



ANNO QUINQUAGESIMO

# GEORGI II. REGIS.

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## Cap. 41.

An Act for watching, and more effectually lighting, cleansing, and otherwise improving the Town of *Kingston upon Hull*, and the Liberty of *Trippett* and the Lordship or Precinct of *Myton*, in the Parish of the *Holy Trinity*, in the said Town; and for preventing Nuisances therein; and also for preventing Frauds and Impositions in the Quality, Measure, and Carriage of Coals sold in the said Town and the Neighbourhood thereof. [18th April 1810.]

**W**HEREAS the Town of *Kingston upon Hull* is not sufficiently watched, and the Liberty of *Trippett* (in the Parish of the *Holy Trinity*) in the said Town is not properly lighted or watched; and the several Squares, Streets, Lanes, Ways, and other publick Passages and Places already made and built, and which are now making and building, within the Lordship or Precinct of *Myton* in the said Parish, are in many Parts incommodious and unsafe for Passengers, very ill paved, and not sufficiently cleansed, lighted, and watched, and are subject to various Nuisances, Annoyances, Encroachments, and Obstructions; and other Squares, Streets, Lanes, Ways, public Passages and Places are intended to be or may be made or built within the said Town of *Kingston upon Hull* and Liberty of *Trippett*, and the said Lordship or Precinct of *Myton*, which may be subject or liable to similar Inconveniencies: And whereas it would greatly tend to the Safety and Accommodation, not only of the Owners and Inhabitants of Houses within the said Town and Liberty, and Lordship or Precinct, but also of all Persons resorting thereto, if the same were properly paved, cleansed, lighted, watched, and regulated, and if all Nuisances, Annoyances,

[Loc. & Per.] 11 F noyances,

Provisions of  
former Acts;  
viz.

28G.2. c. 27.

2 G. 3. c. 70.

and 23 G. 3.  
c. 55.

Inadequate.

noyances, Encroachments, and Obstructions were removed and in future prevented: And whereas many of the Provisions of the several Acts hereinafter mentioned, (that is to say,) an Act passed in the Twenty-eighth Year of the Reign of His late Majesty King George Second, intituled, *An Act for explaining, amending and making more effectual several Acts of Parliament relating to the Maintenance and Employment of the Poor of the Town of Kingston upon Hull, and for better paving, preserving, and cleansing the Streets, Squares, Lanes, and Alleys of the said Town, and preventing Obstructions therein, and for preserving the Lamps which shall be set up to enlighten the Streets of the said Town, and securing the Property of such Lamps to the Owners*; an Act passed in the Second Year of the Reign of His present Majesty King George the Third, intituled, *An Act to amend and render more effectual several Acts made for cleansing and enlightening the Streets of the Town of Kingston upon Hull, and for preventing Annoyances therein*; an Act passed in the Fourth Year of His present Majesty's Reign, intituled, *An Act for amending and supplying the Deficiencies of the said last-mentioned Act*; and an Act passed in the Twenty-third Year of the Reign of His present Majesty, intituled, *An Act for building a new Gaol for the Town and County of the Town of Kingston upon Hull; for purchasing an additional Burial Ground for the Use of the Parish of the Holy Trinity in the said Town; for regulating the Fares of Hackney Coachmen, Chairmen, and Porters, and the Prices of Carriage of Goods; for altering the time of lighting Lamps, for ascertaining the Breadth of Party Walls, and for preventing certain Nuisances within the said Town, Liberties, and Precincts thereof; for amending an Act of the Fourteenth Year of the Reign of His present Majesty for making and establishing public Quays or Wharfs at Kingston upon Hull, in respect to such as are or may be built opposite to certain Staitbs in the said Act described; and for other Purposes*; or the Provisions of some of the said Acts, have been found inadequate to the Purposes thereof; and further and other Provisions and Regulations, Powers and Authorities, for and respecting the cleansing and lighting the Streets of the said Town, and preventing Nuisances and Annoyances within the same and the Liberties and Precincts thereof, are essentially necessary for the better Improvement of the said Town and the Liberties and Precincts thereof, and the Security and Accommodation of the Inhabitants of the same: And whereas certain Ground and the Foreshore of the River *Humber*, extending from the River *Hull* to Ground of or belonging to the Dock Company at *Kingston upon Hull*, in or near certain Streets called *The Fore Ropery and Back Ropery, or Humber Street*, are within and Parcel of the said Town, but by reason of some Part or Parts of the same having been heretofore Part of His Majesty's Military Works at the said Town, and of other Parts thereof having been lately made or regained from the said River *Humber*; the same have not hitherto been comprised in, or assessed under or by virtue of the said recited Acts, or any of them for the Purposes thereof; although the said Ground and Foreshore are now made and laid out for Building thereupon, and may become greatly improved in value and very populous, and require to be cleansed, lighted and watched; 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 *Edward Foster Coulson, Esquire,*  
Mayor

Mayor; *Robert Osborne*, Esquire, Recorder; *Sir Henry Ethington*, Baronet; *William Osbourne*, *John Sykes*, *John Wray*, *William Watson Bolton*, *Joseph Egginton*, *John Bateman*, *William Farratt*, *Thomas Osbourne*, *Richard William Moxon*, *Nicholas Sykes*, and *Andrew Hollingworth*, Esquires, Aldermen; and *Edward Codd*, Esquire, Common Clerk of the Town or Borough of *Kingston upon Hull*, and their Successors, the Mayor, Recorder, Aldermen, and Common Clerk of the said Town or Borough for the Time being, together with *Anthony Atkinson*, *John Alderson*, *George Alder*, *John Atkin*, *Robert Carlile Broadley*, *Thomas Broadley*, *John Broadley*, *Jonas Browne*, *John Hely Bromby*, *Kingsman Baskett*, *William Bourne*, *John Boyes*, *John Burstall*, *Samuel Burstall*, *William Bell*, *John Briggs*, *Harrison Briggs*, *Christopher Bolton*, *John Barkworth*, *John Norman Crosse*, *William Collinson*, *Thomas Dikes*, *Thomas Ellison Collinson*, *William Cooper*, *John Carrick*, *Henry Casson*, *John Cotsworth*, *Joseph Denton*, *Stephen Dickinson*, *Gardiner Egginton*, *William Eyre*, *Thomas Frost*, *Charles Frost*, *John Frost*, *John Ferraby*, *Thomas Goulton*, *James Green*, *Richard Garland*, *Thomas Hall*, *William Hall*, *John Hudson*, *William Horncastle*, *Francis Hall*, *Benjamin Hickson*, *Robert Hustwick*, *James Headley*, *Thomas Hugall*, *Anthony Jones*, *Thomas Jackson*, *William Levett*, *John Levett*, *Henry Maister*, *Arthur Maister*, *Henry William Maister*, *Thomas Moxon*, *John Moxon*, *George Moxon*, *Sampson Middleton*, *Samuel Martin*, *John Newmarch*, *John Newbald*, *Nicholas Osbourne*, *Charles Osbourne*, *Robert Coupland Pease*, *Joseph Pease*, *John Kirkby Pickard*, *William Parker*, *Josiah Prickett*, *Marmaduke Thomas Prickett*, *Robert Raikes*, *Michael Robinson*, *George Rudston*, *Charles Rudston*, *Thomas Riddell*, *William Ritson*, *Richard Sykes*, *Daniel Sykes*, *Henry Sykes*, *Richard Sykes the Younger*, *John Simpson*, *Aistroppe Strovins*, *George Schonswar*, *John Spence*, *George Spence*, *William Shackles*, *Thomas Schackles*, *Thomas Thompson*, *Avison Terry*, *Caius Thompson*, *Thomas Auckland Terrington*, *William Todd*, *William Williamson*, *John West*, *James Kiero Watson*, *John Wray the Younger*, *Charles Wray*, *John Wilson*, and *Charles Whitaker*; shall be and they are hereby appointed Commissioners for putting this Act in Execution, in so far as the Provisions, Regulations, Powers, and Authorities thereof are meant and intended to be vested in or executed by Commissioners, and so as not to obstruct, prevent, hinder or interfere with all or any of the Powers or Authorities given to or vested in the Mayor, Recorder, and Aldermen, or any of them, of the said Town, by all or any of the said recited Acts of Parliament not hereby actually or virtually altered, repealed or amended.

Commis-  
sioners ap-  
pointed.

II. And be it further enacted, That in case the Number of the said Commissioners appointed by this Act, or who shall from Time to Time be elected and chosen as hereinafter mentioned, shall be reduced by Death, Disqualification, Incapacity, or Refusal to act in Execution of the Powers and Authorities hereby in them vested to Twenty besides the Mayor, Recorder and Aldermen of the same Town for the Time being; it shall and may be lawful, when and so often as the same shall happen, for the Clerk of the said Commissioners to convene a Meeting of the surviving Commissioners, who shall, and they are hereby required to nominate Thirty Persons whom they shall think fit and proper Persons to act as Commissioners in the Execution of this Act, duly qualified as hereinafter mentioned, and shall deliver in a List of the Names of such Persons, signed by the Chairman of such Meeting, at the next General Quarter Sessions of the Peace to be holden in and for the Town and County

Choosing new  
Commission-  
ers.

County of the Town of *Kingston upon Hull*; and the Majority of the Justices then and there present shall accordingly elect and appoint such and so many of the Persons nominated in such List, to be Commissioners in the Place or Places of the Commissioners so dying, becoming disqualified or incapable or refusing to act as aforesaid as they shall think fit: and the Names of the Persons to be so appointed, elected, and chosen, shall be entered in the Book of Proceedings of the said Commissioners, and the Commissioners so from Time to Time elected and appointed, shall have the same Powers and Authorities, in all respects, as if they had been originally nominated and appointed in and by this Act.

Qualification  
of Com-  
missioners.

III. Provided always, and be it further enacted, That no Person appointed or to be appointed by or under this Act, shall be capable of acting as a Commissioner in the Execution thereof, being a Victualler, Tavern-keeper, or Innholder, or who shall sell Ale, Wine, Cyder or any other Spirituous Liquor by retail; or who shall, either by himself or any Person in Trust for him, hold or enjoy any Office or Place of Profit under, or be concerned in any Contract made by virtue of this Act, during the Time that he shall so hold and enjoy the same; or who shall be in anywise personally or beneficially interested in any Matter or Question which shall happen or arise under any of the Clauses, Powers, and Provisions hereof (other than as a Creditor on or liable to the Payment of the Rates or Assessments hereinafter required to be made and levied), where the Matter or Question in which he shall be so interested shall be agitated, discussed, or determined; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act, who shall not be a House-keeper within the said Town of *Kingston upon Hull* and Liberty of *Trippett*, or the said Lordship or Precinct of *Myton*, or within Five Miles of the same, (other than and except the Mayor, Recorder, and Aldermen of the same Town for the Time being), and who shall not be in his own Right, or in the Right of his Wife, in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments for an Estate of Freehold or Copyhold of Inheritance within the said Town and Liberty, Lordship or Precinct, or County of the same Town, of the clear yearly Value of One hundred Pounds (over and above all Reprises and Incumbrances), or who otherwise shall not be possessed of, or entitled to a Personal Estate of the Value of Three thousand Pounds over and above the Amount of his Debts.

Commission-  
ers to take an  
Oath.

IV. Provided also, and be it further enacted, That every Person appointed or to be appointed a Commissioner by or under this Act shall, before he shall act in the Execution thereof (except in administering the Oath or Affirmation to the Chairman of the first Meeting of the said Commissioners), take and subscribe an Oath or Affirmation in the Words or to the Effect following, (that is to say);

Oath.

I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly declare and affirm*] That I am really and *bonâ fide* in my own Right [*or, in the Right of my late or present Wife, as the Case may be*] now in the actual Possession, Enjoyment and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, for an Estate of Freehold [*or, Copyhold, as the Case may be*] of Inheritance, situate in the said Town, Liberty, or Lordship, [*or, in the Town-*  
ship

' ship or Parish, or Townships or Parishes of in  
 ' the County of the said Town, *as the Case may be*] of the clear yearly  
 ' Value of One hundred Pounds over and above all Reprises and In-  
 ' cumbrances, [*or, possessed of or entitled to a Personal Estate to the*  
 ' Amount or Value of Three thousand Pounds over and above what will  
 ' pay my just Debts,] *and*, that I am a Housekeeper in the said Town  
 ' of *Kingston upon Hull*, or the Liberty of *Trippett*, or the Lordship or  
 ' Precinct of *Myton*, or, in the Parish of within Five Miles  
 ' of the said Town, [*as the Case may be*]: And that I will truly and impar-  
 ' tially, according to the best of my Skill and Judgement, execute and  
 ' perform the several Powers and Authorities reposed in me as a Com-  
 ' missioner by Virtue of an Act passed in the Fiftieth Year of the Reign  
 ' of His Majesty King *George the Third*, intituled, [*here insert the*  
 ' *Title of this Act*], ' So help me GOD.'

Which Oath or Affirmation shall be entered in the Book of Proceedings of the said Commissioners.

V. And be it further enacted, That the before-mentioned Commis-  
 sioners, or any Seven or more of them, shall meet at the *Guildball* of  
 the said Town, if the Mayor for the Time being shall permit the same,  
 or otherwise at such convenient Place, within the said Town or Lord-  
 ship as shall be appointed by him on the First Day of *June* next, between  
 the hours of Eleven of the Clock in the Forenoon and Two of the Clock  
 in the Afternoon, before which last mentioned Hour they shall proceed to  
 put this Act into Execution, and at such Meeting shall elect and appoint  
 such One of the said Commissioners appointed by this Act, who shall be  
 then present, as they shall judge proper, to be Chairman of their several  
 Meetings for One Year next ensuing; and that all Acts and Proceed-  
 ings of the said Commissioners shall be had and determined at Public  
 Meetings, whereof written or printed Notices shall be given to or left  
 at the Dwelling-house of each of the said Commissioners, and a written  
 or printed public Notice, signed by the Clerk to the said Commissioners,  
 shall be given at least Ten Days previously thereto by affixing the same on  
 one of the Doors of each of the Churches in the said Town and Lordship,  
 to be held at the said *Guildball*, (if the Mayor for the Time being shall  
 permit the same, or otherwise at such other convenient Place within  
 the said Town, or the Lordship or Precinct of *Myton* aforesaid, as the  
 said Commissioners shall from Time to Time fix and appoint), between  
 the like Hours of Eleven of the Clock in the Forenoon and Two of the  
 Clock in the Afternoon on each Day of such Meetings respectively, and  
 if it shall happen that there shall not be Five Commissioners present  
 at any such Meeting, then and in such Case the Chairman for the Time  
 being, if he shall be then present, or otherwise the Clerk to the said  
 Commissioners shall and may adjourn the said Meeting to any other Day  
 not exceeding Fourteen Days next afterwards, at the same Place where  
 such Meeting was appointed to have been held, and Notice of such Ad-  
 journment shall be given in like Manner as is before directed with respect  
 to the said Meetings; and the said Commissioners shall at all their said  
 Meetings bear and pay their own Expences, except the Charge, Per-  
 quisite, or Fee for the Room or Place where the same shall be held, and  
 the Expence of Stationery, which shall be defrayed out of the General  
 Rate and Assessments hereinafter directed to be made.

First and other Meet-ings of Com-missioners.

Chairman to be appointed for one year.

Chairman to be elected annually.

Chairman and Four Commissioners to be present at every Meeting.

Business to be determined by Majority of Votes.

The Chairman to have a casting Vote, but no other.

Temporary Chairman.

For appointing Officers.

