



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 40.

An Act for amending and rendering more effectual an Act, passed in the Thirty-second Year of His present Majesty, for better paving, cleansing, and otherwise improving the Borough of *Boston* in the County of *Lincoln*. [23d May 1806.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act for better paving, cleansing, and otherwise improving the Borough of Boston, in the County of Lincoln*, whereby certain Persons were constituted and appointed Commissioners for putting the said Act in Execution, and towards defraying the Charges and Expences thereof, they were authorized and required to rate or assess the several Owners and Proprietors of Houses, Granaries, Corn Mills, and other Buildings, and Yards and Gardens contiguous to such Houses and Buildings, and of the Tythes and Lands within the said Borough, with such Sum of Money as they should think necessary, not exceeding One Shilling in the Pound of the annual Value of all such Houses, Granaries, Corn Mills, and other Buildings, and the Yards and Gardens contiguous to such Houses and Buildings, and also to rate and assess all Tythes, and also all Lands (not being such Yards and Gardens as aforesaid) within the said Borough of *Boston*, at so much in the Pound of such annual Value as should be equal to One-fourth Part of the Rate which for the Time being should be rated or assessed upon or in respect of the said Houses, Granaries, Corn Mills, and other Buildings as aforesaid, or as near thereto as conveniently might be: And

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whereas

whereas certain Persons, qualified as the said recited Act requires, have proceeded in the Execution of the said Act, and the Rates or Taxes aforesaid have been laid and raised, and duly applied; but the same being very inadequate to the Expences, of putting the said Act in Execution, the Commissioners in the Execution of the Powers given to them by the said Act have contracted Debts, and are now indebted in considerable Sums of Money, which cannot be paid off and discharged, nor can the Purposes of the said Act be effected, unless the said Rates are increased, and the said Act is altered and amended: 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, so much of the said Act, passed in the Thirty-second Year of the Reign of His present Majesty, as relates to the Amount of the Rate or Assessment to be laid in any One Year by the said Commissioners as aforesaid, and as in the said Act is more particularly mentioned, shall be and the same is hereby declared to be repealed; and instead thereof it is hereby enacted, that it shall be lawful for the said Commissioners from Time to Time to rate or assess the several Owners and Proprietors of Houses, Granaries, Corn Mills, and other Buildings, and Yards and Gardens contiguous to such Houses and Buildings, and of the Tythes and Lands within the said Borough, according to the annual Value of the same respectively, which Rates or Assessments shall be made and raised in the Manner and Proportions herein-after mentioned; (that is to say), all such Houses, Granaries, Corn Mills, and other Buildings, and the Yards and Gardens contiguous to such Houses and Buildings, shall be rated or assessed at any Sum not exceeding in any One Year Two Shillings in the Pound of such annual Value, and all Tythes, and also all Lands (not being such Yards and Gardens as aforesaid) within the said Borough of *Boston*, shall be rated or assessed at so much in the Pound of such annual Value as shall be equal to One-fourth Part of the Rate which for the Time being shall be rated or assessed upon or in respect of the said Houses, Granaries, Corn Mills, and other Buildings, and the Yards and Gardens contiguous to such Houses and Buildings as aforesaid, or as near thereto as conveniently may be; and the first Year for which such Rate or Assessment shall be made shall commence on and be computed from the Sixth Day of *July* now next ensuing, and shall be paid and payable by Four Payments; that is to say, on the Sixth Day of *July*, on the Eleventh Day of *October*, on the Sixth Day of *January*, and the Sixth Day of *April* in each Year; and that the said recited Act, and all the Powers, Provisions, and Directions therein contained, with respect to the Rates or Assessments thereby directed and authorized to be laid and raised, shall extend and apply and be applicable to the Rates and Assessments hereby directed and authorized to be raised, as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and hereby re-enacted, and as if the said last-mentioned Rates or Assessments had been directed and authorized to be laid and raised in and by the said recited Act; and the Rates or Assessments hereby directed to be laid and raised shall, after Payment of the Costs and Charges of obtaining and passing this Act, be applied and disposed of for the Purposes, and in the Manner in which the Rates or Assessments authorized to be levied by the said recited Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Limitations contained in the former Act with respect to the Amount of the annual Rates or Taxes repealed.

Directing the Amount of the Rates in future to be made by the Commissioners.

