



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 41.

An Act for amending and rendering more effectual an Act, passed in the Sixteenth Year of His present Majesty, for lighting and watching the Streets, Lanes, and other publick Passages and Places within the Borough of *Boston*, in the County of *Lincoln*, and for removing and preventing Nuisances therein.

[23d May 1806.]

WHEREAS an Act was passed in the Sixteenth Year of the Reign of His present Majesty, intituled, *An Act for lighting and watching the Streets, Lanes, and other publick Passages and Places within the Borough of Boston, in the County of Lincoln, and for removing and preventing Nuisances, Annoyances, and Obstructions therein*; whereby certain Commissioners were appointed for putting the same in Execution, and were empowered, for the Purposes in the said Act mentioned, to assess, rate, and tax all and every Person and Persons who should inhabit, hold, use, or occupy any House, Shop, Warehouse, Granary, Coach House, Stable, Cellar, Vault, Building, Garden, Court Yard, or Tenement (except such as in the said Act is excepted) which then was or thereafter should be situate in any of the Streets, Lanes, or other publick Passages or Places

[*Loc. & Per.*]

Places within a certain Part of the said Borough to be lighted or watched by virtue of the said Act, with any Sum not exceeding One Shilling in the Pound in any one Year of the yearly Rent or Value of such Houses, Shops, Warehouses, Granaries, Coach Houses, Stables, Cellars, Vaults, Buildings, Gardens, Court Yards, or Tenements: And whereas the said Commissioners have proceeded in the Execution of the said Act, and it hath been found that the said Rate or Assessment of One Shilling in the Pound is very inadequate to defraying the Expences of lighting and watching the said Town in a fit and proper Manner, and for the removing of Nuisances therein; and it is necessary that the Number of Watchmen and Lamps now employed and used should be increased: And whereas the said Commissioners are by the said recited Act restricted from lighting or watching, or rating, assessing, or taxing any of the Occupiers or Inhabitants of the several Houses, Buildings, and Places within the Borough aforesaid, on the East Side of the River *Witham* or Haven there, which were or should be more to the East than a House and Garden then in the Tenure of Mr. Alderman *Abbott*, situate in *Wide Bargate*; as also which were or should be more to the North than the common Pound, situate at the End of *Wide Bargate* aforesaid; as also which were or should be more to the North or West than a House situate in *Wormgate*, then in the Tenure of Widow *Sharp*, and known by the Sign of the *Peacock*; as also which were or should be more to the South than a House then in the Tenure of Mr. *Joseph Wharfe*, situate in *South End*; as also the several Houses, Buildings, and Places on the West Side of the said River *Witham* or Haven there, which were or should be more to the South than a House then in the Tenure of Mr. *John Darwin*, situate in *Goat Street*; as also which were or should be more to the West than the House then in Tenure of Mr. *Edward Dickinson*, situate in *Furthend Lane*; as also which were or should be more to the North than a Brewhouse then in Tenure of Mr. *Samuel Thompson* and the Scite of *Irby Hall*: And whereas since the passing of the said Act new Streets have been laid out in the said Borough, and Houses of considerable Value have been erected and are now building, and many other Houses and Buildings are proposed and intended to be built therein, and it is expedient to extend the said Act to all Parts of the said Borough; but the Rate directed by the said Act to be assessed for defraying the Expence of lighting and watching having been found insufficient for the Purpose, and the Powers given to the said Commissioners not being sufficiently extensive, it is necessary to repeal certain Parts of the said Act, and to make some Alterations and Amendments in other Parts thereof, and to lay an additional Rate or Assessment on the Occupiers of the Houses, Shops, Warehouses, Granaries, Coach Houses, Stables, Cellars, Vaults, Buildings, Gardens, Court Yards, and Tenements within such Part or Parts of the said Borough as the Commissioners under the said recited Act shall think expedient and necessary for raising Money to defray the Expences of carrying the said recited Act and this Act into Execution: 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 Sixteenth Year of the Reign of His present Majesty as relates to the Amount

So much of
recited Act as
relates to the
Amount of
Rates, &c.
repealed.

of the Rates or Assessments in any one Year, to be made by the said Commissioners as aforesaid, and so much as relates to the Exemption of certain Houses, Buildings, and Places within the said Borough from such Rates or Assessments, shall be and the same is and are hereby repealed.