Commissioners not to vote for the Removal or

VI. And be it further enacted, That the said Commissioners or any Seven or more of them shall, on the First Day of *June* in every Year after the said First Day of *June* next, meet and elect such Person, being a Commissioner under this Act, as they shall judge proper, to be the Chairman of their several Meetings for putting this Act into Execution for the Year thence next ensuing; and that no Act or Proceeding of the said Commissioners at any of the Meetings to be held in pursuance of this Act shall be of any Force or Effect, unless the Chairman for the Time being, or the *pro tempore* Chairman to be elected and chosen as hereinafter mentioned, shall be present, and unless there be Four or more other Commissioners then and there attending; and that all Matters and Things to be done at all or any of the Meetings to be held in pursuance of this Act, shall from Time to Time be ordered and determined according to the Vote of the Majority of the Commissioners then present and actually voting, and where the Number of Votes shall be equal the Chairman of the said Meeting shall have a determining or casting Vote, but shall not vote in any other Case or on any other Occasion whatsoever; and that no Commissioner shall be capable of acting or voting in any Case wherein he shall be charged with any Offence against this Act, or where his Interest is concerned, otherwise than as a Creditor upon the Rates as aforesaid.

VII. Provided nevertheless, and be it further enacted, That if the Chairman for the Time being shall be disabled by Sickness, or otherwise prevented from attending, or shall refuse or neglect to attend any Meeting of the said Commissioners at the Expiration of Fifteen Minutes after the Time appointed, the Commissioners then and there present shall and may elect and appoint one of themselves to be Chairman *pro tempore*, and after such Election and Appointment proceed to the Business of the said Meeting in the Execution of this Act.

VIII. And be it further enacted, That at the first Meeting of the said Commissioners, to be held as aforesaid; such of them as shall be then and there present shall elect and appoint a Treasurer and Clerk, a Surveyor or Surveyors, and also a Collector or Collectors, Receiver or Receivers of the Rates or Assessments to be raised and levied and the several Monies to be received by virtue of this Act, and by whom such Rates, Assessments, and Monies may from Time to Time be paid to the Treasurer for the Time being or other Person or Persons appointed for that Purpose, in the Manner hereinafter mentioned, and other proper Officers for effecting the Purposes of this Act, (save only and except as to such Officers as are or shall be appointed under or by virtue of the Powers and Authorities of the said recited Acts as hereinafter mentioned); and that it shall be lawful for the said Commissioners and their Successors, to be elected and appointed as aforesaid, from Time to Time to remove, suspend, or displace all or any of such Officers or other Persons as they shall see Occasion, and appoint others in the Room or Place of such of them as shall be so removed, suspended, or displaced, or in the Room of such as shall die or resign their Offices, and also from Time to Time by and out of the Monies to be raised or received by virtue of this Act, to pay such Wages or Salaries and make such Allowances to such Officers as they shall think reasonable or proper: Provided always, that no Commissioner appointed or to be appointed as aforesaid shall vote for or join in the Removal or

Appoint-

Appointment of any Treasurer, Clerk, Collector, Surveyor or Inspector, to be appointed or employed by virtue of this Act, who shall not have attended as a Commissioner at one Public Meeting of the said Commissioners within Six Calendar Months next before such Removal or Appointment.

Appointment of Officers, unless they have acted as Commissioners within six Months.

IX. And be it further enacted, That the said Commissioners shall cause proper Books to be provided and kept, in which they shall, either by themselves or by their Clerk for the Time being, make or cause fair and regular Entries to be made of the several Meetings held in pursuance of this Act, and of the Names of the Commissioners present thereat respectively, and of the Nomination of all Officers and Persons to act in the Execution of this Act, and of all Acts, Orders, Rules, Resolutions, Reports, Proceedings, Matters and Things relative to the Execution of this Act, and also an Account of all Monies to be assessed or raised and to be received or made payable by virtue hereof, and of the Payment and Application of the same, and of all Contracts made by any Person or Persons by virtue or in pursuance of this Act; and the Chairman of each Meeting and the Clerk of the said Commissioners shall each subscribe and sign his Name at the Foot of the Entry of the Proceedings thereat, and all Entries in the said Books so signed shall be admitted as Evidence in any Court whatever in all Causes, Suits, or Actions, and upon all Occasions whatsoever, touching any Thing done in pursuance or by virtue of this Act; and such Books shall be kept by the Clerk for the Time being to the said Commissioners, or by such other Person or Persons and at such Place as the said Commissioners shall direct, and the same shall respectively at all convenient and reasonable Times be open and liable to the Inspection of the said Commissioners and of all Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby, without Fee or Reward.

Books to be kept of Proceedings.

X. And be it further enacted, That the said Commissioners shall and may sue and be sued in the name of their Clerk for the Time being, and that all Actions or Suits that it may be necessary or expedient to bring for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any Matter or Thing relating to this Act, shall be brought in the Name of the said Clerk; and that no Action or Suit which may be brought, commenced, or prosecuted by or against such Commissioners, or any of them, by virtue or on account of this Act in the Name of their Clerk, shall abate or be discontinued by his Death, Suspension, or Removal, or by any Act or Default of such Clerk done or suffered without the Consent or Direction of the said Commissioners; but the Clerk to the said Commissioners for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit, as the Case may be.

Actions to be in the Name of the Clerk,

XI. Provided always, and be it further enacted, That every such Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same or any

who shall be reimbursed his Expences.

Part

Part of them ; unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or be defended without the Order or Directions of the said Commissioners.

Commissioners to take Security from every Officer for the due Execution of his Office.

Collectors not to have more than Twenty Pounds in their Hands at a Time on Penalty of Ten Shillings per diem:

To deliver proper Accounts.

Balance of Accounts to be levied by Warrant of Distress.

XII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required to take Security from every such Treasurer, Clerk, Surveyor, Collector, Inspector, and other Officers, so to be appointed as aforesaid, for the due Execution of their respective Offices or Duties as the said Commissioners shall think proper ; and every Person who is hereby made liable to pay the several Rates or Assessments hereby directed and required to be raised and levied, or to pay any Sum of Money which is directed by this Act to be applied to the Purposes thereof, shall and they are hereby required to pay the same to such Collector or other Persons as shall be so appointed to collect and receive the same in pursuance of this Act; which Collector or Collectors or other Persons shall, when and so often as the Money to be collected and received by him shall amount to the Sum of Twenty Pounds, pay the same into the Hands of the Treasurer for the Time being of the said Commissioners ; and if any such Collector or Collectors or other Person or Persons shall retain in his or their Hands more than the Sum of Twenty Pounds, he or they so retaining the same shall forfeit to the said Commissioners any Sum not exceeding Ten Shillings per Day for every Twenty Pounds collected and retained, and so after the same Rate for every less Sum than Twenty Pounds, for every Day beyond the Time when the same was so collected and ought to have been paid to the Treasurer as aforesaid ; and all such Officers and Persons, so to be appointed as aforesaid, shall upon Demand, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to such Commissioners or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing, signed by them, of all Monies, Matters and Things received and committed to their Charge by virtue and for the Purposes of this Act, and how much of the said Monies shall have been paid and disbursed and for what Purposes, together with the proper Vouchers for such Payments, and also the Books, Papers, and Writings in their respective Custody or Power relating to the Proceedings to be had under this Act, and shall pay all such Monies as shall appear upon the Balance of their Accounts to be due, to the Treasurer to be appointed as aforesaid, or to such Person or Persons and at such Time and Place as the said Commissioners shall appoint, and every such Officer and Person so accounting as aforesaid shall, if required by the said Commissioners, or any Five or more of them, upon Oath (or Affirmation, being a Quaker) verify such Accounts ; and in Case he shall not so account for the Space of Eight Days after being thereunto required as aforesaid, and on Complaint being made by the said Commissioners, or by such Person or Persons as they shall appoint to make such Complaint, of any such Default as aforesaid to any Justice of the Peace for the County or Place wherein the Party making Default shall reside or be, such Justice may and is hereby authorised and required, by Warrant under his Hand and Seal, to cause the said Officer or Officers, Person or Persons so making or having made Default to be brought before him, and upon his, her, or their appearing or not appearing (except for some reasonable Excuse) to hear and determine the matter of Complaint in a summary Way ;



Way; and if upon Confession of the Party, or by the Testimony of One or more Witness or Witnesses upon Oath (or Affirmation, being a Quaker), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, or unaccounted for, then such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to order the Payment thereof and of any Penalty not exceeding the Sum of Five Pounds to be incurred by reason of the Detention thereof; and upon Non-payment thereof to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively so making Default as aforesaid: and if no Goods or Chattels can be found sufficient to answer and satisfy the Money so unpaid or detained, and the Penalty in respect thereof, and the Charges of distraining and selling the same, and the other Expences attending the requiring or compelling such Payment as aforesaid; or in case of Refusal to account as aforesaid, or that it shall appear to such Justice by the Confession of the Party to offending or making Default as aforesaid, or by the Testimony of any credible Witness or Witnesses upon Oath or Affirmation as aforesaid, that any Books, Papers or Writings relating to the Execution of this Act, or to the Proceedings to be had under the same, shall be in the Custody or Power of any such Officer or Person, and he shall refuse to deliver up the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol or House of Correction of the County or Place where such Offender shall reside or be, there to remain without Bail or Mainprize until he shall give or make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners and shall have paid such Composition in such Manner as they shall appoint, or until such Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof; provided always, that no Person who shall be committed for Want of sufficient Distress shall be kept or detained in Prison for a longer Space of Time than Six Calender Months.

Officer refusing to deliver up Papers, may be committed to Prison.

XIII. And be it further enacted, that if any Collector or Receiver, or other Person employed by the said Commissioners, who shall have received any Sum of Money by virtue or for the Purposes of this Act, shall die before he or they shall have paid and satisfied all the Money so received by him, then and in every such Case the Executors or Administrators, Executrixes or Administratrixes, or other Person or Persons possessing the Estate and Effects of every such Person so dying shall be liable to pay and make good all such Sums of Money by such Collector or Receiver or other Person so received and not paid, and the same shall be recoverable by Action or Suit in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators, Executrixes or Administratrixes, Person or Persons as aforesaid.

Balance of Money received, and not paid over at the Time of the Receiver's Death, to be paid by the Executors of the deceased's Estate.

XIV. And be it further enacted, That if any Person who shall be appointed Clerk, Treasurer, Assessor, Collector, Receiver, Surveyor or Inspector, or any other Officer or Servant who shall be in anywise employed in putting this Act or any of the Powers thereof in Execution, shall exact, take, or accept, any Fee, Profit, or Reward whatsoever, other than such Salaries, Allowances, and Rewards as shall be appointed, *[Loc. & Per.]* *11 H* allowed,

Penalty on Officer taking any Fee or Reward besides the Salary.

allowed, and approved of by the said Commissioners, for or on account of any Thing done or to be done by virtue of this Act, or on any account whatsoever relative to putting the same in Execution, or shall directly or indirectly be concerned or interested in any Sale, Purchase, Bargain or Contract, made or to be made by or by the Order of the Commissioners for the putting this Act in Execution, unless with the Consent or Approbation of such Commissioners; every such Person so offending shall be incapable of ever serving or being employed in any Manner under this Act, and shall forfeit the Sum of Twenty Pounds.

Scavengers,  
&c. to be ap-  
pointed by  
the Commis-  
sioners, but  
Watchmen to  
be under the  
controul of  
the Mayor.

XV. And be it further enacted, That all such Scavengers, Rakers, Cleansers, and Lighters of Lamps, Watchmen, or such other Officer or Officers, Deputies and Assistants, as well for the due Execution of this Act as for the due Execution of the Powers and Authorities of all or any of the said recited Acts, or such of the Powers and Authorities therein contained as are not hereby actually or virtually altered, repealed, or amended (except such Assessors, Surveyors, and Collectors, or other Officers as are otherwise directed to be appointed and chosen by the said last-mentioned Acts, and have been actually appointed and chosen under and by virtue of the same), shall be from Time to Time nominated and appointed by the said Commissioners; but all and every such Watchmen shall and may from Time to Time be removed, suspended, or displaced, by and at the Will and Pleasure of the Mayor of the said Town for the Time being; whereof he shall give Notice to the Clerk of the said Commissioners or of the Assessors acting under the said recited Acts, in order to the Nomination and Appointment of some Person or Persons in the Place and Stead of the Person or Persons so to be removed, suspended, or displaced, which shall be done forthwith; and the Person or Persons so removed, suspended, or displaced, shall not be again nominated or appointed to the same or any other Office under this Act or the said recited Acts, or any of them, without the Consent and Approbation of the Mayor of the said Town for the Time being first had and obtained; and the Wages or Hire, Gratuities, Rewards or Payments of all such Scavengers, Rakers, Cleansers, and Lighters of Lamps, and Watchmen, and of all and every other Officer or Officers, Deputies and Assistants, as are or shall be appointed by virtue of this Act, shall be ascertained, settled, awarded, and ordered by the said Commissioners, but shall be paid by the Treasurer to the said Commissioners by and out of the Rates and Assessments to be raised and levied under or by virtue of this Act, or by the Treasurer of the Assessors appointed or to be appointed under or by virtue of the said recited Acts, or any of them, as the Case may be.

Divisions or  
Districts  
Hull and  
Trippett.

XVI. And be it further enacted, that the said Town of *Kingston upon Hull* and the Liberty of *Trippett*, with the said Ground and Foreshore herein before described, shall for all the Purposes of this Act, so far as the same relate to or affect the same, be and be considered and taken as One and the same District or Division, and separately assessed and charged to the Expences occasioned or incurred under or by virtue of this Act and of obtaining the same; and the said Liberty of *Trippett* shall be included in and be and form Part and Parcel of the *North Ward* of the said Town, and shall be assessed in the same Manner as and contribute with the said Ward, and the said Ground and Foreshore shall be included

included in and be and form Part and Parcel of *Humber Ward* in the said Town, and be in like Manner assessed and contribute therewith, towards the Expence and Charge of cleansing, lighting, and watching the said Town, with the said Liberty and Ground and Foreshore, in such Manner as is mentioned and prescribed by the said recited Acts and this Act, or some or one of them, with respect to the said respective Wards; and the Assessors and other Officers directed by the said recited Acts, or any of them, to be appointed and chosen for the said Town, shall henceforth from Time to Time and at all Times hereafter be elected and appointed by and for the said Wards according to the above Description thereof; and in all Places where the said Town of *Kingston upon Hull* shall be named or referred to in and by this Act, the same shall for the Purposes of this Act be deemed and construed to comprehend and include therein the said Ground and Foreshore.

XVII. And be it further enacted, That the said Lordship or Precinct of *Myton* shall for the Purposes of this Act be and be considered as divided into Three distinct and separate Districts or Divisions as hereinafter described, that is to say; that Part of the said Lordship or Precinct which lies between the River *Humber* and *Patrick Ground Lane*, and from the West End of the said Lane, in a direct Line Westward, through the Lands of *Thomas Goulton*, Esquire, and *Robert Carlile Broadley*, Esquire, to *Wold Ings* at the Extremity of the said Lordship, and extending Eastward along the *Gallows Lane* to the Foot Road behind *Nile Street*, and thence by *Castle Row* and the Gaol to *Myton Gates*, and the Messuages, Ground, and Premises on the South Side of and to the Middle of the Streets or Roads forming the said several Boundaries on or towards the North, shall be and be called the First Division or *Humber District*; that Part of the said Lordship or Precinct which lies between *Patrick Ground Lane* and the *Anlaby Road*, Northward of the said First Division or *Humber District*, extending from *Carr Lane* by *Engine Street* and the Water Works to the Dock Company's Ground between *Whitefriar Gate* and *Myton Gate*, and the Messuages and Ground on the South Side thereof, and to the Middle of the several Streets or Roads forming the said last-mentioned Boundaries, shall be and be called the Second Division or *Middle District*; and the Remainder of the said Lordship or Precinct lying between the *Anlaby Road* and *Spring Ditch*, including the *Bowling Green* and *Waltham Street*, shall be and be called the Third Division or *North District*; and each of the said Divisions or Districts shall be separately assessed and charged to the Expences to be occasioned or incurred under or by virtue of this Act and of obtaining the same, and distinct and separate Accounts shall be made and kept of the Funds or Assessments of each of the said Divisions or Districts; and after the Expences of obtaining this Act shall be fully paid, the Fund or Assessment of each of the said Divisions shall be exclusively applicable to the Purposes and Occasions of such Division or District only, except where the same is hereby otherwise directed, and subject to such Provisions or Regulations as are hereinafter expressed and contained with respect to the several Assessments of each of such Districts respectively, and provided, that it shall be lawful for the said Commissioners, when and as they shall see Occasion, to advance or transfer to the Account of any of the said Divisions or Districts, as or by way of Loan thereto, any Part of the Assessment or Fund of or belonging to or raised within any

Three Divisions of Myton.