And

II. And whereas the following Streets are already laid out; *videlicet*, *Witham Street*, *Union Street*, *Witham Place*, *Bridge Street*, *Cheyney Street*, *New Street*, and a Street in *Walnut Tree Pasture*, extending from *Broadfield Lane* to *High Street*, and a certain other Street extending from a House in the Tenure of *Samuel Hill* in *Wide Bargate* to *Main Ridge*, and called *Pen Street*, and other Streets or Squares may be hereafter laid out within the said Borough, and Houses erected therein, and it would greatly tend to the Convenience and Benefit of the Owners and Persons who may happen to be the Occupiers of such Houses as have been or may be erected in the aforesaid new Streets; or which may be erected in any Street or Square hereafter to be made and laid out in the said Borough, as well as to the Accommodation of the Publick, if the Footpaths in such Streets were well and sufficiently flagged and paved, and put in good Order and Repair, and if the same were afterwards directed to be repaired, and kept in Repair, by and under the Management and Direction of the said Commissioners, as the other Streets, Lanes, and publick Passages and Places within the said Borough are by the said recited Act directed to be repaired; be it therefore enacted, That all and every Person or Persons who have or hath already laid out or shall hereafter lay out any new Street or Streets, Square or Squares, (which shall be of the Width of not less than Twenty-four Feet, and a Thoroughfare Carriage Road,) and the Owner or Proprietor for the Time being of each and every House, Warehouse, Shop, Cellar, Vault, Stable, Coach House, Brewhouse, Granary, Malthouse, or other Building already made or built; or which shall hereafter be made or built in any of the Streets already laid out, or in any new Street or Square, and the Owner or Proprietor of any vacant Piece of Ground fronting and forming Part of such Street or Square laid out or to be laid out as aforesaid, shall, at his, her, and their own Expence, flag and pave the whole Length of such Street or Square opposite and in front of their respective Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Granaries, Malthouses, or other Buildings and vacant Pieces of Ground, in such Manner and with such Materials as the said Commissioners or their Surveyor, or other Person or Persons to be appointed by them to superintend the said Work, shall order and direct; and in case the Owner or Proprietor of any such House, Warehouse, Shop, Cellar, Vault, Stable, Coach House, Brewhouse, Granary, Malthouse, or other Building or vacant Piece of Ground, shall neglect or refuse to make such Flagging and Pavement for the Space of Sixty Days after he or she shall have been thereunto required by the said Commissioners, such Owner or Proprietor so neglecting or refusing, shall pay to the said Commissioners the Sum of Two Shillings and Sixpence *per* Square Yard *per* Annum during Three Years, for all the Ground fronting such their respective Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Granaries, Malthouses, or other Buildings or vacant Pieces of Ground whereon such Flagging and Pavement was directed to be made, unless the same be sooner flagged and paved to the Satisfaction of the said Commissioners; such Sum to be recovered in the same Manner as the Rates under this and the said recited Act are authorized to be levied and recovered; and that in case such Flagging and Pavement as last aforesaid shall not be completed within the Time last mentioned, and such Sum and Sums of Money as last aforesaid shall have been received by the said Commissioners, they the said Commissioners shall and are hereby required to cause such Flagging and Pavement as last aforesaid to be properly made and laid down;

For paving
new Streets

down; and that when and so soon as the said new Flagging and Pavement of any Street or Square already laid out, or to be laid out as aforesaid, shall have been made and completed to the Satisfaction of the Commissioners, the Foot Pavement of such Street or Square shall for ever thereafter be the Property of, and from Time to Time be kept in Repair by the said Commissioners, as the Foot Pavement in all the other Streets, Lanes, and publick Passages and Places are, in and by the said recited Act, directed to be kept in Repair; but such Flagging and Pavement as last aforesaid shall be cleansed by the Owners or Occupiers of Estates, in the same Manner, and under the like Direction, Penalties, and Forfeitures, as the other Foot Pavements in the said Streets, Lanes, and publick Passages and Places, are in and by the said recited Act directed to be cleansed.

Persons laying out new Streets to make Foot Pavements, or pay a Sum of Money to the Commissioners for that Purpose.