II. And be it further enacted, That, from and after the passing of this Act, it shall be lawful for the said Commissioners, or any Five or more of them (whereof the Mayor of the Borough of *Boston* for the Time being or his Deputy shall be one) and they are hereby required once or oftener in every Year, as they shall see Occasion, to cause such Sum of Money to be raised by a Rate or Assessment upon the several Tenants or Occupiers of all Houses, Shops, Warehouses, Granaries, Coach Houses, Stables, Cellars, Vaults, Buildings, Gardens, Court Yards, or Tenements, which now are or hereafter shall be situate or being in any of the Streets, Lanes, or other publick Passages or Places within the Borough aforesaid, which shall be lighted and watched, by virtue of this or the said recited Act, according to the annual Rent or Value of the same Premises respectively, not exceeding in any one Year the Sum of Two Shillings in the Pound, upon such annual Rent or Value as the said Commissioners, or any Five or more of them, whereof the said Mayor for the Time being, or his Deputy, shall be one, shall think proper and necessary; such annual Rent or Value to be from Time to Time ascertained by or according to the respective Rents, at or upon which such Houses, Shops, Warehouses, Granaries, Coach Houses, Stables, Cellars, Vaults, Buildings, Gardens, Court Yards, or Tenements respectively, shall from Time to Time be rated or assessed, in or by the Rate or Rates made for or towards the Relief of the Poor of the Parish of *Boston* aforesaid, and existing at or immediately before the Time of making the Rate or Assessment under this Act: Provided always, That if such Poor Rate or Rates shall be computed at or upon any proportionate Part or Parts of the full annual Rent or Value of such Houses and Buildings, the Rate or Assessment under this Act shall not be computed upon such proportionate Part or Parts but upon the full annual Rent or Value upon which such proportionate Part or Parts hath or have been computed and taken; and if, in any such Poor Rate or Rates any Person or Persons shall be omitted to be rated, the Name or Names of such Person or Persons so omitted shall be added to the Rate or Assessment so hereby directed to be from Time to Time made; and he, she, or they shall be rated and assessed according to the just and true annual Value of such House and Buildings by him, her, or them occupied, and the first Year for which such Rates or Assessments shall be made, shall commence on and be computed from the Twenty-fourth Day of *June* One thousand eight hundred and six.

Assessments to
be made.

III. And be it further enacted, That if the Commissioners for executing the said recited Act and this Act shall at any Time or Times neglect, or omit to rate or assess any Person or Persons liable to pay or to be charged with any Rate or Assessment to be made by virtue of this Act or the said recited Act, or shall in any such Rate or Assessment over-rate or under-rate any Person or Persons liable to pay any such Rate or Assessment, then and in every such Case it shall and may be lawful to and for the said Commissioners

Power for
Commissioners
to amend
Rates, if im-
proper, &c.

tioners to rate and assess, in the said Rate or Assessment, such Person or Persons so omitted to be rated and assessed, and to lessen or raise the Rate or Rates, Assessment or Assessments of such Person or Persons so over-rated or under-rated, or otherwise to alter or amend such Rate or Assessment as aforesaid, so as to make the same conformable to the true Intent and Meaning of this Act; and it shall and may be lawful to and for the said Commissioners, and they are hereby empowered to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby directed to be made, and that all such Addition to or Alterations or Amendments in such Rates or Assessments shall be as vald and effectual as if the same had been Part of the Rates or Assessments originally made.

Apportionment of Rates between quitting and incoming Occupiers.

