
the County of *Essex*. [12th June 1835.]

WHEREAS the Parish of *Barking* in the County of *Essex* 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 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 Landlord, Owner, or Lessor of every House, Building, Tenement, or Hereditament within the said Parish of *Barking* the yearly Rent or Value whereof respectively shall not amount to Ten Pounds, or which, whatever the yearly Rent or Value may be, shall be

Owners of
Houses let
for less than
10l. a Year, or
furnished, or
in separate
let

[Local.]

F f

let

Apartments,
to be rated.

let for a less Period than One Year, 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, 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 and every of the Parochial Rates of the said Parish, for or in respect of such Houses, Buildings, Tenements, or Hereditaments respectively, instead of the actual Occupier or Occupiers thereof; and upon Nonpayment of the Sum or Sums so to be assessed the same shall and may be levied upon and the Payment thereof be enforced against such Landlord, Owner, or Lessor so to be rated and assessed, and his and their Goods and Chattels, in like Manner as other Rates of the like Nature may by Law be levied and recovered, and the Payment thereof enforced upon and against any actual Occupier on whom the same are charged.

Landlord, &c.
to be rated
on a reduced
Rental of not
less than
One Half of
the actual
Rent.

II. Provided always, and be it further enacted, That in all Cases where any Landlord, Owner, or Lessor shall, in respect of any such House, Building, Tenement, or Hereditament as aforesaid, be rated or assessed for the same in pursuance of this Act, the Rates or Assessments in respect of the same shall be upon a reduced Rental of not less than One Half of the full Rack Rent or annual Value of such House, Building, Tenement, or Hereditament, instead of upon the full Rack Rent or annual Value thereof.

Landlords,
&c. may com-
pound.

III. Provided also, and be it further enacted, That it shall be lawful for the Inhabitants of the said Parish in Vestry assembled to compound, if they shall think proper, with the Landlord or Landlords, Owner or Owners, Lessor or Lessors of any such House, Building, Tenement, or Hereditament as aforesaid, for the Payment of the said Rates or Assessments, at such a reduced Rental as the said Inhabitants of the said Parish in Vestry assembled shall think reasonable, and to vary, discontinue, and renew such Composition from Time to Time as they shall think expedient, so that no such House, Building, Tenement, or Hereditament be rated at less than One Third of the actual Rent at which the same shall be let, or of the annual Value of such House, Building, Tenement, or Hereditament, and that the Composition Money be paid and payable whether the same be occupied or not.

Goods of
Occupier
liable to be
distrained.

IV. 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 Hereditament whereof the Landlord or Landlords, Owner or Owners, Lessor or Lessors, is and are by this Act made liable and subject to pay the said Rates and Assessments as aforesaid, shall be liable at all Times to be distrained and sold for Payment of so much of the said Rates or Assessments, or of any Compositions for the same, and of all Arrears thereof, as shall be due in respect of the same 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 any greater Sum for or towards the Discharge of any such Rate or Assessment, or Composition or Arrears, than the Amount of the Rent actually due by such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners, Lessor or Lessors of the Premises so occupied by him, her, or them respectively at the Time when the said Rate shall be made or demanded: Provided also, that each

and every such Occupier who shall pay any such Rate or Assessment, or Composition, or Arrears, or any Part thereof, or upon whose Goods and Chattels the same shall be levied, shall and may from Time to Time deduct the Amount of such Rate or Assessment or Money which shall be so paid and levied from the Rent then due, or at any Time thereafter to become due from him, her, or them to the respective Landlord or Landlords, Owner or Owners, Lessor or Lessors of the Premises, and the Receipt for or Evidence of such Payment shall be a good and sufficient Discharge to such Occupier or Occupiers against his, her, or their Landlord or Landlords, Owner or Owners, Lessor or Lessors, for so much Money as he, she, or they shall have paid in the Manner directed by this Act, or shall have sustained the Loss of by reason of any Distress made under this Act.

Occupier may deduct the Amount of Rates paid from his Rent.