III. And be it further enacted, That in case any Person or Persons hath or have already laid out, or shall hereafter lay out, within the said Borough, any Street, Lane, or Alley of a less Width than Twenty-four Feet, whether Thoroughfare or not (except the said Streets called *Witham Street*, *Union Street*, *Witham Place*, *Bridge Street*, *Cheyney Street*, *New Street*, a Street in *Wainut Tree Pasture*; extending from *Broadfield Lane* to *High Street* and *Pen Street*;) such Person or Persons shall, at his or their own Expence, make the Foot Pavement in such Manner as shall be directed by the said Commissioners, on pain of paying the Sum of Two Shillings and Sixpence *per Square Yard per Annum*, during Three Years, for all the Ground fronting their respective Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Granaries, Malhouses, or other Buildings or vacant Pieces of Ground, unless the same be sooner paved to the Satisfaction of the said Commissioners; such Sum to be recovered as any other Penalty or Forfeiture under this Act or the said recited Act may be recovered, and to be applied by the said Commissioners for the Purpose of paving such new Street, Lane, or Alley, as last mentioned.

Commissioners empowered to remove Cellar Doors opening on the Pavements;

if made 20 Years, at the Expence of the Commissioners; if less than 20 Years, at the Expence of the Proprietors.

IV. And whereas there are within the said Borough several Doors of Houses, Vaults, Cellars, or other Buildings opening in or upon the Footways of, Streets, Squares, Lanes, Passages, or other publick Places, which Doors are very inconvenient and dangerous to the Publick; be it therefore further enacted, That the said Commissioners shall and may and they are hereby required to cause to be removed, altered, or reformed in any such Way as to them shall appear most beneficial to the Publick, the Door or Doors of any Vault or Cellar which shall at any Time heretofore have been made or which shall hereafter be made to open in or upon the Footway of any Street, Lane, Passage, or publick Place within the said Borough: Provided always, that if such Door or Doors have been made so to open by the Space of Twenty Years before the passing of this Act, then the Charges and Expences of removing, altering, or reforming the same, shall be borne by the said Commissioners; but if such Door or Doors shall have been made within the said Twenty Years, or after the passing of this Act, then the Charges and Expences of removing, altering, or reforming the same, shall be borne by the Owners or Proprietors of such Houses, Buildings, Vaults, or Cellars, such Charges and Expences being in the first Instance defrayed by the Tenant or Occupier thereof, who is hereby required to pay the same, and who shall and may deduct and retain such Charges and Expences, or such Part thereof as the said Commissioners

Commissioners shall judge reasonable, out of his or her Rent; and in default of such Payment as last aforesaid, it shall be lawful for the said Commissioners to levy the same by Distress and Sale of the Goods and Chattels of the Party so refusing; and the Owner, Proprietor, or Landlord of such House, Building, Vault, or Cellar, is hereby required to allow the same accordingly: Provided, that no Door or Doors of any Vault or Cellar made before the passing of this Act shall be removed, altered, or reformed by virtue of or under this Act, without the Authority of Eleven Commissioners.

V. And whereas great Inconvenience is in many Cases sustained by Rain Water falling from the Roofs of Houses and other Buildings upon the several Footways within the said Borough, and upon Persons passing thereon; be it further enacted, That the Surveyor for the Time being to the said Commissioners, or any other Person to be appointed by them for that Purpose, shall, within One Calendar Month after the passing of this Act, and from Time to Time when directed by the said Commissioners, view all the Houses and other Buildings within the Streets, Squares, Lanes, and other publick Passages and Places within the said Borough, and shall give Notice in Writing to the several Owners or Occupiers of such Houses and other Buildings, that they are required to make or cause to be made, within One Calendar Month then next ensuing, sufficient Spouts to be affixed to the Eaves and the Sides of such Houses and other Buildings, for the Purpose of carrying off such Rain Water, and for conveying the same to the Ground, and also Drains or Pipes for conveying the same from thence under the Foot Pavement, and such Spouts, Drains, and Pipes from Time to Time duly to repair in such Manner as the said Commissioners shall from Time to Time direct and appoint; and in case such Owners or Occupiers, or any of them, shall not have affixed such sufficient Spouts within One Calendar Month after such Notice, or shall not from Time to Time duly repair the same, then it shall, and may be lawful for the said Commissioners, at their next Meeting, to order such Spouts to be so affixed or duly repaired, and to add the Expence thereof to the next Rate charged by virtue of this or the said recited Act upon the Owner or Occupier of such House or Buildings respectively; and all such Occupiers being Tenants at Rack Rent shall have Liberty, and they are hereby authorized and empowered to deduct and retain out of their respective Rents such Sums of Money as they shall respectively pay as aforesaid for and on Behalf of their respective Landlords, and all such Landlords are hereby respectively required to allow such Deductions upon Receipt of the Remainder of their respective Rents.