Humber District.

Middle District.

North District.

To be separately assessed and Accounts to be kept separate.

any other of the said Divisions or Districts, for supplying or answering the Purposes or Occasions whereof more than sufficient shall appear to have been raised or levied; and which shall be a Debt charged upon and to be reimbursed by and out of the future Assessments to be raised and levied for and in the Division or District to which the same shall be advanced.

Mode of  
Assessment  
for the Town  
and Trippett.

XVIII. And be it further enacted, That for the Purpose of raising Monies to support and defray the Expences of obtaining and procuring this Act and for the Purposes thereof, so far as the said Town of *Kingston upon Hull* and the said Liberty of *Trippett* are intended to be hereby comprised or included in, or affected thereby, it shall be lawful for the Assessors to be from Time to Time elected and appointed as aforelaid, by such and the same Ways and Means as in and by the said Acts, or any of them, are directed and provided with respect to the said Town for the lighting and cleansing thereof as aforelaid, to raise, levy, and assess upon the Owners of Houses, Lands, and Tenements in the said Town and Liberty, in the same Manner and with the like Provisions (except where the same are hereby actually or virtually altered, repealed or amended) as in the said recited Acts are directed and contained, all such Sum and Sums of Money as shall be requisite and necessary for the Purposes of this Act, so as the Rate or Proportion of the Assessments to be laid and raised for the same do not exceed One Shilling and Sixpence in the Pound (including the Rate or Proportion of Assessment by the said Acts or any of them granted or allowed) upon the annual Worth and Value of such Houses, Lands or Tenements, with such and the same Powers and Authorities, and all and every of the Articles, Rules, Clauses, Matters and Things in the said several recited Acts, any or either of them contained or thereby referred to, where the same are or is not contrary to the Provisions in this Act contained, shall be in full Force and Effect, and shall be duly observed, practised, and put in Execution for assessing and collecting the said Sum and Sums of Money by this Act granted for the Purposes thereof, as to the said Town and Liberty, and for imposing, levying, recovering and mitigating Fines, Penalties and Forfeitures, and for appealing, and doing all other Acts, Matters and Things relative to the Premises and consistently therewith, as fully and effectually to all Intents and Purposes, as if the same were or was specially repeated or re-enacted in the Body of this Act.

Mayor, Recorder, and One Alderman to control Assessors appointed by former Acts.

XIX. Provided always, and be it further enacted, That if it shall appear to the Mayor and Recorder of the said Town for the Time being, and any One or more of the Aldermen thereof, that the said Assessors or any Person or Persons to be appointed by or acting in the Execution of the said recited Acts or any or them, or of this Act, with respect to the said Town and Liberty, that any gross or wilful Default, Neglect or Deficiency, shall be made or suffered by them, or any of them, in the Execution thereof, for all or any of the Purposes of the same Acts respectively, or that the same can or may be more fully and effectually answered and promoted by any other Ways and Means, or in any other Manner than by such Assessors or other Persons are or shall be used, it shall and may be lawful to and for the said Mayor, Recorder, and Alderman or Aldermen, to cause such Assessors or Persons to be summoned before them, and to hear and determine such Matter in a summary Manner,

ner, and to give such Order and Direction in Writing in the Premises as to them shall seem fit, and which Order and Direction shall be binding and obligatory upon such Assessors and other Persons, to all Intents and Purposes, as if the Subject thereof was hereby especially provided for; and upon every Neglect and Omission after such Order and Direction given in the Matter or Thing thereby ordered and directed, the said Assessors or other Persons offending or neglecting shall forfeit and pay for every Offence any Sum not exceeding Five Pounds.

XX. And be it further enacted, That the said Commissioners at any of their Meetings to be held by virtue of this Act shall, and they are hereby required within One Calender Month after the said First Day of *June* next, and yearly and every Year on the First Day of *June*, to ascertain and determine what Sum or Sums of Money it will be necessary to assess and raise for the Purposes of this Act, within and upon each of the said Divisions or Districts of the said Lordship or Precinct of *Myton* for one Year then next following, and to certify the same in Writing, signed by the Clerk of the said Commissioners for the Time being, to the Mayor and Aldermen of the said Town on the said First Day of *June*; and the Mayor and any Three or more of the said Aldermen are hereby empowered, if they are satisfied that the Sum or Sums so certified is or are necessary for the Purposes of this Act, but not otherwise, thereupon to order and appoint such Sum and Sums of Money so certified to them as aforesaid, or any less Sum or Sums which they shall think proper, to be raised and levied by a fair and equal Taxation of all Lands, Houses, Buildings, Tenements and Hereditaments whatsoever within each of the said Divisions or Districts, of the said Lordship or Precinct, which shall be deemed to be benefited by the several Purposes of this Act, (and the Liability whereof to pay and contribute towards the Sum to be so raised for such Purposes respectively, shall be ascertained and settled as hereinafter mentioned), according to the respective annual Worth and Value of such Lands, Houses, Buildings, Tenements, and Hereditaments, so as that the Rate or Assessment to be so raised and levied thereupon do not exceed the yearly Sum of One Shilling and Sixpence in the Pound upon the annual Rent or Value thereof; and the said Mayor and Aldermen are hereby authorised and required by Warrant or Warrants under their Hands and Seals, or the Hands and Seals of any Three or more of them, to empower and direct the Collector and Collectors to be appointed by the said Commissioners within each of the said Divisions or Districts, indifferently to proportion out the Sum or Sums of Money so to be raised and assessed by and upon each Division or District of the said Lordship or Precinct, and to rate, assess, demand, collect and receive the same upon and from the Proprietors or Occupiers of Lands, Houses, Buildings, Tenements and Hereditaments, in each such District or Division which shall be so respectively benefited accordingly; which said Sum and Sums of Money and every or any Part thereof, when paid into the Hands of the Treasurer under this Act, shall by the said Commissioners, so assembled as by this Act is directed, be laid out and expended from Time to Time as they shall judge necessary for the several Purposes of this Act for which the same shall be raised and levied respectively.

A  
for Myton.  
Commission-  
ers to certify  
the Sums  
necessary for  
each District  
annually to  
the Justices  
in Sessions.

If Collectors  
assess the  
Rates im-  
properly,  
Commission-  
ers may  
amend or  
alter the old  
Rates.

XXI. And be it further enacted, That if such Collector or Collectors shall at any Time or Times hereafter, in any Rates or Assessments by him or them to be made by virtue of in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to pay or to be charged with such Rates or Assessments, or shall in such Assessments under-rate any such Person or Persons liable to pay such Rates or Assessments; then and in every such Case it shall be lawful for the said Commissioners to rate and assess in the said Rates or Assessments such Person or Persons so omitted to be rated or under-rated, or amend such Rates or Assessments as aforesaid, in such Manner as to the said Commissioners shall seem just and reasonable; and the said Commissioners shall and may, and they are hereby empowered to strike out the Name or Names of any Person or Persons whom they shall determine not to be liable to the Payment of the Rates thereby directed to be made; and that all such Additions to, or Alterations in the old or former Rates or Assessments shall be valid and effectual, to all Intents and Purposes whatsoever, as if the same had been Part of the original or old or former Rates or Assessments; due Regard being had by the said Commissioners to the Assessments for the Relief of the Poor of the united Parishes of the *Holy Trinity* and *Saint Mary* in the said Town, with regard to the said Lordship or Precinct for the current Year, but which shall not therefore be binding or conclusive upon the said Commissioners in respect to such additional Alterations; and the Governor, Deputy-Governor, Assistants, and Guardians of the Poor in the said Town, and the Churchwardens of the said united Parishes, and the Overseers and Collectors of the Rates or Assessments for the Relief of the Poor within the same respectively, and every of them, are and is hereby directed to produce the said Assessments to the said Commissioners whenever they shall be required so to do.

Succeeding  
Collectors  
may collect  
Arrears.

XXII. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay to the said Collector or Collectors as aforesaid, any Sum or Sums of Money upon him or them respectively rated or assessed under and by virtue of this Act, it shall be lawful for any of the succeeding or future Collector or Collectors to collect and levy such Arrears: Provided always, that nothing herein contained shall extend, or be construed to extend, to excuse or discharge any former Collector or Collectors from any Distress, Penalty, or Punishment to which he or they may be liable by virtue of this or any other Act for any such Refusal or Neglect of Duty as aforesaid.

What Rates  
to be paid by  
Landlord or  
Tenant.

XXIII. And be it further enacted, That so much of the Rates or Assessments to be made and raised by virtue of this Act, as shall be so raised for paving, flagging, and draining the said Lordship or Precinct of *Myton*, shall be borne or allowed by the respective Landholders or Proprietors; and so much of the said Rates or Assessments as shall be raised for lighting, cleansing, and watching the said Town and Liberty, and Lordship or Precinct, and the Expence of obtaining this Act, shall be borne by the respective Tenants or Occupiers of the Lands, Houses, Buildings, Tenements, and Hereditaments to be rated and assessed by virtue of this Act or the said recited Acts; but that all such Rates or Assessments shall from Time to Time be paid to the said Collector or Collectors

lectors by the respective Tenants or Occupiers of the said Lands, Houses, Buildings, Tenements and Hereditaments; and all such Tenants or Occupiers shall and may 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 the Behalf of their respective Landlords; and all such Landlords are hereby respectively required to allow such Deductions and Payments upon Receipt of their respective Rents.

XXIV. And be it further enacted, That if the Tenant or Occupier of any Lands, Houses, Buildings, Tenements and Hereditaments upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act or the said recited Acts, or any of them, or any other Person or Persons whomsoever liable to pay the same, shall at any Time neglect or refuse to pay the Rates or Sums of Money, which shall be so rated or assessed as aforesaid, for the Space of Twenty Days after the same shall be due, and Demand made thereof, by Notice in Writing under the Hand or Hands of the Collector or Collectors of the said Rates, to be delivered to such Tenant or Occupier, or other Person or Persons, or left at his, her, or their Dwelling-house, or usual or last Place of Abode, or at the Tenement occupied; then, upon Proof thereof upon Oath (or Affirmation, being a *Quaker*;) before any Justice of the said Town and County, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier, by Warrant under the Hand and Seal of such Justice; rendering the Overplus (if any) upon Demand, after deducting the Sum or Sums due in respect of such Rates or Assessments, and all Charges and Expences attending the Recovery thereof, to the Owner or Owners of such Goods and Chattels.

If Tenants refuse to pay Rates, same to be raised by Distress and Sale, under a Justice's Warrant.

XXV. And be it further enacted, That in all Cases where any Person shall remove from, or quit any Lands, Houses, Buildings, Tenements and Hereditaments, which shall be rated or assessed by virtue of this Act, or the said recited Acts, or any of them, such Person shall be liable to pay such Rates or Assessments in Proportion to the Time that he or she occupied the same, in like Manner as if such Person had not removed or quitted the same; and in all cases where any Person shall come into or occupy any such Lands, Houses, Buildings, Tenements, and Hereditaments as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was or were empty or unoccupied, the same shall, for and in respect of his, her or their Occupation thereof, be liable to any such Rate or Assessment, in proportion to the Time that he or she shall occupy the same, in the same Manner as if he or she had been originally rated or assessed to such Lands, Houses, Buildings, Tenements and Hereditaments; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners in such Manner as they shall judge reasonable; and in case any Person who having been so rated and assessed as aforesaid, shall quit his or her Lands, Houses, Buildings, Tenements, and Hereditaments before he or she shall have paid such Rate or Rates, or proportionable Part or Parts thereof by him or her due and payable, and shall afterwards refuse or neglect to pay the same when demanded,

How Rates to be paid by Tenants, quitting or entering.

Persons removing and not paying their Proportion of Rates, same may be levied.

it

it shall and may be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace for the said Town and County, or for the City, Riding, Division, Liberty, Town or Place where such Person shall remove to, or reside or be, or where any Goods or Chattels of such Person shall be found (which Warrant such Justice is hereby required to grant upon Proof made of the Sum so due before him, upon Oath of a credible Witness, or Affirmation, being a *Quaker*;) to levy such Rate or Rates, or proportionable Part or Parts thereof, by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus and the Goods and Chattels remaining (if any) upon Demand, after Payment of the Money due in respect of such unpaid Rate or Rates, or proportionable Part or Parts, and all Expences attending the Recovery thereof, unto the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Manner of  
Recovery  
when Houses  
occupied in  
different  
Apartments.

XXVI. Provided always, and be it further enacted, That in case any House or Tenement shall be set, let, or occupied in different Apartments, Rooms, or Lodgings to or by distinct or separate Families, Lodgers or Inmates, the Rates or Duties payable in respect thereof shall be charged upon the Landlord or Owner of such House or Tenement, and not upon the Occupier or Occupiers; and if the Landlord or Owner thereof shall not reside in the said Town and Liberty, and Lordship or Precinct, or within the County of the said Town, or shall not have sufficient Goods whereon the same may be levied, on Non-payment of any such Rate or Assessment, the same shall and may be levied upon and recovered by Distress and Sale of the Goods and Chattels of the Inhabitants or Occupiers of such House or Tenement, in such and the like Manner as the other Rates and Assessments are hereby appointed to be levied and recovered of and from the Inhabitant or Occupier of any entire House or Tenement; and it shall and may be lawful for any of such Inhabitants or Occupiers, who shall be so as aforesaid compelled to pay any such Rate or Assessment, and they are hereby authorized and empowered to pay such Sum and Sums of Money as shall be so assessed, and to deduct out of the Rent of such Apartments, Rooms or Lodgings such Payments as the Landlords and Owners have been charged with; and the said Landlords and Owners both mediate and immediate, according to their respective Interests, are hereby required to allow such Payments upon Receipt of the Residue of the Rents, and every such Inhabitant and Occupier shall be acquitted and discharged of so much Money as the said Assessment or Assessments shall amount unto, as if the same had actually been paid unto such Landlords or Owners: Provided always, that no such Inhabitant or Occupier shall at any Time be required to pay, or be subject or liable to pay any greater Sum for or towards the Discharge of any such Rate or Assessment, or any Arrears thereof, than the Amount of the Rent actually due or payable by such Inhabitant or Occupier to the Landlord or Landlords, Owner or Owners, Lessee or Lessees of the Premises so occupied by him or her.

Cottages,  
&c. rated  
together at  
6l. or up-  
wards, to be

XXVII. And be it further enacted, That where any Person shall hold or occupy different Cottages, Dwelling-houses or Buildings, or different Houses or Buildings belonging to One or more Person or Persons; which together shall be rated or assessed at the Sum of Six Pounds or upwards, the



the same shall be considered as one distinct Cottage, Dwelling-House or Building, any Thing in the said recited Acts or this Act contained to the contrary notwithstanding.

considered as One Cottage

XXVIII. Provided always, and be it further enacted, That all and every Persons and Person who are or is, or shall be possessed of, or interested in any Lands, Houses, Buildings, Tenements or Hereditaments, liable to be rated or assessed by or under this Act, for any Term or Terms of Years not being less than Twenty-one Years from the First Day of *January* One Thousand eight hundred and five, or for the Term of Three Lives at the least then in being, or who are, or is, or shall be Tenants or Tenant for Life of any such Lands, Houses, Buildings, Tenements or Hereditaments, shall be deemed and considered as the Landlords or Proprietors, Landlord or Proprietor thereof, for all the Residue of such Terms or other Estates, for all or any of the Purposes of this Act.

Lessees for long Terms of Years and Tenants for Life to be considered as Landlords for the Purposes of this Act.