V. And in order to prevent Disputes touching the Designation of Landlord, Owner, or Lessor 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 Rent of every House, Building, Tenement, or Hereditament, immediately payable by the Tenants or Occupiers thereof respectively, shall be deemed and taken to be the Landlord, Owner, or Lessor of the same for the Purposes of this Act, and continue to be rated and liable to the Payment of all and every such Rates as aforesaid until some other Person or Persons shall be rated to and pay the same, unless the real Landlord, Owner, or Lessor shall declare himself to the Inhabitants in Vestry assembled.

Persons receiving Rents to be deemed Owners.

VI. Provided also, and be it further enacted, That every Person receiving or claiming the Rent of any such House, Building, Tenement, or Hereditament, for the Use of any Corporation Aggregate, or of any Landlord, Owner, or Lessor who shall be a Minor, under Coverture, or insane, or for the Use of any Person who shall not be usually resident within Five Miles from the said Parish, shall for the Purposes of this Act be deemed and taken to be and shall be rateable as the Owner thereof.

Collector of Rents to be deemed the Owner in certain Cases.

VII. And be it further enacted, That every Person to be rated as the Landlord, Owner, or Lessor of any such House, Building, Tenement, or Hereditament as aforesaid, who shall think himself or herself aggrieved by any such Rate, shall have such and the like Remedy by Appeal against the same as any other Person thereby rated; and every Person so rated shall be entitled to be present and vote in Vestry, in like Manner as the Inhabitants of the said Parish.

Power for Persons rated to appeal.

VIII. And be it further enacted, That nothing in this Act contained shall extend to alter, affect, or make void any Covenant, Contract, or Agreement between Landlord and Tenant relating to the Payment of any Rates or Assessments within the said Parish.

Not to affect Agreements between Landlords and Tenants.

IX. And be it further enacted, That in case any Person or Persons charged with any Poor or other Parochial Rate or Rates made or to be made within and for the said Parish, after the passing of this Act, shall refuse or neglect, after Demand made by the Collector or Collectors for the Time being, to pay the Money rated or assessed upon him, her, or them

Manner of levying Rates.

them respectively, and all Arrears thereof, then and in every such Case it shall be lawful for any One of His Majesty's Justices of the Peace for the said County of *Essex*, and he is hereby authorized and required, by Writing under his Hand (on Oath being made before such Justice by the Collector for the Time being of his having attended at the Place of Abode of each and every such Person having so refused or neglected to pay as aforesaid), to summon every such Person and Persons so charged, and who shall have so refused or neglected to pay as aforesaid, to appear at the Time and Place to be mentioned in such Summons, before such Justice, or before any Justice or Justices of the Peace for the same County, who shall then and there be present; and it shall be lawful for any Person or Persons appointed to collect and receive such Rates, or for any other Person, to serve all and every such Summons and Summonses upon all and every Person or Persons so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last or usual Place or Places of Abode, or at or on the Premises for or in respect whereof the Rate or Rates 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 do or shall attend, and shall not show good Cause to such Justice or Justices, either that he, she, or they is or are not chargeable with such Rate or Rates, or that he, she, or they is or are, on account of his, her, or their Poverty, unable to pay the same, then and in every such Case the Person or Persons who shall have been so summoned shall pay, as well such Rate or Rates, as the reasonable Costs and Charges of such Summons; and in all Cases where the said Rate or Rates, Costs and Charges, shall not be paid upon the Return of such Summons, it shall be lawful for the Justice who shall have issued such Summons, or for any other Justice of the Peace for the said County, and he is hereby authorized and required, on Oath being made before him of the due Service of such Summons as aforesaid, to grant a Warrant under his Hand and Seal, authorizing and directing any Collector or Collectors of such Rate or Rates, or any Constable or Constables, Headborough or Beadle of the said Parish, to levy such Rate or Rates, and all Arrears thereof, and the Expences of the Summons and of the Warrant, by Distress of the Goods and Chattels of the Person or Persons so refusing or neglecting; and if within Five Days next after any Distress shall be made the said Rate or Rates, with all Arrears due thereon, shall not be paid, together with such Costs and Expences as aforesaid, and the Costs and Charges of taking and keeping the same, then it shall be lawful for the Collector, or the Constable, Headborough, or Beadle, or other Person authorized by the said Warrant to cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering to the Person or Persons the Overplus (if any), after deducting the said Rates and all Arrears thereof, and the reasonable Costs and Charges attending such Appraisalment and Sale, which Costs and Charges, in case of Dispute, shall be settled and ascertained by One of His Majesty's Justices of the Peace in and for the said County; and in default of such Distress it shall be lawful for any Justice or Justices to commit such Person or Persons to the Common Gaol or Prison for Debtors for the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have