Directing
Spouts to be
put up to
prevent Eave
Droppings.

VI. And be it further enacted, That all and every Person or Persons who hath or have laid out, or shall hereafter lay out any new Street or Streets or Square as aforesaid, and the Owner or Proprietor for the Time being of each and every House, Warehouse, Shop, Cellar, Vault, Stable, Coach House, Brewhouse, Granary, Malt House, or other Building already made or built, or which shall hereafter be made or built in any new Street or Square, and the Owner or Proprietor of any vacant Piece of Ground fronting and forming Part of such new Street or Square laid out or to be laid out as aforesaid, shall pave with Pebble the Carriage Road the whole Length and Half the Breadth of such new Street or Square, and make Drains, Gutters, and Watercourses for conveying the Water to, off, and from such new Street or Square, in such Manner and with

Persons lay-
ing out new
Streets to
make Pebble
Pavements.

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such

such Materials as the said Commissioners or their Surveyor, or other Person or Persons to be appointed by them to superintend the said Work, shall order and direct; and in case the Owner or Proprietor of any House, Warehouse, Shop, Cellar, Vault, Coach House, Brewhouse, Granary, Malthouse, or other Building and vacant Piece of Ground, shall, for the Space of Six Months after Notice in Writing given to him, her, or them, by Five of the said Commissioners, under their Hands for that Purpose, neglect or refuse to make the Pebble Pavement of the Carriage Road of such new Street or Streets or Square, and such Drains, Gutters, and Watercourses in Manner aforesaid, such Owner or Proprietor so neglecting or refusing shall pay to the said Commissioners the Sum of Two Shillings and Sixpence *per Square Yard per Annum*, during Three Years, for every Part of the Ground whereon such Pebble Pavement shall be directed to be made; and the Sum of Two Shillings and Sixpence *per running Yard*, for such Drains, Gutters, and Watercourses, *per Annum*, during Three Years, (in proportion to the Extent of their respective Premises,) which front such new Street or Streets or Square, such Sum to be recovered in such Manner as the Rates under this and the said recited Act are authorized to be levied and recovered; and in case such Pebble Pavement as last aforesaid shall not be completed within the Time last mentioned, and such Sum and Sums of Money as last aforesaid, shall have been received by the said Commissioners, they the said Commissioners shall and are hereby required to cause such Pebble Pavement in such Street or Square as last aforesaid to be properly made and done; and that when and so soon as the said Pebble Paving of the Carriage Road of any Street or Square already laid out, or to be laid out as aforesaid, shall have been made and completed to the Satisfaction of the said Commissioners, the Carriage Road and Roads of such Street or Square, and also the Drains, Gutters, and Watercourses therein, shall for ever thereafter be the Property of, and from Time to Time be kept in Repair and cleansed by the said Commissioners, as the Carriage Roads, Drains, Gutters, and Watercourses in all other Streets, Lanes, and publick Passages and Places, are in and by the said recited Act directed to be kept in Repair and cleansed.

Persons making the Pebble Pavement at their own Expence, to be reimbursed Three-fourths of the Expence.

VII. And be it further enacted, That if any Person or Persons shall, at his and their own Charges and Expences, make the Pebble Pavement of the Carriage Road in any of the new Streets aforesaid, or in any Street or Square hereafter to be laid out in the said Borough, and the Drains, Gutters, and Watercourses, in such Manner and with such Materials as the said Commissioners or their Surveyor, or other Person or Persons to be appointed by the said Commissioners to superintend the said Work, shall order and direct, it shall be lawful for the said Commissioners, and they are hereby required, after the Pebble Pavement of the Carriage Road in any of the new Streets aforesaid, or in any Street or Square hereafter to be laid out as aforesaid, and such Drains, Gutters, and Watercourses shall have been completed to the Satisfaction of the said Commissioners, in the first Place, out of the Monies to be raised and levied under or by virtue of the said recited Act or this Act, upon the Owners or Occupiers of the Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Granaries, Malthouses, and other Buildings erected or to be erected in such new Street or Streets as aforesaid, or in any Street or Square hereafter to be laid out, and vacant Pieces of Ground as aforesaid, to repay and discharge Three-fourth Parts of the Sum and Sums of Money which such

such Person or Persons shall have actually laid out and expended in making the Pebble Pavement of the Carriage Road in such new Street or Streets or Square, and such Drains, Gutters, and Watercourses as aforesaid, to such Person or Persons respectively, together with lawful Interest for the same, from the Time that the Pebble Pavement of such new Street or Streets or Square, and such Drains, Gutters, and Watercourses as aforesaid shall have been completed to the Satisfaction of the said Commissioners.