XXIX. Provided always, and be it further enacted, That no Person shall be rated or pay the Rates or Assessments which shall be made by virtue or in pursuance of this Act, or the said recited Acts, or any of them, who shall occupy a House or Houses, Building or Buildings, or Part of any House or Building within the said Lordship or Precinct, which in the whole shall be of less than the yearly Value of Six Pounds; and no Rate or Assessment shall by virtue of this Act, or the said recited Acts, be charged or made payable by any Person who, by reason of his or her own Poverty only, is or shall be excused from paying any Rate made for the Relief of the Poor.

Exemptions from Rates.

Persons occupying Tenements of less Rent than 6l. per Annum.

Not paying Poor Rates.

XXX. And be it further enacted, That neither the Dock Company at *Kingston upon Hull*, nor any Person or Persons whomsoever, shall be rated or pay the Rates or Assessments which shall be made by virtue or in pursuance of this Act, for or in respect of any Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach-houses, Brewhouses, Granaries, Malhouses, or other Buildings, Lands and Premises situate in such Part of the Lordship or Precinct of *Myton* aforesaid, as now belongs to the said Dock Company, nor for or in respect of all or any of the Dues and Payments of or belonging to the said Dock Company.

Dock Company exempted from Rates.

XXXI. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to charge or make liable the Owners or Occupiers of any of the Dwelling-houses, Warehouses, Buildings, Lands, Tenements or Hereditaments, in *Trippett* aforesaid, which adjoin on any Streets or Places at present cleansed and lighted, by or at the Expence of the said Dock Company, to or with the Payment of any Rates or Assessments to be made by virtue of this Act for lighting or cleansing, so long as such Streets or Places shall be effectually lighted and cleaned by the said Dock Company.

Inhabitants of Trippett not liable to be assessed for Lamps and Scavengers.

XXXII. And whereas the said Dock Company, at their own proper Costs and Charges, light, watch and cleanse, the legal Quay at *Kingston upon Hull* aforesaid, and the Ground lying between the same and the Dwelling-houses, Warehouse, Lands and Hereditaments, of or belonging to the said Dock Company, situate on the South Side of or

Dock Company to light &c. the South Side of the Old Dock.

[*Loc. & Per.*]

11 K

contiguous

contiguous to the said Quay; be it therefore further enacted, That neither the said Dock Company, nor any of the Tenants or Occupiers of the said Dwelling houses, Warehouses, Lands or Hereditaments, shall be subject or liable to the Payment of any Rates or Assessments to be laid, raised or levied by virtue of this Act, or of any of the said recited Acts, during such Time or Times as the said Dock Company, their Successors, Tenants or Occupiers, shall effectually light, watch, and cleanse the said Quay and Ground.

Commis-  
sioners em-  
powered to  
to borrow  
3,000l. on the  
credit of the  
Rates.

XXXIII. And to the End that the said Commissioners may be enabled to execute the Purposes of this Act in the most expeditious Manner, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, with the previous Consent, Approbation and Allowance, of the Mayor and Aldermen of the said Town in Common Council assembled, from Time to Time, as often as to them it shall seem necessary, for the several Purposes of paving, cleansing, lighting and watching the said Lordship or Precinct of *Myton*, and of making, enlarging, widening, deepening, altering and removing the public Drains and common Sewers within the same, or for any of them, to borrow and take up at Interest any Sum or Sums of Money, not exceeding Three thousand Pounds, upon the Credit of the several Rates or Assessments to be made and payable within the said Lordship or Precinct for the said Purposes by virtue of this Act; and by any Writing or Writings signed by them the said Commissioners, or any Five of them, to mortgage or assign the said Rates or Assessments to any such Person or Persons who shall advance or lend such Sum or Sums of Money thereon, as as a Security or Securites for such Sum or Sums so borrowed, together with legal or lower Interest for the same, which Interest shall be payable and paid Half-yearly by the Treasurer of the said Commissioners out of the Monies to arise by or from the said several Rates or Assessments; and every such Mortgage or Assignment shall be in the Words or to the Effect following; (that is to say),

Form of  
Mortgage.

‘ BY virtue of an Act, passed in the Fiftieth Year of the Reign of  
 ‘ His Majesty King *George* the Third, intituled, [*set forth the Title*  
 ‘ *of this Act*] We  
 ‘ being Five of the Commissioners appointed by and in  
 ‘ pursuance of the said Act, in Consideration of the Sum of  
 ‘ this Day advanced and lent by *A. B.* upon the Credit and for the Pur-  
 ‘ poses of the said Act, do, by and with the previous Consent, Appro-  
 ‘ bation and Allowance of the Mayor and Aldermen of the Town or  
 ‘ Borough of *Kingston upon Hull*, in Common Council assembled, (testi-  
 ‘ fied by their Common Seal hereunto set and affixed), grant, bargain,  
 ‘ sell, and demise unto the said *A. B.* his or her Executors, Administrators  
 ‘ and Assigns, such Proportion of the Rates and Assessments arising by  
 ‘ virtue of the said Act as the said Sum of  
 ‘ doth or shall bear to the whole Sum which may at any Time be bor-  
 ‘ rowed or become due and owing, or charged upon the Credit of the  
 ‘ Rates and Assessments granted or directed to be granted by the said  
 ‘ Act; to be had and holden from this Day of  
 ‘ in the Year until the said Sum of  
 ‘ with Interest at *per*  
 ‘ *Centum per Annum* for the same shall be repaid and satisfied. In Wit-  
 ‘ nesses



charged upon and shall be payable and paid out of the said Rates and Assessments during the Term of the natural Life of the Person for whose Life such Annuity shall be granted; and every such Annuity, and also the Interest arising on every Mortgage or Assignment to be made of the said Rates and Assessments by virtue of this Act as aforesaid, shall be payable and paid by the Treasurer for the Time being to the said Commissioners, by equal half-yearly Payments; the First Payment thereof respectively to be made at the Expiration of Six Calendar Months next after the Date of the respective Securities for the same; and all such Persons to whom such Mortgages, Assignments, or Grants shall be made, or who shall be entitled to the Money, Annuity or Interest thereby secured, shall in Proportion to the Sum of Money, Annuity or Interest therein respectively mentioned, be Creditors on the said Rates and Assessments equally One with another, without any Preference in respect of the Priority of advancing any such Money, or the Date of any such Mortgage, Assignment, or Grant.

Clerk of the said Commissioners to enter all Securities in a Book or Books to be kept for that Purpose.

XXXV. And be it further enacted, That the Clerk to the said Commissioners shall enter, or cause to be entered, in a Book or Books to be by him for that Purpose provided and kept, all Securities for Money borrowed by virtue or in pursuance of this Act, and all Assignments or Transfers thereof, expressing in Words at length the Names, Additions, Places of Abode, and other Descriptions of all and every such Person and Persons as shall from Time to Time be entitled to such Securities, and the Sum or Sums received upon the same; to which Book or Books the Person and Persons entitled to and possessed of such Securities, and all and every the Persons and Person liable to the Payment of the said Rates or Assessments, shall at all reasonable Times have access, with free Liberty to inspect the same without Fee or Reward.

Money borrowed to be proportioned on the Districts.

XXXVI. Provided always, and be it further enacted, That the Monies so to be raised, borrowed, and taken up, shall be divided and apportioned by the said Commissioners to and for the Use of, and to be paid and reimbursed accordingly by each of the Districts or Divisions separately, as hereinbefore mentioned and directed, with respect to the Rates and Assessments to be raised in and for the same District or Division, or the Loans and Advancements to be made by or to the same respectively as aforesaid, but so as not to affect, lessen, or impeach the Security of the Person or Persons advancing the same with respect to the whole of the Rates and Assessments to be raised for the said Lordship or Precinct collectively.

Persons entitled to Securities may transfer by Endorsement.

XXXVII. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Securities aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times to assign or transfer the same by Endorsement in Writing under his, her, or their Hand or Hands respectively on the Back thereof, to any Person or Persons whomsoever, and so *toties quoties*; and all such Assignments or Transfers, after they shall have been so made and entered by the Clerk to the said Commissioners in Manner aforesaid (which he is hereby required to do without Fee or Reward), shall entitle the Person or Persons to whom they shall be respectively made, and his, her,

her, or their respective Executors, Administrators, or Assigns, to the Benefit of the Securities.

XXXVIII. And be it further enacted, That the said Commissioners Watchmen shall, and they are hereby required, at the First, or some subsequent Meeting or Meetings to be held as aforesaid, to apportion the Number of Watchmen to be employed in the said Town of *Kingston-upon-Hull* and Liberty of *Trippett*, and in each District of the said Lordship or Precinct of *Myton*, or such Parts of the said Lordship or Precinct as shall be from Time to Time required to be watched, by Ten or more Persons respectively occupying Tenements within the same, of the yearly Rent of Six Pounds at the least, and as the said Commissioners shall deem expedient, and from Time to Time to alter such Apportionment and Number of Watchmen as shall be found most expedient for the Purpose of appointing and regulating the Watch as hereinafter mentioned; and each and every of the said Watchmen shall be duly appointed and sworn to act, and shall, during the Time they shall respectively be on Duty in the Night, act as Constables, and each and every of them shall, during such Time, have and be invested with the same Powers and Authorities as Constables have by Law; and the Mayor of the said Town, for the Time being, and One or more of the Aldermen of the said Town, shall and may make such Orders and Regulations, and give such Directions for the stationing and regulating the said Watchmen, and the Places, Times, and Periods of their Watch, as they shall from Time to Time think proper; and the said Commissioners shall, by and out of the Money to be raised in pursuance of this Act, erect, hire, or otherwise provide in each of the said Districts, and in such Places as the Mayor and One or more of the Aldermen shall direct, proper Watch-houses, Watch-boxes, or Places for the Reception of the said Watchmen, and proper Coats, Lanthorns, Arms, Materials, and Things, suitable for their respective Offices, and proper and convenient Rooms, or other Places of Security wherein to lodge Offenders until taken before a Magistrate for Examination; and all and every the said Watchmen shall, and they are hereby empowered and required to use his and their best Endeavours to prevent Mischief by Fire, and also to prevent Murder, Burglaries, and Robberies, and other Felonies and Misdemeanors, and to secure and apprehend all Malefactors and all disorderly and suspected Persons, and to detain and safely keep every such Person in any of the said Watch-houses or Places to be provided as aforesaid, or to deliver such Person without delay to the Keeper of the House of Correction of the said Town of *Kingston-upon-Hull*, as the Nature of the Case or Magnitude of the Offence may seem to require, and which Keeper of the said House of Correction is hereby required to receive and take the Charge of such Person or Persons, until he, she, or they can be taken (which shall be done as soon as conveniently may be) before some Justice of the Peace for the said Town and County, to be examined and dealt with according to Law; and in Case any such Watchmen shall be wounded or disabled in the Execution of his or their Duty, the said Commissioners shall give and order to be paid to him or them such Gratuities or Rewards in Money as shall at any Meeting of the said Commissioners be thought proper: Provided always, that nothing herein contained shall extend or be construed to extend, to adjudge, or give to any

[*Loc. & Per.*]

II L

Person

Watchmen  
not to gain  
Settlements  
as Con-  
stables.

Person or Persons, so to be appointed a Watchman or Watchmen as  
afore said, a Settlement or Settlements within the united Parishes of the  
*Holy Trinity* and *Saint Mary*, in the said Town, in respect of his or their  
having been a Constable or Constables for the Purposes of this Act.

Penalty on  
Publicans or  
other Persons  
harbouring  
Watchmen.

XXXIX. And be it further enacted, That if any Victualler, Pub-  
lican, or other Person, selling Spirituous or other Liquors, shall enter-  
tain or harbour in his, her, or their House, Habitation, or Shop,  
any Watchman to be appointed under this Act, during any of the  
Hours or Times appointed for such Watchman to be on Duty in  
virtue or in pursuance of this Act, then every such Victualler, Publican,  
or other Person, shall forfeit and pay any Sum not exceeding Twenty  
Shillings for the First Offence, and not exceeding Forty Shillings for  
the Second Offence, and not exceeding Five Pounds for the Third  
and every other Offence.

Penalty on  
Watchmen  
off Duty or  
drunk.

XL. And be it further enacted, That if any Person to be ap-  
pointed a Watchman under this Act, shall be asleep, intoxicated, off  
Duty, or from the Station of his Watch, or otherwise misbehave  
himself in the Execution of his Office, during the Period for which he  
shall be directed and appointed to watch, it shall be lawful for any  
Three or more of the said Commissioners of the Division, or District  
to which he shall belong, without convening any Meeting, by Writing  
under their Hands to discharge him from his Office; and every such  
Watchman so offending shall, on Conviction thereof, before One of  
His Majesty's Justices of the Peace for the said Town and County,  
forfeit any Sum not exceeding Five Shillings for the First Offence,  
not exceeding Ten Shillings for the Second, and not exceeding  
Twenty Shillings for the Third and every other Offence, to be  
deducted from his Wages or Salary, if any shall be due to him, or  
if none shall be due or in Default of Payment he shall be committed  
to Prison for any Term not exceeding One Calendar Month, at the  
Discretion of the Justice before whom he shall be so convicted;  
and another Person shall be appointed in his Place or Stead by the  
Mayor of the said Town for the Time being.

Commission-  
ers to fix the  
Number of  
Lamps.

XLI. And be it further enacted, That it shall be lawful for the  
said Commissioners and they are hereby authorized and empowered  
from Time to Time to cause Lamp-posts or Lamp-irons to be put  
up or affixed into, upon, or against the Ground adjoining to or the  
Walls or Pallisadoes of any of the Houses, Tenements, or Buildings  
already built, or hereafter to be built, within the said Town of *Kingston  
upon Hull* and the Liberty of *Trippett* afore said, and within such Parts  
of the said Lordship or Precinct of *Myton* as now are or shall here-  
after, from Time to Time, be built upon and occupied or inhabited,  
and shall be required to be lighted by Ten or more House-holders  
respectively occupying Tenements within the Street, Square, Lane,  
Way, Passage, Court, or Place, so intended to be lighted, of the  
annual Rent of Six Pounds at the least, as they the said Commissioners  
shall think proper and expedient; and also to cause such Kind and  
Number of Lamps of such Sizes and Sorts to be provided and fixed or  
put upon such Lamp-posts, and to cause the same when so provided  
and fixed to be altered, taken down, or removed, and to alter the  
Place

Place and Situation and Manner of fixing, and to increase or diminish the Number of Lamps, now erected and being in the said Town, and to give such other Orders and Directions in the Premises as they the said Commissioners shall from Time to Time think proper, for well and sufficiently lighting the Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places, within the said Town and Liberty, and such Parts of the said Lordship or Precinct, respectively as last aforesaid; and also to cause such Lamps to be lighted at such Time or Times; and to be kept lighted during the Whole or such Part of the Night, and for the Whole or so much and during such Period of the Year, as the Mayor of the said Town and One or more of the Aldermen for the Time being shall, from Time to Time, order and direct.

XLII. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained and settled the Number of Watchmen to be employed in the said Town and Liberty, and the Wages or Hire, Gratuities, Rewards, or Payments, to be paid and given to such Watchmen, and the Number, Situation and Kind of Lamps to be erected in the said Town and Liberty, and the Manner of fixing the same; and when and so often as they shall see cause to increase or diminish the Number of such Watchmen or of such Lamps, or to vary, alter, or regulate the Mode of watching or the Manner of lighting the said Town and Liberty; it shall and may be lawful to and for the said Commissioners, from Time to Time, at any of the Meetings to be had under or by virtue of this Act, so often as Occasion shall require, by Warrant under the Hand of the Chairman of the said Meetings directed to the Assessors for the Time being, appointed by and acting under and by virtue of the said recited Acts or any of them, to specify the Number and Names of the Watchmen to be from Time to Time so appointed in and for the said Town and Liberty, and the Wages or Hire, Gratuities, Rewards or Payments to be paid and given to such Watchmen, and the Number, Situation, Kind and Manner of fixing, placing, and lighting the Lamps in the said Town and Liberty, with such other Particulars and Directions in the Premises as they shall think proper; and the said Assessors are hereby required and enjoined, by and out of the Assessments to be raised and levied by virtue of the said recited Acts and of this Act respectively in and for the said Town and Liberty, to pay to such Watchmen the Wages or Hire, Gratuities, Rewards or Payments, from Time to Time ordered and directed to be paid to them by the said Commissioners, at the Times and in Manner in the said Warrant expressed, and to provide such Kind and Number of Lamps, Lamp Posts and Lamp Irons, in such Places and Situations, and to cause the same to be lighted in such Manner, and from Time to Time to vary, alter and regulate the Number, Situation, Kind and Manner of fixing, placing, and lighting the Lamps for the said Town and Liberty, as by the said Commissioners shall be from Time to Time directed and appointed as aforesaid.

