ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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CAP. XXVIII.

An Act to explain and amend an Act of the Second and Third Years of Her present Majesty, for more equally assessing and levying Watch Rates in certain Boroughs. [23d *July* 1840.]

WHEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for more equally* 2 & 3 Vict. c. 28.
assessing and levying Watch Rates in certain Boroughs, after reciting therein that by reason of the Restrictions contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Muni-* 5 & 6 W. 4. c. 76.
cipal Corporations in England *and* Wales, the Watch Rate authorized to be levied upon those Parts of the Boroughs within the Provisions of the said Act which were regularly watched was insufficient for that Purpose, and the Deficiency in many Cases was paid out of the Borough Rate to which all Parts of the Borough, whether or not regularly watched, were liable; for Remedy thereof it was enacted, amongst other things, that it should be lawful for the Council of any Borough named in either of the Schedules to the said Act of His late Majesty to levy a Watch Rate upon the Occupiers of all Messuages, Lands, Tenements, and Hereditaments within those Parts of the Borough which should be watched by Day and by Night, and which

which from Time to Time, by any Order of the Council of any such Borough, should be declared liable to such Watch Rate, provided that no such Rate should exceed in any One Year the Rate of Sixpence in the Pound on the net annual Value of the Hereditaments rated thereunto, unless in those Boroughs in which at the Time of passing the said Act of His late Majesty the Sum authorized to be levied by way of Watch Rate exceeded the Sum which might have been then raised by the said Rate of Sixpence in the Pound: And whereas the said Act of Her present Majesty was intended to apply to Boroughs in which, from the Deficiency of the Borough Fund, it had become or might become necessary that Borough Rates should be laid; but Doubts have been entertained whether the same Act may not apply to Cases of Municipal Boroughs in which there are Borough Funds sufficient for the Purposes of defraying the Expences of the Constabulary Force of such Boroughs, together with all other Expences payable out of the Borough Fund, with the Aid of the Amount only of Watch Rate which could be raised under the Provisions of the said Act of His said late Majesty, and without the Aid of any Borough Rate; and Doubts are also entertained whether by the said Act of Her present Majesty it is not imperative upon the Council of each Borough to levy in each Borough a Watch Rate to the Extent of Sixpence in the Pound; and in order to remove such Doubts, be it enacted and declared by the Queen'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 after the passing of this Act the said Act of Her present Majesty shall not apply or be deemed to apply to any Borough in which the Borough Fund is sufficient, with the Aid of the Amount only of Watch Rate which could be raised under the Provisions of the said Act of His late Majesty, and without the Aid of any Borough Rate, to defray the Expence of the Constabulary Force of the Borough, together with all the other Expences legally payable out of the Borough Fund, by virtue of the said Act of His late Majesty, or any other Act or Acts of Parliament: Provided always, that nothing in this Act contained shall be deemed to take away or lessen, or to vary or affect, the particular Benefit or Rights to Common Lands and Public Stock, and to Lands, Tenements, and Hereditaments, and to the Rents and Profits thereof, or to any Sum or Sums of Money, Chattels, Securities for Money, or other Personal Estate which are reserved by the said recited Act of His late Majesty to every Person who then was or thereafter might be an Inhabitant of any Borough, and also to every Person who had been admitted or who might thereafter have been admitted a Freeman or Burgess of any Borough if that Act had not been passed, or who then was or thereafter might be the Wife or Widow, or Son or Daughter, of any Freeman or Burgess, or who had espoused or might thereafter espouse the Daughter or Widow of any Freeman or Burgess, or who had been or might thereafter be bound an Apprentice: Provided also, that nothing herein contained shall render the Borough Fund of any Borough liable to any Expences with which such Borough Fund was not chargeable before the passing of the said recited Act of Her present Majesty.

Recited Act not to apply to Boroughs in certain Cases.

Proviso.

II. And

Limiting Amount of Watch Rate to be annually levied.

II. And be it enacted and declared, That the Amount of Watch Rate to be levied by the Council of any Borough under the Authority of the said recited Act of Her present Majesty shall be at the Discretion of each such Council, but not exceeding in any One Year the Sum of Sixpence in the Pound, as limited by the same Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.