VIII. And be it further enacted, That in case any Question or Dispute shall arise relative to which Street or Square any House or Building, or Ground, is or shall be situate or lying in, such Question or Dispute shall be determined by the said Commissioners, not interested in the Matter in Dispute, whose Decision shall be final and binding upon all Parties concerned.

Disputes respecting the Situation of Houses to be settled by the Commissioners.

IX. And be it further enacted, That it shall be lawful for the said Commissioners, with the Concurrence and Consent of the Persons next herein-after mentioned, and they are hereby empowered, at any Time or Times from and after the passing of this Act, to stop up any old Road or Roads, publick Passage or Passages, Lane or Lanes, within the said Borough; which shall be deemed useless or unnecessary for the publick Convenience, and to sell, or otherwise dispose of all or any Part or Parts of any such old Road or Roads, publick Passage or Passages, Lane or Lanes, and all or any of the Materials thereof, and all or any Part or Parts of the Land or Ground over which such old Road or Roads, publick Passage or Passages, Lane or Lanes, shall extend, to any Person or Persons willing to purchase the same; and that all Monies to be raised by such Sale or Sales shall be considered as Part of the general Fund, applicable to the Purposes by this and the said recited Act declared: Provided always, that no such Road, publick Passage, or Lane shall be stopped up, without the Consent of Two Justices of the Peace acting in and for the said Borough, and of every Owner or Proprietor of Lands adjoining such Road, publick Passage, or Lane, and also without the Consent of the Majority of the Inhabitants of the said Parish of *Boston*, present at a publick Vestry, to be called in the usual Manner, to take into Consideration the Expediency of stopping up any such Road, Passage, and Lane, such Consent to be signified to the said Commissioners in Writing, by every such Owner or Proprietor, and by the Majority, in Writing, of the Inhabitants assembled at such Vestry as aforesaid.

Power to Commissioners to stop up old Roads with Consent of Two Justices and the Inhabitants.

X. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by the stopping up of any such old Road, publick Passage, or Lane as aforesaid, he, she, or they may appeal to any General Quarter Sessions of the Peace, to be holden for the Parts of *Holland* in the County of *Lincoln*, within Six Months next after the stopping up of such old Road, Passage, or Lane, such Appellant or Appellants first giving Ten Days Notice at least, in Writing, of his, her, or their Intention to bring such Appeal, to the Clerk or Treasurer to the said Commissioners, and, within Six Days after such Notice, entering into a Recognizance before some Justice of the Peace for the Borough of *Boston*, or Parts of *Holland* aforesaid, with a sufficient Surety conditioned to try such Appeal, and abide by the Order of the Court,

Parties dissatisfied may appeal to Quarter Sessions.

Court, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive.

For removing
Annoyances.