IV. Provided always, and be it enacted, That in all Cases where any Person or Persons shall remove from or quit any Property for or in respect of which such Persons shall be rated or assessed, or be liable to be rated or assessed, by virtue of this Act, or the said recited Act, such Person or Persons shall be liable to pay such Rate or Assessment in Proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if he, she, or they had not removed from or quitted such Property; and in all Cases where any Person or Persons shall come into or occupy any Property for or in respect whereof he, she, or they shall be rated or assessed, or be liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same Property (although his, her, or their Name or Names may not be inserted in the Rate) shall be liable to pay such Rate or Assessment, in Proportion to the Time that such Person or Persons shall occupy the same, in like Manner as if he, she, or they, had been originally rated or assessed by Name for such Property; such Proportion to be settled and ascertained, in case of Dispute, by the said Commissioners.

Rates on Houses let into ready-furnished Lodgings.

V. And be it further enacted, That where any House or Tenement within the said Borough shall be let into ready-furnished Lodgings, the Landlord or Owner of every such House or Tenement shall be deemed and taken to be the Occupier thereof, and shall be charged with and liable to pay the Whole of the Rate or Rates to be from Time to Time assessed for or in respect of every such House or Tenement.

Provision in Cases where there are more Owners or Occupiers than One.

VI. And be it further enacted, That where any House or other Property for or in respect of which any Rate or Assessment ought to be made by virtue of this Act, shall be let or demised to more than One Tenant or Occupier, any one or more of such Tenants or Occupiers shall be deemed to be the sole Tenant or Occupier thereof for the Purposes of this Act; so far as relates to the Payment or Recovery of all or any Rates, Assessments, Costs, Charges, and Expences chargeable on such Tenants or Occupiers respectively by virtue of this Act; and all such Rates, Assessments, Costs, Charges, and Expences may be levied and recovered by Distress and Sale of the Goods and Chattels of any One or more of such Tenants or Occupiers, in the same Manner as if such Tenant or Occupier were in fact sole Tenant or Occupier.

VII. And

VII. And whereas since the passing of the said recited Act several new Streets have been laid out in the said Borough, and Houses have been erected and are now building, and other Houses and Buildings are proposed and intended to be built therein: And whereas such new Streets being laid out beyond the Limits ascertained by the said recited Act to be lighted and watched, the Houses and Buildings erected therein are not liable to be rated or assessed or entitled to receive any Benefit from the lighting and watching the Streets, Lanes, and other publick Passages and Places within the said Borough; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them (whereof the Mayor of the said Borough for the Time being, or his Deputy, shall be one) to order and direct such new Streets so laid out as aforesaid, and any other Street or Streets, or Squares, to be hereafter laid out, to be lighted and watched; and the Houses and Buildings erected and built or to be erected and built therein, to be rated and assessed in such and the same Manner as all other Streets, Lanes, publick Passages, and Places within the said Borough, and the Houses and Buildings therein are by virtue of this and the said recited Act, to be lighted and watched, rated and assessed.

New Streets hereafter to be laid out, may be lighted and watched.

VIII. And whereas it is by the said recited Act required that a general Meeting of the said Commissioners should be held on the Second *Monday* in the Month of *February* in every Year, in the Guildhall in the said Borough, for passing and settling all Accounts of the Treasurer, Collector, Clerk, and other Officers to be employed in the Execution of the said Act: And whereas the Day appointed for such Meeting and Settlement has been found inconvenient; be it therefore enacted, That, from and after the passing of this Act, such Meeting for the Purposes aforesaid shall be holden yearly on the last *Monday* in the Month of *April*.

Time of holding the annual Meeting for settling Accounts altered.

IX. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, to give such Rewards in Money to the Watchman appointed, or to be appointed in pursuance of the said recited Act and this Act, who may be disabled or wounded in the Execution of their Office, or who may have grown old or unfit for Duty as they the said Commissioners shall think reasonable; such Money to be paid out of the Monies to be raised for the Purposes of the said recited Act and this Act.

Empowering Commissioners to reward disabled Watchmen.

X. 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.

How the Expences of the Act are to be paid.

XI. And be it further enacted, That the said recited Act passed in the Sixteenth Year of the Reign of His present Majesty, and all the Powers, Provisions, Penalties, Exemptions, Matters, and Things therein contained, except such as relate to the Exemption from Stamp Duties, and such as are 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

Extending the Provisions of the former Act to this Act.

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.

Publick Act.

XII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1806.