have been found to be due and in arrear upon all or any such Rate or Rates as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and determined by such Justice or Justices respectively.

X. And be it further enacted, That every Warrant of Distress authorized or directed to be made by virtue of this Act may include One or more Persons, and One or more Rates or Assessments, and shall or may be in the Words or to the Effect following; (that is to say,)

Form of
Warrant of
Distress.

‘ Essex } To One of the Collectors
‘ to wit. } of the Rates or Assessments for the Parish of *Barking*, and
‘ to all Constables, Headboroughs, Beadles, and Peace Officers
‘ in the County aforesaid :

‘ **WHEREAS** the under-mentioned Person, [*or Persons, if more than*
‘ *One,*] now or late an Inhabitant, Owner, Landlord, Lessor, or Occu-
‘ pier [*or Inhabitants, Owners, Landlords, Lessors, or Occupiers, if more than*
‘ *One*] of a 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*] liable to the Payment of the Sum [*or Sums*] of
‘ Money set opposite to his [*her or their*] Name [*or respective Names*]
‘ hereunder written, by virtue of a Rate [*or Rates*] duly made under or
‘ by virtue of an Act passed in the Fifth Year of the Reign of His Majesty
‘ King *William* the Fourth, intituled [*here set forth the Title of this Act*]:
‘ And whereas the said Person [*or Persons*] hath [*or have*] refused or
‘ neglected to pay the Sum [*or the respective Sums*] set at or opposite
‘ his [*her or their*] Name [*or Names*] hereunder written, due from him
‘ [*her or them*] by virtue of such Rate [*or Rates*]; and the said Sum [*or*
‘ *several Sum and Sums of Money*] is [*or are*] still remaining due and
‘ owing, as appeareth upon Oath to One of His Majesty’s Justices of the
‘ Peace in and for the said County; and the said Person [*or several Per-*
‘ *sons*] having been summoned to appear to answer the Premises, as
‘ also appeareth to me the said Justice on Oath, and the said Person [*or*
‘ *several Persons, or any of them,*] not having shown any sufficient Cause
‘ why such Sum [*or Sums*] of Money should not be paid by him [*her or*
‘ *them respectively*]: Now 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 due from the said Person [*or several Per-*
‘ *sons*], and hereunder set opposite to his [*her or their*] Name [*or*
‘ *Names respectively*], and the Sum of [*according to the Amount of the*
‘ *Costs and Charges for the Summons and for the Warrant, or for either of*
‘ *them,*] for the Costs and Charges of the said Summons and of these
‘ Presents, by Distress and Sale of his [*her or their respective*] Goods
‘ and Chattels, such Goods and Chattels being kept for the Space of Five
‘ Days before the same are sold, rendering to him [*her or them re-*
‘ *spectively*] the Overplus, if any, on Demand, and the reasonable Charges
‘ of such Distress, and of any Removal, or keeping Possession, Appraise-
‘ ment, or Sale thereof, 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 further Proceedings may be had therein as to the 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
‘ [*Local.*] G g ‘ Premises.

' 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, Owner, or Lessor -			
' E. F., for a House let or offered to be let in separate Apartments - - -			
G. H., Landlord for Houses in compounded for - - - - -			

For paying
the Expences
of the Act.

XI. And be it further enacted, That all the Costs, Charges, and Expences of passing this Act, and all other Charges and Expences incident to or attending the obtaining thereof, or in any Manner relating thereto, shall be borne, paid, and defrayed out of the Monies received or to be received for the Relief of the Poor of the said Parish.

Public Act.

XII. 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.

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