Assessors to obey the Commissioners' Warrant for Payment of Watchmen and Manner of Lighting.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, at any of the Meetings to be had under or by Virtue of this Act, to contract and agree with any Person or Persons, for such Number and Kind of Lamps as shall be, from Time

Commissioners may contract for lighting in Myton.

For Scaven-  
gers.

For Water-  
carts, Fire-  
engines, and  
other Neces-  
saries.

to Time, thought necessary to be fixed and set up in such Parts of the said Lordship or Precinct of *Myton* as aforesaid, and for Lamp-irons, Posts, and other Materials necessary or convenient for fixing the same, from Time to Time, and for furnishing and providing the same Lamps with all Requisites, and for lighting, supporting, amending, and repairing the same; and also with any Person or Persons to be and act as Scavenger or Scavengers, within the said Lordship or Precinct of *Myton*, to sweep and cleanse the same in an effectual Manner, when and as often and at such Times as the said Commissioners shall from Time to Time appoint, and immediately after such Sweeping, take and carry away the Dirt, Dust, Dung, Ashes, and other Filth, thereby gathered and collected, according to the Directions in this Act contained; and the said Commissioners are hereby directed, empowered, and required to sell and dispose of the same, when so gathered, collected, and deposited, by public Auction or private Contract, and to apply the Money arising therefrom to the Purposes of this Act: And also to contract and agree with any Person or Persons to make and furnish, and to repair and keep in good Order, One or more Water-cart or Water-carts, Engine or Engines, proper for watering such Parts of the said Town and Liberty, and Lordship or Precinct, as the said Commissioners shall think fit; and also One or more Fire-engine or Fire-engines, together with a sufficient Number of Leathern Buckets, and other Matters and Things relating thereto, as the said Commissioners shall think proper: and to purchase, lease, or otherwise agree for a proper and convenient Place or Places for keeping the said Water-cart or Water-carts, Fire-engine or Fire-engines, and Buckets, and other Things relating thereto.

Contracts for  
lighting, &c.  
to be pursu-  
ant to the  
Provisions of  
this Act, and  
with the Ap-  
probation of  
the Mayor  
and one Al-  
derman, and  
Part of Sum  
to be retained  
by the Trea-  
surer, until  
Contract  
completed.

XLIV. Provided always, and be it further enacted, That all and every Contracts and Contract which shall be entered into by the said Commissioners, under or by Virtue of this Act, or by the Assessors appointed under and by Virtue of the said recited Acts, to or with any Person or Persons for the lighting, sweeping, and cleansing the Streets, Squares, Lanes, Ways, publick Places, Courts, and Passages of the said Town and Liberty, and Lordship or Precinct respectively, shall be agreeable to the Directions and Provisions in this Act contained, and with the Approbation of the Mayor and One Alderman of the said Town first obtained; and that in every such Contract a Clause, Stipulation, or Agreement shall be inserted and contained, whereby the Treasurer or Treasurers of the said Commissioners or Assessors, shall be authorized and empowed to retain in his or their Hands respectively One-fourth Part at least of the gross Amount of the Sum or Sums for which such Contractor or Contractors shall have agreed to perform and execute the same, until such Contract or Contracts shall be fully performed.

Penalty on  
Contractors  
for Neglect.

LXV. Provided always, and be it further enacted, That if any Person or Persons entering into or engaging in any Contract with the said Commissioners, under or by virtue of this Act, or with the Assessors for the said Town and Liberty, under and by virtue of the same or of the said recited Acts respectively, for lighting any of the Lamps within the said Town and Liberty, and Lordship or Precinct, or for sweeping and cleansing the Streets, Squares, Lanes, Ways, publick Passages, Courts and Places within the same respectively, shall altogether omit or neglect



neglect to light, or shall not light, at the Time appointed or in a proper and sufficient Manner any of such Lamps, or not sweep and cleanse the said Streets, Squares, Lanes, Ways, Publick Passages, Courts and Places, in a proper and sufficient Manner, when, as often and according to the Terms of his said Contract, or shall in any other Manner omit or neglect to perform, execute and fulfil the Conditions of his said Contract, according to the true Tenor and Meaning thereof, and of this and the said recited Acts respectively, such Person and Persons shall for each and every such Neglect or Omission as aforesaid, (unless the same shall be made to appear to the Satisfaction of the Mayor of the said Town or any One or more of the Aldermen, to have happened by some unforeseen or unavoidable Accident), pay and forfeit a Sum not exceeding Five Shillings for every Lamp so omitted to be lighted, and Twenty Shillings for every Neglect or Omission in the sweeping and, cleansing of any of the said Streets, Squares, Lanes, Ways, Publick Passages, Courts and Places; and that it shall be lawful for the said Mayor or Aldermen, before whom such Penalty shall be recovered, to order and direct any Sum of Money, not exceeding one Quarter of the Penalty, to be paid and applied to the Use of such Person as shall inform or prosecute in that Behalf.

XLVI. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to hinder or prevent the said Commissioners or Assessors respectively from commencing and prosecuting any Action or Actions at Law against any such Contractors or Contractor for or in respect of any Breach of Contract or Covenant, so as such Action or Actions be not brought or commenced for or in respect of any particular Breach of Contract or Covenant for which such Contractor or Contractors shall have been proceeded against as aforesaid.

But not to preclude the Commissioners from Actions against Contractors.

XLVII. And be it further enacted, That if any Person or Persons shall wilfully take away, throw down, break, or damage any Lamp that now is or hereafter shall be set up for lighting any of the said Squares, Streets, Lanes, Ways, Publick Passages, Courts, and Places in the said Town and Liberty and Lordship or Precinct, or shall wilfully extinguish the Light or Lights within the same, or damage the Iron Posts or other Furniture thereof, it shall be lawful for any Person or Persons whomsoever who shall see any of such Offences committed to seize, and also for any other Person or Persons to assist in seizing, the Offender or Offenders, and by the Authority of this and the said recited Acts, and without any other Warrant, to convey him, her, or them, and to deliver him, her, or them to the Custody of the Watchman or a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of and for the said Town and County, who shall proceed to examine upon Oath (or being one of the Persons commonly called Quakers, upon Affirmation) any credible Witness or Witnesses appearing or produced before him to give Information touching any of the said Offences; and if it shall happen that the Party or Parties accused shall be convicted of any of the said Offences, either by his, her, or their own Confession, or upon the Oath or Oaths, Affirmation or Affirmations of any such Witness or Witnesses as aforesaid, then, he, she, or they being so convicted shall forfeit and pay any Sum of Money, not exceeding Forty Shillings, for each and every of such Lamps so taken

Penalty for wilfully breaking Lamps. &c.

[Loc. & Per.]

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away,

away, thrown down, broken, or damaged, or for every Light so extinguished as aforesaid, and moreover shall make full Satisfaction to the said Commissioners, or to such Person as they shall appoint to receive the same, for the Loss or Damage so by him, her, or them done or occasioned as aforesaid; and in case such Offender or Offenders shall not on Conviction pay the said Sum or Sums so by him, her, or them forfeited, and make such Satisfaction as aforesaid, it shall be lawful for such Justice of the Peace aforesaid, and he is hereby required to commit the said Offender or Offenders to the Common Gaol or House of Correction of the said Town and County, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month, and such Offender or Offenders shall not be discharged from thence before the Expiration of the Time for which he, she or they shall be so committed, unless such Forfeiture or Forfeitures and Satisfaction shall be sooner paid and given.

Accidental  
Damage.

XLVIII. And be it further enacted, That in case any Person or Persons shall carelessly and accidentally throw down, break, or damage any of the said Lamps so set up or hereafter to be set up as aforesaid, or the Irons, Posts or other Furniture thereof, and shall not immediately upon Demand for that Purpose made by any Person or Persons who shall see such Damage done, make Satisfaction for the same, it shall be lawful for any Person or Persons whomsoever who shall see the said Damage done to seize, as also for any other Person or Persons to assist in seizing, the Person or Persons doing such Damage, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them to the Custody of the Watchman or a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of and for the said Town and County; or in case the said Person or Persons so doing such Damage shall not be immediately seized and taken, it shall be lawful for any such Justice of the Peace as aforesaid to summon him, her, or them to appear before him, and to proceed to examine upon Oath or Affirmation any One or more credible Witness or Witnesses who shall appear or be produced to give Information touching such Damage, and upon Proof so made thereof, either in the Presence of the said Person or Persons so doing such Damage, or in his, her, or their Absence, provided he, she, or they hath or have been so summoned as aforesaid and doth or do not appear, to award such Sum or Sums of Money by way of Satisfaction for such Damage as such Justice shall think reasonable; and in case of the Refusal or Neglect of such Person or Persons to pay the said Sum or Sums of Money so awarded, upon Demand made for that Purpose, to cause the same to be levied by Distress and Sale, and after discharging the said Sum or Sums of Money so awarded, together with the Costs and Charges attending the said Distress and Sale, the Surplus shall be paid to him, her, or them respectively; and in case the Person or Persons so doing such Damage shall have no Goods and Chattels within the said Town and County, and shall upon Demand made of such Sum or Sums of Money, refuse or omit to pay the same, such Justice is hereby required to commit him, her, or them to the Gaol or House of Correction of the said Town and County for any Space of Time not exceeding One Calendar Month, and such Person or Persons so committed shall not be discharged from thence before the Expiration of the Time for which he, she, or they

they shall have been so committed, unless the said Sum or Sums so awarded as aforesaid shall be sooner paid.

XLIX. And whereas several of the Squares, Streets, Lanes, Ways, Publick Passages, Courts, and Places which have within a few Years last past been newly laid out in the said Lordship or Precinct of *Myton* have been paved in a partial Manner by some of the Owners or Lessees of Buildings and Grounds therein, whilst other Owners of Buildings and Grounds in the same have omitted to pave their Proportion, and others of the said Squares, Streets, Lanes, Ways, publick Passages, Courts and Places, not being publick Highways nor repaired by the publick Highway Act, by Means whereof and the Narrowness and bad State of the Repairs of the said Streets, Squares, Lanes, Ways, publick Passages, Courts and Places, not only Difficulty and Danger attend the passing of Persons, Carts, and Carriages through the same, but also, from the stagnant Waters and Filth therein, the same are Nuisances and may materially affect the Health of the Inhabitants thereof; and in order that the Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places already made or built, as well as such as are now making or building, and may be hereafter made or built, within the said Lordship or Precinct of *Myton*, and through and over which a Dereliction of the Way to the Publick shall have been made by the Proprietor or Owner, may be properly flagged, paved, and cleansed, and that all Annoyances, Obstructions, Nuisances and Encroachments therein may be removed, and the present and future Drains, Sinks, Gutters, and Watercourses for conveying the Water and Filth out of the said Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places into the common Sewers or Drains may be amended, repaired, cleansed, altered and scoured, and new ones (if necessary) be made in such Manner as the said Commissioners shall think proper; be it therefore further enacted, That all and every Owner and Owners, Occupier and Occupiers (such Occupiers to be reimbursed by the Owners) of Houses, Buildings, Ground or Land within any of the said Divisions or Districts of the said Lordship or Precinct, whether the same shall be near or adjoining to or distant from any such Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places as hereinafter mentioned, (but which Owners or Occupiers shall be respectively benefited thereby, and the Liability thereto shall be ascertained in the Manner hereinafter mentioned and directed), shall from Time to Time, at their own proper Expence, within Ten Days next after a Day to be expressed in a Notice in Writing given for that Purpose by the said Commissioners or their Surveyor or Surveyors for the Time being, (such Notice being given or delivered or left at the Dwelling-houses of such Owners or Occupiers respectively Ten Days at the least before the Day to be therein expressed), set out and make or cause to be set out and made with good Flag-stones a Road or Way for Foot Passengers, Six Feet of Assize in Breadth at the least, where any Street, Square, Lane, Way, publick Passage, Court or Place shall be Forty Feet of Assize in Width, and where the same shall be of less Width, then such flagged Pavement shall be of such Breadth as the said Commissioners shall direct, next to and in the Front of the Houses or Buildings in any such Street, Square, Lane, Way, publick Passage, Court or Place, or of such Ground or Land adjoining thereto as shall be built upon or laid out for building, and in, through, and over

Streets in  
Myton to be  
properly  
paved, &c.

which

which a Dereliction of the Way for the Public shall have been made by the Owner or Proprietor, and also behind and at the Side of such Houses, Buildings, Ground or Land where the same shall also adjoin any other Street, Square, Lane, Way, publick Passage, Court, or Place behind or at the Side thereof; and shall also pave or cause to be paved with Paving or Cobble Stones so much of the Carriage-way of such Street, Square, Lane, Way, publick Passage, Court, or Place from the Curb-stone of such flagged or Foot-pathway into the Middle, or, if the Case shall require, to the Extremity in Breadth of such Street, Square, Lane, Way, publick Passage, Court or Place, with such Drains, Gutters, Sinks or Watercourses, Grates or Gratings, and, where the same shall happen not to be built upon or walled in, with such Fences or Guards, as the said Commissioners shall thing necessary; or if the said Commissioners shall not deem it necessary that such Street, Square, Lane, Way, publick Passage, Court or Place shall be so flagged and paved, then such Owner or Owners, Occupier or Occupiers as aforesaid shall upon such Notice make or cause the same to be made in such Manner and of such Materials, and with such Drains, Gutters, Sinks or Watercourses, Grates or Gratings, and where the same shall happen not to be built upon or walled in, with such Fences or Guards, as the said Commissioners shall from Time to Time direct and require; and such Owner or Owners, Occupier or Occupiers, shall from Time to Time and at all Times afterwards, in every case where the same Street, Square, Lane, Way, publick Passage, Court or Place shall not be a Thoroughfare or shall be of less Width than Thirty Feet, at his or their own proper Expence, and on a like Notice being given to him or her as aforesaid, repair, amend, raise, lower, alter or place, or cause to be repaired, amended, raised, lowered, altered or placed the Flagging and Pavement of the same; and in Default thereof it shall be lawful for the said Commissioners to cause to be paved, repaired, amended, raised, lowered, altered, made or placed accordingly; and in case any such Owner or Occupier shall cause any such Flagging or Pavement, Drains, Gutters, Sinks or Watercourses, Grates or Gratings, to be done, repaired, amended, lowered, altered, made or placed otherwise than according to the Direction, Requisition, or Manner, for that Purpose expressed in such Notice or Notices, then it shall be lawful for the said Commissioners to cause such Pavement, Flagging, Drains, Gutters, Sinks, Watercourses, Grates or Gratings (as the Case may be) to be taken up and relaid, made or placed agreeable to such Direction and Requisition, or in such other Manner as the said Commissioners shall think proper or direct; and the Charges and Expences attending or relating to the taking up and underlaying, making or placing the same as aforesaid, shall be reimbursed to such Commissioners by such Owner or Occupier making Default as aforesaid, or causing the several Matters and Things aforesaid to be done contrary to such Direction and Requisition or Manner as aforesaid; and such Charges and Expences respectively shall be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, in like Manner as the Rates hereinbefore directed or required to be raised and levied are directed to be recovered, the Overplus (if any) of the Monies to arise thereby, after deducting such Charges and Expences as aforesaid, and also the Costs and Expences attending such Distress and Sale, being returned to such Owner or Occupier on Demand.