XI. And, for the more effectually preventing Annoyances and Obstructions in the several Streets, Squares, Lanes, publick Passages, or Places within the said Borough, be it further enacted, That if any Waggon, Cart, or other Carriage shall be left or remain in any of the said Streets, Squares, Lanes, or other publick Passages and Places, with or without Horses or other Cattle, for any longer Time than shall be necessary for the loading or unloading thereof (unless for the necessary Repairs in Cases of Accident); or if any Stage Coach, Post Chaise, or other Carriage let to hire, shall be left to stand or remain in any such Street, Square, Lane, Passage, or Place with or without Horses, for any longer Time than shall be necessary for taking up or setting down the Passengers, or for loading or unloading the Baggage or Goods (except in such of the said Streets, Squares, Lanes, and other publick Passages or Places as the said Commissioners shall from Time to Time, and within such Hours, appoint, and which they are hereby authorized to do accordingly); or if any Coals, Timber, Bricks, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize, Materials, or other Things whatsoever, shall be laid or placed, and left to remain in any of the said Streets, Squares, Lanes, or other publick Passages or Places for any longer Time than shall be necessary for removing or housing the same, and, if in the Night Time, without a sufficient Light being found and provided, to prevent Mischief happening to Passengers and Carriages; or if any Ashes, Rubbish, Dust, or Dirt, shall be thrown, cast, or laid, or any Clothes or Woollen or Linen Articles of any Description, shall be hung out or exposed to be dried, or any other Nuisance or Annoyance shall be made, done, or committed in any of the said Streets, Squares, Lanes, or other publick Passages or Places (except as aforesaid), and suffered to remain for any longer Time than shall be necessary for the Purpose of removing the same, and, if in the Night Time, without a sufficient Light being found and provided to prevent Mischief happening to Passengers and Carriages, then and in every such Case the Owner or Driver of every such Carriage, and the Owner or Owners of every such Horse, and the Owner or Owners of every such Coals, Timber, Bricks, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize, Materials, or other Things which shall be left or suffered to remain as aforesaid, and the Person who shall throw, cast, or lay any Ashes, Rubbish, Dust, Dirt, or expose any such Articles as aforesaid, or commit any other Nuisance or Annoyance, shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings; and any One or more of the said Commissioners, or any of their Officers, shall and may, either by Day or by Night, seize or cause to be seized any Waggon, Cart, Stage Coach, Post Chaise, or other Carriage so placed or suffered to stand or continue contrary to the true Meaning of this Act, together with the Horse or Horses thereunto belonging or affixed (if any), or the Coals, Timber, Bricks, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize,

chandize, Materials, or other Things so laid and placed as aforesaid, and remove the same, or cause the same to be removed to any Pound within the said Borough or the Liberties thereof, or to such other Place or Places as shall be appointed for that Purpose by the said Commissioners, or any Five or more of them, there to be kept and detained until the Owner or Owners thereof, or his or their known Servant or Servants shall claim the same, and pay to the Person or Persons in whose Custody the same shall be, any Sum not exceeding Five Shillings, together with the Charges of removing and keeping the same; and in case the same shall not be claimed, and the Penalty and Charges paid within the Space of Six Days next after such Seizure, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to cause the same to be appraised and sold, and the said Penalties, when so recovered, shall be applied to the same Uses and Purposes as the Monies arising from the Rates or Assessments are hereby directed to be applied: Provided, that in case there shall be any Money remaining after the said Penalty shall have been deducted, and the Costs and Expences of keeping, appraising, and selling any Chaise, Coach, Waggon, Cart, or other Carriage, or any Horse, Cattle, Goods, Wares, Merchandize, or other Materials, herein-before made liable to be appraised and sold, shall have been paid, such Surplus Money shall be paid on Demand to the Owner or Owners of the Property which shall be so appraised and sold as aforesaid.

XII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to cause all or any of the Streets, Squares, Lanes, publick Passages, and Places flagged or paved under the Authority of the said recited Act and this Act, to be watered when they shall think proper, and for that Purpose to cause such Number of Wells and Pumps to be dug, sunk, and made in any of the said Streets, Squares, Lanes, publick Passages and Places, as they shall think necessary, and from Time to Time to alter and repair the same as there shall be Occasion, and to defray the Expences thereof out of the Monies to be raised by virtue of the said recited Act or this Act: Provided that no such Well or Pump shall be sunk or made so as to injure any House or other Building in, or any Vault or Cellar under any of the said Streets, Squares, Lanes, or other publick Passages or Places.

Authorizing
Commissioners to water
Streets.

XIII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for executing the said recited Act and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase

Application of
Compensation
Money when
amounting to
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or

or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the Meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less than 200l. and exceeding 20l.

XIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, with the Privy and in the Name of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners for executing the said recited Act and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

XV. Provided

XV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Act and this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where less than 20l.

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or this Act, for the Purposes of the said recited Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery on the Application of any Person or Persons making Claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way, of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the publick Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank.

XVII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of the said recited Act or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or for any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Act and this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall

Respecting disputed Titles.

shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of
Chancery to
direct the
Payment of
Expences

XVIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Act and this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or the said recited Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Party Walls
to be Nine
Inches thick
to the Top of
the Roof.