L. Pro-

L. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required to cause the Road or Way called *Pinfold-lane*, within the said Lordship or Precinct, extending from the North End of a certain Lane called *Love-lane*, Westward to a Bridge at the East End of a Lane called *Patrick Ground-lane*, and from thence Northward to the Turnpike Road leading from *Kingston upon-Hull* aforesaid to *Anlaby*, or so much and such Parts or Part thereof, as to the said Commissioners shall from Time to Time seem meet and necessary, to be flagged and paved, or otherwise made and completed in Manner aforesaid; and the Expence and Charge thereof shall be paid and borne by and out of the several Assessments to be raised and levied by virtue of this Act, upon all the Districts of the said Lordship or Precinct collectively, and the Owners and Occupiers (such Occupiers to be reimbursed by the Owners) of the Lands, Houses, Buildings, Tenements, and Hereditaments within the said Lordship, shall pay and contribute towards the same rateably, and in proportion to the annual Worth or Value of their respective Lands, Houses, Buildings, Tenements, and Hereditaments, as hereinbefore mentioned.

*Pinfold-lane* to be paved or made by the Commissioners under a general Assessment of Myton.

LI. And be it further enacted, That when any of the Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places, which are already laid out and made, or which shall hereafter be laid out and made in the said Lordship or Precinct as aforesaid (the same being Thoroughfares, or of the Width of Thirty Feet at the least), shall be well and sufficiently flagged and paved with such good and substantial Sea-cobbles, or otherwise made and put in good Order and Repair to the Satisfaction of the said Commissioners, it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time to declare the same to be publick Highways, and by Writing under their Hands, directed to the Surveyor of the Highways of the said Lordship or Precinct where such Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places are; or shall be so laid out and made, as the Case may be, to order such Surveyor to repair and keep in good Condition all such Streets and Ways in the same Manner, to all Intents and Purposes, as the other Highways in the said Lordship or Precinct are respectively paved, flagged, and repaired, and kept in Order under the Laws now in being, concerning Highways in general; and from and after such Declaration made and ordered, the same and every of them shall be deemed and taken to be publick Highways, to all Intents and Purposes, and repaired and kept in Repair by the Inhabitants of the said Lordship or Precinct in the same Manner, as and in all Respects be subject to the Laws now in being concerning Highways in general.

Thoroughfares and Roads Thirty Feet Wide to be repaired under the Highway Acts when made according to this Act, and certified by the Commissioners as such.

LII. And be it further enacted, That the present and future Footways and Carriage-ways of or belonging to any Bridge or publick Building now making or building, or which shall hereafter be made or built within the said Lordship or Precinct, shall be paved and kept in Repair at the Expence of the Person or Persons in whom such Bridge or publick Building is or shall for the Time being be vested, and that the present and future Footways or Carriage-ways of or belonging to, or before, behind, and at the Side of any Bridge or Building now made or erected, or which shall or may hereafter be

The Pavement of public Buildings to be under the same Regulations as those of private Ones.

[*Loc. & Per.*]

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made

made or erected within the said Lordship or Precinct, and set apart or used for the Amusement of the Inhabitants thereof, or of the said Town of *Kingston-upon-Hull*, or of the Public in general, shall be paved and kept in Repair at the Expence of the Owners and Proprietors thereof for the Time being, and that the present and future Footways and Carriage-ways of or belonging to, or before, behind, and at the Side of any Church or Chapel now made or built, or making or building, or which shall hereafter be made or built within the said Lordship or Precinct, in case of the Parish Church of the *Holy Trinity*, and the Church-yard or Burial-ground belonging to such Church or Chapel of Ease, and belonging to the said Parish, shall be paved and kept in Repair at the Expence of the Churchwardens of the said Parish; but if such Church or Chapel, or Burial-ground shall be built or made by any private Person or Persons, then the same Foot-ways and Carriage-ways shall be paved and kept in Repair by the Owner or Proprietor, Owners or Proprietors for the Time being of the same Church or Chapel, or Burial-ground; and that the present and future Foot-ways and Carriage-ways of or belonging to, before, behind, or at the Side of any Dissenting Meeting-house or Meeting-houses, Chapel-yard, or Burial-place, or Ground now made or built, or making or building, as well as such as shall hereafter be made or built within the said Lordship or Precinct, shall be paved and kept in Repair at the Expence of the respective Ministers and Deacons or other Persons usually officiating therein, or having the Care or Management of the same; and all the same Foot-ways and Carriage-ways, and the Flagging and Paving thereof, shall be made, flagged, paved, repaired, amended, cleansed, lighted, and watched, and be subject to the same Regulations and Penalties respectively, and such Penalties shall be recovered respectively in the same Manner as is and are hereinbefore expressed, provided, and inflicted, concerning or with respect to the other Foot-ways and Carriage-ways in or of the Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places, now made or built within any Part of the said Lordship or Precinct of *Myton*.

Irregular  
Paving.

LIII. And whereas by Experience it has been found that the irregular laying out of Streets and Places in the said Lordship or Precinct of *Myton*, as to the Level thereof, according to the Caprice of each particular Owner of the Lands by whom the same have been so laid out, has been attended with great Inconvenience to heavy laden Carts and Carriages passing through such Streets and Places, and the Property itself of such Owners adjoining thereto has in consequence been materially injured in Value; be it therefore further enacted, That from and after the passing of this Act, it shall not be lawful for any Person who shall hereafter lay out any Street, Square, Lane, Way, publick Place, Court, or Passage, in the said Lordship or Precinct, through and over which a Dereliction of the Way to the Public is or shall be intended to be made by the Proprietor or Owner, to execute the same in respect of the Level thereof in any other Manner than as the said Commissioners shall direct.

Commissioners  
authorized to com-  
pound for  
paving and  
flagging.

LIV. And whereas it may be the Means of greatly forwarding the good Purposes intended by this Act, if Builders or other Owners or Occupiers of Lands or Houses in such Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places, now or hereafter to be erected and

and built or laid out for building within the said Lordship or Precinct, as shall or may be required and ought to be paved according to the Powers and Provisions of this Act, were to pay to the said Commissioners such Sum or Sums of Money towards the Flagging and Paving of the same as is or are hereinafter directed; be it therefore enacted, That it shall and may be lawful for the said Commissioners to view and inspect any of the said Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places, which now are or hereafter may be built or building upon or within the said Lordship or Precinct, and through and over which a Dereliction of the Way to the Publick shall have been made by the Owner or Proprietor, and if upon such View they shall be of Opinion that the same or any Part or Parts thereof is or are fit and proper to be paved as hereinbefore expressed, and that it will be more eligible and advantageous to the Publick, and promote the Purposes of this Act, that the same should be compounded for, at any Meeting held after such View to order their Surveyor or Surveyors, or other Person or Persons by them appointed for that Purpose, to give Notice to the Owner or Owners, Occupier or Occupiers of any Lands, Grounds, House or Houses, or other Building or Buildings, or Hereditaments in the said Lordship or Precinct, near or adjoining to or distant from any of the said Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places, who shall be benefited thereby or liable thereto as aforesaid, or if no such Owner or Owners, Occupier or Occupiers can be found, then to affix such Notice against the said Premises, on any conspicuous Part thereof, which said Notice shall require such Owner or Owners, Occupier or Occupiers to meet such Commissioners at the Time and Place therein mentioned, (such Time not being less than Fourteen Days from the Date of such Notice), to compound for the Paving and Flagging thereof, at such Sum for every Square or Running Yard (as the Case may require) of such Flagging and Pavement as shall for the Time being, Situation and Circumstances considered, be deemed fair and equal, which Composition the said Commissioners are hereby authorized to make; and if such Owner or Owners, Occupier or Occupiers shall not attend, or shall not compound or agree with the said Commissioners as aforesaid, then it shall be lawful for the said Commissioners to order the same to be paved as soon as conveniently may be; and the several Charges and Expences attending such Paving shall be recovered against such respective Owner or Owners on Plaint or Information in any of his Majesty's Courts of Record at *Westminster*, in the Name of the Clerk to the said Commissioners for the Time being, in which Action or Suit no Protection, Essoign, or Wager of Law, nor more than One Impar lance shall be allowed.

LV. And whereas great Inconveniences have been experienced for Want of a sufficient Number of publick Drains or common Sewers in the said Town of *Kingston-upon-Hull* and Liberty of *Trippett*, and Lordship or Precinct of *Myton*, or for Want of the publick Drains and common Sewers therein being properly cleansed, scoured, and regulated, and from the continual Increase of Buildings in the said Lordship or Precinct, still greater Inconveniences are likely to arise if Provision be not made to prevent the same; and whereas in several of the Streets, Squares, Lanes, Ways, Passages, Courts and Places already laid out and hereafter to be laid out in the said Town and Liberty, and

Drains and Sewers to be made.

Lordship

Lordship or Precinct, the making of publick Drains or common Sewers therein will be of no avail, unless Power be given to carry on and continue such Drains or Sewers through Lands which at present are not and in future may not be in the like State of Improvement; be it therefore enacted, That it shall be lawful for the said Commissioners to cause such and so many new Drains or Sewers of such Materials, Dimensions, and Forms, and of such Depths as they may think sufficient and necessary, to be dug and made in and along or across any of the present or future Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places, in the said Town and Liberty, and Lordship or Precinct, and also any of the publick Drains and common Sewers, which now are or hereafter shall be within the said Town and Liberty, and Lordship or Precinct, to be enlarged, widened, deepened, raised, altered, removed, repaired, cleansed, and scoured, when and so often as to them the said Commissioners shall seem meet; and if necessary to complete the same, then to carry on and continue the same Sewers or Drains through any Lands and Grounds lying within the same Town and Liberty, and Lordship or Precinct, although such Lands or Grounds, or any Part thereof, shall not at that Time be in a State of Improvement by the same or any Part thereof being laid out for building upon; and also to cause such and so many Grates or Openings to be made in such Parts of the said Sewers or Drains as shall lie or be under such Streets, Squares, Lanes, publick Passages, Courts, and Places for carrying and conveying off the Filth and foul or other Water from the Houses and other Buildings, built or to be built, and the Lands adjoining to such Streets, Squares, Lanes, publick Passages, Courts, or Places, in the said Town and Liberty, and Lordship or Precinct, into the said publick Sewers and Drains as the said Commissioners shall and may think necessary and expedient for that Purpose; and they are hereby empowered to charge all the several Owners of Houses, Buildings, and Lands, whether the same be immediately adjoining to, or be distant from such Sewers or Drains (provided such Houses, Buildings, and Lands be respectively benefited by such Sewers or Drains) with Payment of such Sums of Money as shall be by them the said Commissioners so laid out and expended in and about the making of such Sewers and Drains; provided always, that if any Owner or Owners of Lands or Grounds through or over which any Common Drain or Sewer to be made and dug by the said Commissioners shall be continued as aforesaid, and which same Lands or Grounds shall not be then laid out for building upon, shall be injured or damaged thereby, and such Owner or Owners shall refuse to treat or cannot agree with the said Commissioners for Satisfaction for the same, then the said Commissioners shall make and give to such Owner or Owners respectively, such Recompense or Compensation for the Injury or Damage by him, her, or them sustained, as a Jury to be summoned as hereinafter mentioned shall assess and award.

Liability of Owners, &c. to contribute, how to be ascertained.

LVI. And be it further enacted, That the Liability and Proportion of the respective Owners or Occupiers of Lands, Houses, Buildings, Tenements, or Hereditaments, which shall or may be benefited by all or any of the Purposes of this Act, of and to the Rates and Assessments or Charges and Expences of effecting the same as aforesaid, shall be fixed by the following Rules; (that is to say), that when and as soon as



as any of the Improvements and Alterations or other Object or Purpose intended to be carried into Effect under and by virtue of this Act, shall be ordered and directed by the said Commissioners, the said Commissioners shall appoint Seven disinterested Persons, to be approved by the Mayor of the said Town for the Time being, to whom shall be joined the Surveyor for the Time being of the said Commissioners, and those Seven before they shall proceed to the Execution of their Office shall be sworn before the Mayor for the Time being of the said Town duly and truly to execute such Office; and that then the same Persons shall, with all convenient Speed, proceed to examine and determine which of the before-named Owners or Occupiers of Houses, Buildings, Lands, or Grounds, then are or thereafter may be benefited by each such respective Improvement and Alteration, or other Object or Purpose so ordered and directed to be made as aforesaid; and in the next Place shall ascertain and fix what Part of the whole Expences of each such respective Improvement and Alteration, or other Object and Purpose (in Case the same are not hereby otherwise directed to be raised and levied by a general Rate or Assessment as aforesaid) such Owners or Occupiers so to be benefited shall respectively pay, so that in and by such Apportionment the Whole of the said Expence may be raised and paid or reimbursed to the said Commissioners; and that the Determination of any Five or more of the said Persons being committed to Writing, and signed by such Five or more shall be binding (but subject to Appeal as hereinafter mentioned), provided such their Determination be made within Three Calendar Months from their original Appointment, and that if no Determination shall be made within that Period, then the Commissioners shall have the like Power, *toties quoties*, of appointing a like Number of Persons to be joined with their Surveyor, and to be so approved to qualify by Oath and be invested with the Powers and Authorities hereinbefore mentioned; and on Refusal or Non-payment of such Charges and Expences, (not being raised and levied by a general Rate or Assessment as aforesaid) by such respective Owners or Occupiers in the Proportions so to be ascertained to the Treasurer for the Time being of the said Commissioners, then upon Ten Days' Notice in Writing being given by such Treasurer to such Owners or Occupiers, or left at their, his, or her last usual Place of Abode, and upon their, his, or her Non-payment, Two of his Majesty's Justices of the Peace for the said Town and County may and they are hereby authorised and required, on Information thereof on Oath by the said Treasurer or the Collector for the District wherein the Premises in Question for which such Refusal shall be made are situate, by a Warrant, or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons respectively; and if no Goods or Chattels of such Person or Persons can be found sufficient to answer and satisfy the said Money and the Charges for distraining for the same, then and in any of the Cases aforesaid, such Justices shall and may, and are hereby empowered to commit any such Offender to the Common Gaol or House of Correction for the said Town and County, there to remain without Bail or Mainprize until he shall pay the same, together with the Costs and Charges of Recovery, or until he shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, which Composition

[*Loc. & Per.*]

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the said Commissioners are hereby empowered to make: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be kept or detained in Prison for any longer Space of Time than three Calendar Months.

Ground un-occupied to continue charged with the Rates.

LVII. And be it further enacted, That in Case any Lands, Houses, Buildings, Tenements, or Hereditaments, which shall be deemed or judged to be benefited by and liable to contribute to the Expence of making, paving, or flagging any of the Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places within the said Lordship or Precinct, or the making or altering any of the Drains and Sewers in the said Town and Liberty, and Lordship or Precinct, as hereinbefore mentioned, shall happen to be unoccupied, whereby no Distress can be made or taken for the Proportion of the Expences to or with which the same are or shall be liable or charged, and which shall not be paid by the Landlord or Proprietor thereof, shall be and continue a Charge and Incumbrance thereupon, and shall be recovered and taken of and from any future Tenant or Occupier thereof by Distress, or by such other Ways and Means as are hereinbefore directed for the Recovery of any Rates and Assessments to be laid and imposed under and by virtue of this Act as shall be unpaid, as if such future Tenant or Occupier thereof, had actually held and enjoyed such Lands, Houses, Buildings, Tenements, and Hereditaments, at the Time when such Expence was incurred by virtue of this Act; and every such future Tenant or Occupier shall and is hereby authorized and empowered to deduct and retain, by and out of his or their Rent, all such Sum and Sums of Money as he or she shall actually pay for or on Account of such Expence, with the Costs and Charges sustained by reason of the Non-payment thereof, and such Distress for the Recovery of the same.

Commissioners may take Deficiencies out of the Rates *pro tempore*.

LVIII. Provided always, That in case there shall be any Deficiency in the Sum or Sums to be apportioned, raised and paid for all or any of the Purposes not hereby provided for, by, or out of any general Rate or Assessment as aforesaid, the said Commissioners shall and may reimburse themselves by and out of the Rates or Assessments of the particular District wherein the Premises in Question for and in respect of which such Deficiency shall be occasioned shall lie or be situate, and the same when made good and recovered as aforesaid shall be refunded to the Account of the said District.