XIX. And whereas, for the better preventing Damage by Fire within the said Borough, it is by the said recited Act enacted, that no House or other Building shall be erected or built adjoining to any other House or Houses, Building or Buildings, unless the End or Side of such new House or other Building which shall adjoin any such other House or Building shall consist of a Party or Division Wall of Brick or Stone of the Thickness of Nine Inches: And whereas several Houses and Buildings have lately been erected and built in the said Borough, the Party or Division Walls of which have only been carried up to the Height of the Timbers or Plates on which the Roofs are supported, by reason of which great Danger may arise in Cases of Fire; be it therefore further enacted, That the Ends of every House or other Building which shall hereafter be erected or built in the said Borough, whether adjoining or not to any other House or Houses, Building or Buildings, shall consist of a Party or Division Wall of Brick or Stone of the Thickness of Nine Inches at the least, and be carried up to the Top of the Roof of such new House or other Building; and every Person erecting or causing to be erected any House or other Building contrary to the Directions of this Act, and every Person inhabiting such House or Building, shall be subject and liable to the same Penalties and Forfeitures as are imposed and enacted in the said recited Act, for erecting, building, or inhabiting any House or Building which may be thatched with Straw, and the Party or Division Wall of which is of a less Thickness than Nine Inches.

XX. And

XX. And be it further enacted, That no Houses or Buildings shall hereafter be erected within the said Borough, opposite to, or in front of each other, so as to form or make a Street, Lane, or Passage between the same, of a less Breadth or Width than Ten Feet.

No Street or Lane to be of less Breadth than Ten Feet.

XXI. And be it further enacted, That before any House or Building, or any Wall on new or old Foundations, or on Foundations partly new and partly old, within the said Borough, (and which House, Building, or Wall, shall be subject to any Rule or Regulation contained in the said recited Act or this Act,) shall, after the passing of this Act be begun to be built or rebuilt, the Master Workman or other Person causing such House, Building, or Wall, to be built or rebuilt, shall give Twenty-four Hours Notice thereof, in Writing, to the Surveyor appointed by the said Commissioners; and such Surveyor shall view the said House, Building, or Wall, and see that all the Rules and Regulations in the said recited Act and this Act respectively contained are well and truly observed; and if any Person shall after the passing of this Act begin any such House, Building, or Wall, or presume to cut into any Wall now built, or to be hereafter built, under the Authority or in compliance with the Directions of this Act, without first giving such Notice as aforesaid to the said Surveyor, or shall refuse such Surveyor Admittance from Time to Time, at reasonable Hours, for the Purpose of viewing the same, then every Person so neglecting to give such Notice, or so refusing such Admittance, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and also every such House, Building, or Wall, so begun to be built or rebuilt, without such Notice having been given, or without Admittance having been given or granted to such Surveyor as aforesaid, in case the same be not built or rebuilt in every respect agreeably to the Regulations of the said recited Act and of this Act respectively, shall be demolished or amended by Order of any Two Justices of the Peace for the said Borough, by the Builder and Owner, or such One of them as the said Justices shall require, which Order the said Justices are hereby empowered to make, within Two Calendar Months after the House, Building, or Wall, shall be finished; and for Disobedience to any such Order, the Party disobeying may be proceeded against by Indictment, in the same Manner as if such Order had been an Order of the Court of Quarter Session of the Peace.

For preventing building contrary to the Provisions of the former Act and this Act.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to order and direct the several Houses, Shops, Warehouses, and Buildings, in the several Streets, Squares, Lanes, publick Passages and Places of the Borough aforesaid, or which shall hereafter be erected within the said Borough, or any of them, to be numbered with Figures placed or painted on the Door of every such House, Shop, Warehouse, or Building, or such other Part thereof as the said Commissioners shall think proper; and if any Person shall wilfully destroy, obliterate, or deface any such Number, Figure, Name, or Description, or any Part thereof, or cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, to be recovered in the same Manner as any other Penalty is by the said recited Act authorized to be recovered, and to be applied to and for the Purposes of the said recited Act and this Act.

Power for Commissioners to number the Doors, etc.

[Loc. & Per.]

§ 5

XXIII. And

Penalty on
Owners not
restoring
Numbers.

XXIII. And be it further enacted, That when any such Number or Numbers painted or put on any House, Tenement, or other Premises within the said Borough, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House, Tenement, or other Premises, where the Number or Numbers shall have been so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Tenement, or other Premises, signed by the Clerk to the said Commissioners, cause the same Number or Numbers to be in the same or like Manner painted or put on such House, Tenement, or other Premises, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Ten Shillings, to be recovered and applied in the same Manner as the Penalty last-mentioned is directed to be recovered and applied.

Penalty on
Persons da-
maging the
Pavement by
excessive
Loads.