Private Drains.

LIX. And be it further enacted, That it shall be lawful for any Person or Persons whomsoever, at any Time or Times hereafter, at his, her, and their own Expence, to make and branch any private Drain or Drains into any of the said public Sewers or Drains made or to be made by virtue of this Act: Provided always, That every such private Drain or Drains shall be so made and branched, under the Direction of the said Commissioners or Surveyor, upon Pain that every Person making any private Drain without the knowledge or contrary to the Direction of the said Commissioners or their Survivor, shall for every Offence forfeit and pay the Sum of Five Pounds, over and besides the Expences of altering and removing any such private Drain, according to the Directions of the said Commissioners or their Surveyor, which they and he are and is hereby authorized to alter and  
remove;

remove; such Expences and Penalty to be recovered by Information before a Justice of the Peace for the said Town and County, and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, in the same Manner as is hereinbefore directed with respect to other Penalties to be recovered before a Justice of the Peace.

LX. And be it further enacted, That if the said Commissioners, or any Five or more of them, shall adjudge or determine that any Buildings, Bulks, Steps, or any other Encroachments which shall project into or obstruct the Passage of the said Streets, Squares, Lanes, Ways, Passages, or Places within the said Town and Liberty, and Lordship or Precinct, or that by taking down the same or any Part thereof, or that by obtaining and taking in any Piece or Parcel of Ground, the said Streets, Squares, Lanes, Ways, Passages, and Places, or the Entrances thereto, may be widened, altered, or improved; it shall be lawful for the said Commissioners, or any Five or more of them, in pursuance of an Order made at a publick Meeting to be held for that Purpose, of which Fourteen Days Notice at least shall be given, and placed upon or against the Guildhall of the said Town, to treat and agree with the several Owners and Occupiers and all Persons whomsoever, for the Purchase of, and to purchase such Buildings, Bulks, Steps, or other Encroachments which may be thought necessary to be taken down or removed, or such Pieces or Parcels of Ground respectively, so as to render the same Streets, Squares, Lanes, Ways, Passages, and Places more commodious, and to pay for the same such Sum and Sums of Money as shall be agreed upon by the said Commissioners, or any Five or more of them, and the Persons interested therein, out of the Money to arise by the Rates and Assessments hereby directed to be levied, and to take down such Buildings, Bulks, Steps, or other Encroachments, and throw the Scites thereof, and also such Pieces or Parcels of Ground so to be purchased as they the said Commissioners shall think proper, into the said Streets, Squares, Lanes, Ways, Passages, and Places.

For purchasing Premises to render Streets, &c. more commodious.

LXI. And be it further enacted, That it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whomsoever, and for all Femes Covert and other Persons whomsoever seised, possessed of, or interested in any such Buildings, Bulks, Steps, Encroachments, Lands, and Grounds, or other Hereditaments wanted or required for the Purposes of this Act, to sell and convey the same accordingly; and in Case of their Refusal or being prevented or declining to treat and agree, or to sell or convey the same as aforesaid, or not making out a clear Title thereto, or in Case any Owner or Owners of Lands or Grounds not being then laid out for Buildings, through or over which any common Drain or Sewer shall be carried or continued as aforesaid shall be injured or damnified thereby, and refuse to treat or cannot agree with the said Commissioners for Satisfaction for the same, that a Jury shall be summoned, and all Proceedings had thereupon in like Manner and Form, and under the like Provisions and Regulations, in Case the Parties or any of them shall refuse to treat or agree concerning the Premises, and

Enabling incapacitated Persons to sell.

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in all other Matters relating thereto, as are directed and provided in and by the said recited Act of the Twenty-third Year of the Reign of His present Majesty, with respect to the Lands, Tenements, and Hereditaments, purchased for the Purpose of building a new Gaol pursuant to the said recited Act.

For investing  
purchasing  
Monies  
of £200.

LXII. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, Buildings, or other Hereditaments, purchased, taken or used by virtue of the Powers of the said recited Act for the Purposes thereof, or of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons, under any Disability or Incapacity, as aforesaid, such Money shall, in case the same shall amount to 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 *ex parte* the Commissioners for executing the said recited Acts 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, Buildings, or other Hereditaments in the Purchase 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, Buildings, or other Hereditaments, or affecting other Lands, Tenements, Buildings, or other Hereditaments, standing settled therewith to the same or the like Uses, 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, Buildings, or other Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Intents, and Purposes, and in the same Manner as the Lands, Tenements, Buildings, or other 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 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 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, Buildings, or other Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

For investing  
Purchase  
Money if less  
than £200.

LXIII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, Buildings, or other

other Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or any Person or Persons under Disability, or Incapacity, as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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, Buildings, or other 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 with the Privity 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 Manner hereinafter 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, (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 therefrom, may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

LXIV. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before mentioned shall be less than the Sum of 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 be entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments, so purchased, taken or used for the Purposes of the said recited Acts and of 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 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.

LXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, Buildings, or Hereditaments, to be purchased by virtue of the said recited Acts and this Act, shall not be able make a good Title to the Premises to the Satisfaction of the said Commissioners, it shall and may be lawful for any Five or more of the said Commissioners to order the said Sum or Sums of Money, so agreed for 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, Buildings, 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 or 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 said Court shall seem meet, to order the same to be laid out and invested in the Publick Funds,

[*Loc. & Per.*]

II P

and

Sum less than £20.

For making Titles to Premises sold to the Commissioners.

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.

Persons in Possession to be deemed lawfully possessed.

LXVI. Provided always, 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 Privy of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, Buildings, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, Buildings, and Hereditaments, to be purchased in pursuance of this Act and the said recited Acts, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, Buildings, 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, Buildings, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and 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 Buildings, Lands, Tenements, or Hereditaments, or to some other Estate or Interest therein.

Provisions in case of Disability or Incapacity in Persons in Possession.

LXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity, of the Person or Persons, or Corperation entitled to any Lands, Tenements, Buildings, or Hereditaments, to be purchased under the Authority of the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, Buildings, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Commissioners out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

LXVIII. Pro-

LXVIII. Provided always, and be it further enacted, That nothing contained in this Act shall authorize or empower the said Commissioners to alter, change, divert, or in any respect interfere with the publick Highways, or Streets, Drains, or Sewers, made or to be made in the said Town and Liberty, and Lordship or Precinct, by the Dock Company at *Kingston upon Hull*. Commis-  
sioners not to  
interfere with  
Dock Com-  
pany's  
Drains, &c.

LXIX. And be it further enacted, That no Person or Persons shall throw, cast or lay, or cause to be thrown, cast or laid any Dirt, Dust, Dung, Ashes, Snow, or other Filth whatsoever, in or upon any Street, Square, Lane, Way, publick Passage, Court, or Place, in the said Town and Liberty, and Lordship or Precinct, or any of the Rivers, Brooks, or Watercourses, Drains, or Sewers, within the same (except the Dirt, Dust, Dung, Ashes, and Filth, to be collected together by the Scavengers to be employed by virtue of this Act or the said recited Acts, and which shall be removed as hereinafter directed, and except as next hereinafter mentioned), but shall, and he, she and they is and are hereby required to keep or cause the same to be kept in their respective Houses or Yards, until the Scavenger or other Officer thereto appointed shall come by or near their Houses or Doors, with a Cart or Carts, or other Conveyances to carry away the same. Nuisances.

LXX. And be it further enacted, That the Scavenger or Scavengers, or other Person or Persons employed or contracting for cleansing the said Town and Liberty, and Lordship or Precinct respectively, under or by virtue of this Act or the said recited Acts, shall twice in every Week, or oftener if the said Commissioners shall so direct, and on such Days and Times as the said Commissioners shall appoint, cause all and every the flagged or Foot-pavements of the Streets, Squares, Lanes, Ways, Passages, Courts, and Places, within the said Town and Liberty, and Lordship or Precinct, to be thoroughly washed, swept and cleansed, and shall bring or cause to be brought a Cart or Carts, or other Conveyance, into all the Streets, Squares, Lanes, Ways, publick Passages, Courts, and Places, within the said Town and Liberty, and Lordship or Precinct, where such Cart or Carts, or other Conveyances can pass, and shall at or before their Approach, by Sound of Bell, loud Voice or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place, into which the said Cart or Carts or other Conveyances cannot pass, and abide and stay there a convenient Time, to the Intent that all Dirt, Dust, Dung, Snow, Ashes, and other Filth, (except Filth from any Privy or Necessary-house), may be taken and carried away from the respective Houses and Premises by the Scavenger or other Person or Persons as aforesaid, and put into such Cart or Carriage; all which Dirt, Dust, Dung, Snow, Ashes, and other Filth (except as aforesaid,) as well as all such Dirt, Dust, Dung, Ashes, Snow, and other Filth as shall be swept up and collected together as shall lie or be thrown into the said Streets, Squares, Lanes, Ways, publick Places, Courts, or Passages, or any of them as aforesaid, the said Scavenger or other Officer appointed for that Purpose shall immediately or as soon as may be, carry away or cause to be carried away to the Place or Places appointed for depositing the Dirt, Dust, Dung, Snow, Ashes, and Filth of the said Town, under or by virtue of the said recited Acts. Scavengers  
Duty.

Acts or any of them, upon Pain of forfeiting any Sum not exceeding Forty Shillings for every such Offence or Neglect; and every Person acting as such Scavenger for the Time being shall cause the Words "Scavengers Cart" to be painted in large Roman Letters on the Front or other conspicuous Place of their Carts or Carriages, used for the Purposes aforesaid, on Pain of forfeiting any Sum not exceeding Five Shillings for any such Neglect therein; and no Person or Persons whomsoever shall take and carry away, or cause to be taken and carried away any Dirt, Dust, Ashes, Snow, or other Filth, so to be swept up, gathered and collected as aforesaid, besides such Scavenger or other Officer to be appointed by the said Commissioners for that Purpose as aforesaid, except and unless the same shall be taken and carried away by the Person or Persons to whom the same shall respectively belong, either for his, her or their own Use, or by his, her or their Order or Direction, before the Time that such Scavenger or other Officer as aforesaid shall come to carry away the same.

Market Place  
to be swept  
in the Even-  
ing of every  
Market-day.

LXXI. And be it further enacted, That the Assessors appointed or to be appointed under or by virtue of the said recited Acts, shall cause the Scavenger or Scavengers to be employed by them for cleansing and sweeping the said Town and Liberty, effectually to cleanse and sweep the Market-place of the said Town, in the Evening of every Market-day, (that is to say), on *Tuesday* and *Friday* in every Week, after Nine of the Clock in the Evening, over and above the usual and accustomed times of sweeping and cleansing the same, as heretofore, or along with the other Streets of the said Town, and to cause the Filth and Refuse to be forthwith taken and carried away; and it shall and may be lawful to and for the Commissioners appointed by this Act, and for the said Assessors respectively to cause all or any of the Streets, Squares, Lanes, Ways, Publick Places, Courts, or Passages, within the said Town and Liberty, and Lordship or Precinct, to be watered during the Summer Season as often as they shall think fit, and the Expences thereof shall be defrayed by and out of the Monies to be raised by virtue of this Act.

Time of  
removing  
Dung and  
Filth.

LXXII. And be it further enacted, That no Inhabitant of the said Town and Liberty, Lordship or Precinct, or any other Person, shall permit or suffer any Dirt, Dust, Dung, Ashes, Snow, or other Filth, as aforesaid, or the Filth of any Necessary or Privy, or any Blubber, or the Refuse of any Ship or Vessel lying in the Docks or Harbour, by them or any of them brought out in order to be loaded or carried away for their own Use only, to continue or remain any longer Time than from Sun-set to Sun-rise before the same shall be carried away; and no Scavenger, or Dustman, Soilman, or other Person shall collect or carry away the same before Five of the Clock nor later than Eight of the Clock in the Morning in any Season of the Year, nor at any Time upon a Market-day, on Pain of forfeiting any Sum not exceeding Ten Shillings for every such Offence.

Last men-  
tioned  
Penalty not  
to extend to

LXXIII. Provided always, and be it further enacted, That no Person shall be subject to the last-mentioned Penalty for any Rubbish or Dirt occasioned by the building or pulling down of any Building,  
or



or by the rebuilding or repairing of any House or other Building, so as there be convenient Space left in the Street, Square, Lane, Way, Passage, Court, or Place, where such Rubbish or Dirt shall be, for Carriages to pass and repass; and a sufficient Way kept clear for Foot Passengers, by the Person or Persons laying or occasioning such Rubbish or Dirt to be laid; nor for the making up of Lime into Mortar, in any of the said Streets, Squares, Lanes, Ways, Publick Passages, Courts, or Places, so as such Space be left for Foot Passengers and Carriages, and so as such Lime be inclosed before such House or Building about which the same is to be used, and so as the Owner or Owners of such House or Building before which such Lime or Rubbish shall lie, shall cause the same, with the Hord or Fence by which the same shall be inclosed, to be removed at his, her or their own Costs and Charges within a reasonable Time, or upon Notice in Writing for that Purpose being given to him, her or them, or left at his, her or their House or Building where such Rubbish or Lime shall be, signed by the said Commissioners or their Surveyor.

Rubbish or  
Dirt occa-  
sioned by  
building or  
repairing.

LXXIV. And be it further enacted, That from and after the First Day of *July* next, the Water on the Roofs of all Houses and Buildings now or hereafter to be built in the said Town and Liberty, and Lordship or Precinct, shall be effectually conveyed by proper Spouts and Pipes into the Main Drain or Sewer of the Street, Square, Lane, Way, Passage, Court or publick Place; and the same Spouts and Pipes shall be made and continued, kept and repaired by the Owners or Occupiers (such Occupier to be reimbursed by the Owner) of such Houses and Buildings; and if any such Owner or Occupier shall neglect or refuse to make and fix such Spouts and Pipes for Thirty-one Days after he shall be required to make and fix the same by the Surveyor of the said Commissioners, by Notice in Writing delivered to him or left at his Dwelling-house or usual Place of Abode, such Owner or Occupier shall forfeit and pay for every Day's Neglect or Refusal, any Sum not exceeding Forty Shillings.

Spouts to be  
fixed for car-  
rying off the  
Water from  
the Roofs of  
Houses, &c.

LXXV. And be it further enacted, That no Person shall have or make any Cellar-window, Cellar-steps, Cellar-door, Cellar-hole, Cellar-grate, Step-way or Hatch-way, leading or giving Light into any Cellar, Kitchen or other Place under Ground, of any House or other Building adjoining or near to or in any of the present or future Streets, Squares, Lanes, Ways, publick Passages, Courts or Places within the said Town and Liberty, and Lordship or Precinct, in or upon the Foot-way, flagged or other Pavement thereof.

No Cellar-  
holes to be  
allowed.

LXXVI. And, for the Prevention of Injury or bodily Harm to Persons passing through the Streets, Squares, Lanes, Ways, publick Places, Courts and Passages of the said Town and Liberty, and Lordship or Precinct, be it further enacted, That all Persons whomsoever who have already caused to be taken down, or partly taken down, or who at any Time or Times hereafter shall take down, or begin to take down any House or other Building whatsoever, within the said Town and Liberty, and Lordship or Precinct, or cause the same to be so done, or who shall alter or repair, or begin to alter or repair the outward or external Parts or Part of any such House or other Building, or cause the same

Hords or  
Fences to be  
erected where  
Buildings are  
taken down,  
erecting or  
repairing.