XXIV. And whereas the Pavement of several of the Streets and Lanes, and other publick Passages and Places within the said Borough, is greatly injured by the Practice of carrying excessive Loads of Corn, Grain, and other heavy Atticles, from the several Wharfs, Sluices, and other Places near to the said Town of *Boston*, upon, over, and along the same, in Waggon and Carts, the Fellies of the Wheels of which are of less Breadth than Six Inches; and for the Preservation of the said Pavement in future, be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, take, drive, convey, or carry in any Waggon, Cart, or other Carriage, the Fellies of the Wheels of which shall be of less Breadth than Six Inches, upon, over, or along the Pavement of any of the said Streets, Lanes, or other publick Passages or Places within the said Borough, more than the following Quantities of Corn or Grain, in any One Waggon, Cart, Dray, or other Carriage, at the same Time; (that is to say), of Oats more than Eighteen Quarters; of Barley more than Twelve Quarters; of Beans more than Ten Quarters; of Malt more than Fourteen Quarters; of Wheat more than Ten Quarters; of Rape Seed more than Ten Quarters; every Person or Persons so offending, or the Owner or Owners of every such Waggon, Cart, or other Carriage, shall forfeit and pay for the First Offence any Sum not exceeding Forty Shillings, and for the Second and every other Offence not exceeding the Sum of Five Pounds, to be levied and recovered in such and the like Manner as any Penalty imposed by the said recited Act or this Act is authorized to be recovered, and to be applied for the Purposes of this Act.

How the Ex-
pences of the
Act are to be
paid.

XXV. And be it further enacted, That all Monies which shall be advanced and paid by any Person or Persons whomsoever, for the Fees and other Expences of obtaining and passing this Act, shall be in the First Place repaid and satisfied by the said Commissioners, with lawful Interest for the same, out of the First Monies to be raised or received by them by virtue of the said recited Act and this Act.

Extending
the Provisions
of the former
Act to this
Act.

XXVI. And be it further enacted, That the said recited Act, passed in the Thirty-second Year of the Reign of His present Majesty, and all the Powers, Provisions, Penalties, Exemptions, Matters, and Things therein contained,

contained, and not hereby altered or repealed, shall be of full Force and Effect, and extend to this Act, and to the several Taxes, Rates, Assessments, Matters, and Things hereby granted or authorized to be laid and imposed, and hereby enacted, and be executed with this Act as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and re-enacted.

XXVII. And be it further enacted, That all and every the Penalties and Forfeitures by the said recited Act or this Act imposed or incurred, for the Recovery whereof no other Mode is directed by the said recited Act or this Act, shall on the Conviction of the Offender or Offenders by or before any Justice of the Peace for the said Borough, upon his own View, upon the Confession of the Party accused, or upon the Oath of One Witness, be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and the Overplus of the Money (if any) arising by such Distress and Sale shall be returned to such Offender on Demand, the Costs and Charges of the Distress and Sale being first deducted; and all such Penalties and Forfeitures when recovered shall, if not by the said recited Act or this Act directed to be otherwise applied, be paid to the Treasurer of the said Commissioners, and be applied by them to such of the Purposes of the said recited Act and this Act, as they the said Commissioners shall think fit; or in case it shall be made appear to such Justice, by the Oath of One Witness, or by the Confession of the Offender or Offenders, that such Offender or Offenders hath or have not any Goods or Chattels within the said Borough, whereof the Penalty or Forfeiture, and the Charges of levying the same can be levied and raised, or in case, after such Warrant of Distress hath been issued, no sufficient Distress can be found, then it shall be lawful for such Justice, (and in case of a Warrant of Distress issued, and no sufficient Distress found, for any other Justice of the Peace for the said Borough,) if such Penalty or Forfeiture shall not have been paid, by Warrant under his Hand and Seal to commit such Offender or Offenders to the Common Gaol or House of Correction of and for the said Borough, there to be kept to hard Labour without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid: Provided always, that no Objection shall be allowed to the Competency of any Person to be a Witness to prove any Offence against this or the said recited Act, or other Matter or Thing relating thereto, or to the Punishment of the Offender, on the Ground of such Witness being a Free Man, or Free Burgeis of the said Borough, or other Member of the Corporation of the Mayor and Burgeses of the said Borough, or an Officer appointed under the Authority of this or the said recited Act.

The Mode of Recovery and Application of Penalties and Forfeitures under the former Act and this Act.

XXVIII. 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. Publick Act.

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