[*Loc. & Per.*]

11 2

to

to be so done; shall and they are hereby respectively required, immediately after Notice in Writing for that Purpose from the Surveyor for the Time being of the said Commissioners, to cause One or more proper and sufficient Hord or Fence, or Hords or Fences, in such Manner as shall be directed in such Notice, to be erected and set up to guard all such Houses and other Buildings, and the Ground whereon any such Houses or other Buildings stood respectively, from the Street, Square, Lane, Way, publick Place, Court or Passage near thereto, and shall continue such Hord or Fence, Hords or Fences, standing and in good Condition during such Time only as the said Surveyor shall judge necessary for the publick Safety, and as he shall order and direct; and if any such Person or Persons shall, after such Notice, respectively refuse or neglect to erect and set up any such Hord or Fence, or Hords or Fences as aforesaid, or shall not continue the same standing and in good condition as aforesaid, or shall not take down or remove the same as soon as required so to do by the said Surveyor, or shall not whilst the said Fences or Hords are standing, keep the same sufficiently lighted in the Night, if so required by the said Surveyor, then and in any of the said Cases, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and in Case of such Refusal or Neglect, it shall and may be lawful for the said Surveyor to cause any such House or Houses, Building or Buildings, Ground or Grounds, to be well and sufficiently fenced in, or the Fence already erected and set up to be well and sufficiently repaired, as the Case shall require, and such Fence or Fences to be continued as aforesaid, and during their Continuance to be lighted as aforesaid, and then and in such case the Person or Persons so refusing or neglecting, shall pay all Charges and Expences of such fencing or repairing, upon Demand made to the said Commissioners, to be recovered by Action, with Costs of Suit.

Lights to be fixed for preventing Accidents.

LXXVII. And be it further enacted, That if any Stones, Timber, Mortar, Rubbish, Materials, or other Things shall be laid or placed, or any Hole, Opening or Excavation of what Nature or Kind soever, shall be made in or near to any of the Streets, Squares, Ways, Lanes, Passages, Courts or publick Places, already made, or which shall hereafter be made within the said Town and Liberty, and Lordship or Precinct, for any Purpose whatsoever, the Owner of such Stones, Materials, or other Things, or Person or Persons causing such Hole, Opening or Excavation as aforesaid to be made, shall (if required by the Surveyor appointed by the said Commissioners), at his, her or their own Expence, cause a Light to be affixed in or near the same respectively, for securing Passengers from Accidents, and continue the same every Night from Sun-setting to Sun-rising, during the Time such Stones or other Materials, Hole, Opening or Excavation shall remain; and also, if the said Surveyor shall think proper and direct, shall, at his, her or their own Expence, cause such Stones, Materials or other Things, Hole, Opening or Excavation, as the Case may be, to be fenced and inclosed in such Manner as such Surveyor shall think proper, and continued so fenced and inclosed until the Stones, Materials, or other Things, Hole, Opening or Excavation, as the Case may be, shall be removed or filled up respectively, and in Default thereof shall forfeit and pay any Sum not exceeding Five Pounds, for every Day and Night such Nuisance shall be continued; and the said Surveyor, on such Default being made, is hereby

hereby empowered to cause such Light to be affixed, and to fence and inclose such Stones, Materials, Holes, Openings and Excavations, and continue the same so fenced and inclosed, and charge such Owners or other Person or Persons, as aforesaid, with the Expences thereof respectively, and to recover from Time to Time such Expences, with Costs of Suit, by Action in the Name of the said Commissioners, which may be brought by the Clerk to the said Commissioners in any of His Majesty's Courts of Law at *Westminster*, or in the Court of Record or Court of Requests at *Kingston upon Hull*, according to the Amount thereof.

LXXVIII. And be it further enacted, That if any Person or Persons shall, where sufficient Drains are now made for carrying off the same, or after the same shall be made in such Places where there are not any at present, cause or permit any Blood, Blubber, Soap-lees or Waste, or any Filth of any kind whatsoever, to run from any Slaughter-house, Butcher's-shop, Shambles, Boiling-house, Workshop, House, Outhouse or other Building; Vessel or Place, into any of the present or future Streets, Squares, Lanes, Ways, publick Passages, Courts or Places of the said Town and Liberty, and Lordship or Precinct, or into any of the Brooks, Streams, or the present or future common Sewers of the same, or shall kill or slaughter, singe, scourge, dress or cut up any Animal, either Wholly or in Part, in any of such Streets, Squares, Lanes, Ways, publick Places, Courts or Passages, every Person so offending in any of the Matters aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on  
offensive  
Matters.

LXXIX. And be it further enacted, that in case any Hogstye or Pigscote, Laystall, Boghouse, Dung, Muck, Carrion, Blood, Blubber, Offal, Nightsoil, Filth, or any other noisome Matter whatsoever, shall be offensive to any Person residing in or near to any of the present or future Streets, Squares, Lanes, Ways, publick Passages, Courts or Places within the said Town and Liberty, and Lordship or Precinct, the same shall be deemed a Nuisance and an Offence against this Act, and it shall be lawful for any two Justices of the Peace of the said Town and County, upon Complaint thereof made to them, to hear and determine the same in a summary Way, by summoning the Party or Parties complained of; and if such Justice shall deem the same a Nuisance, then the Person or Persons so complained of and convicted, shall remove such Nuisances; and in case the same shall not be done within Ten Days after such Conviction, the Person or Persons so convicted, shall forfeit and pay any Sum not exceeding Five Shillings for every Hour the same shall continue unremoved, after the Expiration of the said Ten Days.

Hogsties, &c.  
offensive to  
the Inhabi-  
tants deemed  
Nuisances  
to be remov-  
ed.

LXXX. And, for the better Accommodation and Safety of Passengers, and the preservation of good Order, and the prevention of Obstructions and Annoyances within the said Town and Liberty, and Lordship or Precinct, be it further enacted, That if any Person or Persons shall, upon any of the present or future Footways of any of the present or future Streets, Squares, Lanes, Ways, publick Passages, Courts or Places within the said Town and Liberty, and Lordship or Precinct, carry any Sedan-chair, not having a Person therein, or shall carry any lighted Flambeau,

For prevent-  
ing Annoy-  
ances, Nui-  
sances, &c.  
on the Foot-  
pavement  
and other-  
wise.

Flambeau, Link or Torch, other than for the Purpose of lighting such Sedan-chair, a Person being therein, on any of the said Footways, or shall run, draw, drive or carry on any of the said Footways any Truck, Wheel Sledge, Wheelbarrow, Bier, Handbarrow or Carriage whatsoever, or shall roll any Cask, other than for the necessary loading or unloading thereof, in, upon, from or out of any Carriage; or shall wilfully ride, lead or drive any Horse, Mare, Gelding, Mule or Ass, Ox, Bull, Cow, Sheep, Swine or other Cattle; or place any Block, Chopping-block, Slab, Leaf, Board, Table, Stool, Chair, Frame, Gantry or other Article, or commit or cause any other kind of Obstruction or Annoyances upon any of the said Footways; or if any Person shall drive along any such Street, Square, Lane, Way, publick Passage, Court or Place, any Cart, Dray, Waggon, Truck or other Carriage for the Conveyance of Goods faster than a walking pace, or without some Person on Foot to lead the Shaft or Thill Horse by a Halter or Rein fixed to the Head of such Horse, or shall not readily and promptly turn out of the Road to the near or left Side thereof on meeting Horses or Carriages, so as to leave sufficient Room or Quarter for the same; or shall drive thereon any Cattle, or ride or drive any Horse, Mare or Gelding, so furiously as thereby to endanger the personal Safety of any of His Majesty's Subjects, or others, in any of the said Streets, Squares, Lanes, Ways, Passages, Courts or publick Places; or shall suffer his Horse or other Beast to go unattended therein; or shall shew or expose any Stallion therein; or shall expose to Sale any Horse, Mare or Gelding in any of such Streets, Squares, Lanes, Ways, Passages, Courts or publick Places within the said Town and Liberty, and Lordship or Precinct, (except such Places wherein Fairs and Markets are or may be held for the Sale of Horses, and during the Time of such Fairs and Markets only); or shall fodder any Cattle in any such Streets, Squares, Lanes, Ways, Passages, Courts or publick Places (except in the Fairs and Markets where Cattle usually stand); or shall suffer his or her Mastiff or Bull-dog to go unmuzzled in any of the Markets, Streets, Squares, Lanes, Ways, Passages, Courts or public Places within the said Town and Liberty, and Lordship or Precinct; or if any Person shall beat or shake any Carpets, or sift, throw, cast or lay any Ashes, except during the time of Frost and to prevent Accidents, or any Dirt, Muck, Dung, Soil, Soap-suds, Foul-water, Filth, Rubbish, Refuse of Garden-stuff, Blood, Blubber, Offal, Carrion or any other offensive Matter or Thing in any Part of any such Streets, Squares, Lanes, Ways, Passages, Courts or publick Places within the said Town and Liberty, and Lordship or Precinct; or shall in any of the Streets, Squares, Lanes, Ways, Passages, Courts or publick Places, sift, screen, wet, slack or mix any Lime, or wet, make or mix any Mortar, otherwise than as aforesaid, on any Part of any of the said Streets, Squares, Lanes, Ways, Passages, Courts or publick Places; or shall throw any Slates, Tiles, Rubbish or other Article from the Top or any other Part of any Building into any of such Streets, Squares, Lanes, Ways, Passages, Courts or publick Places; or shall wilfully or negligently fire any Chimney of any House or other Building in the said Town and Liberty, and Lordship or Precinct; or shall hoist or cause to be hoisted into or out of any Warehouse or Building therein, any Article or Thing whatever, not being hung in Slings, about the same; or shall expose to Sale or set or place, or cause or permit, or suffer to be exposed to Sale, on the Foot or Carriage-way of any of the said Streets, Squares, Lanes, Ways, Passages,

Passages; Courts or publick Places, any Goods; Chattels, Wares or Merchandizes whatsoever, or any Bread, Spice, Gingerbread, Fruit, Vegetables or Garden-stuff, Butcher's Meat, Fish, Poultry or other Matter or Thing, other than in the Market-place or Markets or Places of the said Town, by and under the Direction of the Market-keeper, or shall hang up or expose for Sale any Silk, Linen, Cotton, Furniture, Bread, Spice, Ginger-bread, Fruit, Vegetables or Garden-stuff, Butcher's Meat, Fish, or other Matter or Thing, Goods, Wares or Merchandize whatsoever, or place any Slab, Leaf, Board, or other Projection for the Exposure thereof, without the Doors or Windows, or against or extending beyond the Wall of any Dwelling-house, Shop, Warehouse, Building or Tenement; or shall place or hang up any Shew-board, Sign, Frame, Window-shades, Blinds, or other Projections of the like Nature, to extend further than Three Feet from the Wall, or of less Height than Seven Feet from the Ground at the outermost Extremity, or the Cloth, Canvass, or other Materials of which Window-shades or Blinds shall hang down below the Frame thereof; or cause any Doors or Gates to be hung so as to open outwards; or make any Penthouses, Bow-windows, Shutter-cases or Shutter-stands, Spouts, Pails, Rails, Gates, Steps, Scrapers or Projections of the like Nature beyond Six Inches from the Wall, if there shall be no Area; or do any other Matter or Thing so as to obstruct or incommode the Passage of any Person or Carriage on any of the said Foot or Carriage-ways, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in Manner hereinafter directed.

LXXXI. And be it further enacted; That if any Timber, Stone, or other Article whatsoever shall be drawn on any such Street, Square, Lane, Way, Passage or publick Place, without being placed or hung at both Ends on Wheels or a Carriage; or if any Timber, Ladder, Poles or other Article exceeding Twenty Feet in length shall be drawn through any such Street, Square, Lane, Way, Passage or publick Place, without having one Person beside the Driver for the Purpose of guiding the End of such Timber, Ladder, Poles or other Article, and preventing the same from striking against any Person, House or other Building, (except in the drawing of Timber from Vessels upon the Docks, Quays or Wharfs), or if any Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandize, Materials or Things whatsoever shall be laid, placed or left in any Street, Square, Lane, Way, Passage, Court or publick Place (except Building Materials within Hords and Fences as aforesaid), so as to obstruct or incommode any Person or Carriage passing thereon, or obstruct or incommode the Passage to any House, Shop or other Building, and the same shall remain for a greater Space of Time than shall be necessary for the housing or removing thereof, then and in every such Case the Owner or Owners of all such Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandize or Things, shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

For regulating the Carriage of heavy Articles in the Streets.

LXXXII. And be it further enacted, That if any Cart, Waggon, Sledge, Troll, Dray, Hand-cart, Wheelbarrow, Coach, Chaise or other  
[Loc. & Per.] II R Car-

Carriages not be left in the Streets.

Carriage (other than Hackney Coaches regulated by the said recited Acts, or any of them, and except upon a Market Day), shall be left or suffered to stand or continue in any Street, Square, Lane, Way, Passage, Court, or publick Place within the said Town and Liberty, and Lordship or Precinct, either in the Night or in the Day-time, whether loaded or unloaded, or with or without Horses, for any longer Time than for the necessary loading or unloading thereof; or if any such Cart, Waggon, Sledge, Troll, Dray, Hand-cart, Wheelbarrow, Coach, Chaise or other Carriage, (other than as aforesaid), shall be set, placed or left upon any Part of the Footpaths or Crossings made or to be made in any of the said Streets, Squares, Lanes, Ways, Passages, Courts or publick Places for the Purpose of loading and unloading the same; and if any Cart, Waggon, Sledge, Troll, Dray, Handcart or Wheelbarrow shall not have the Name or Names of the Owner or Owners thereof painted upon some conspicuous Part thereof, the Persons so placing or leaving the same, or neglecting to cause his, her or their Name or Names to be so painted thereon, shall forfeit for every such Offence any Sum not exceeding Twenty Shillings.

Names of  
Streets to be  
put up.

LXXXIII. And be it further enacted, That the said Commissioners shall, and they are hereby directed and required to cause the Names of the several Streets, Squares, Lanes, Ways, Passages, Courts and publick Places within the said Town and Liberty, and Lordship or Precinct, to be painted in large black Roman Letters, on a white Ground, in some conspicuous Part of every corner House thereof, and to cause each House in every such Street, Square, Lane, Way, Passage and publick Place to be numbered progressively from one End thereof to the other on each Side thereof respectively, in and by distinct Figures painted upon or over the Door of every such House.

Surveyors on  
Information  
to inspect  
Nuisances.

LXXXIV. And be it further enacted, That the said Commissioners appointed or to be appointed by or under this Act, and the Assessors for the Time being elected and appointed under and by virtue of the said recited Acts, or any of them, and acting in Execution thereof, or of this Act respectively as aforesaid, are hereby directed to instruct the Surveyor or Surveyors, or other Officer or Officers, to be by them respectively from Time to Time appointed for the Purposes of all or any of the same Acts, to search for, enquire and examine into and upon any Information to be made and given to him or them thereof by any Person or Persons whomsoever, forthwith personally to view and inspect all or any Offence or Offences, Nuisance or Nuisances, to be done or committed contrary to or against the same Acts; and such Surveyor or Surveyors, Officer and Officers are hereby strictly required and enjoined, upon any such Information made or given to him or them by any Person or Persons whomsoever, of all or any such Offence or Offences, Nuisance or Nuisances as aforesaid, forthwith to view and inspect the same accordingly, and thereupon to lay an Information or Informations against the Offender or Offenders, and to cause him, her or them to be summoned before one of His Majesty's Justices of the Peace for the said Town and County, to be dealt with for the same according to the Powers and Provisions of this Act, or of any of the said recited Acts respectively; and if any such Surveyor or Surveyors, Officer or Officers shall upon any such Direction or Information as aforesaid, neglect

neglect to make such personal View and Inspection, or shall wilfully neglect to search for, enquire and examine into such Offence or Offences, Nuisance or Nuisances as aforesaid, or shall thereupon refuse or neglect to lay such Information or Informations against the Offender or Offenders as aforesaid, the Surveyor or Surveyors, Officer or Officers so refusing or neglecting, shall forfeit and pay for every such Refusal or Neglect, upon Conviction before any of his Majesty's Justices of the Peace for the said Town and County, not exceeding the Sum of Ten Pounds.

LXXXV. And whereas various Frauds, Exactions, Impositions, and Irregularities, have arisen and are practised in the Port or Harbour of *Kingston upon Hull*, with regard to the Quality and Measure of Coals brought thereto for Sale, and the Delivery and Carriage thereof in the said Town and the Neighbourhood; be it therefore further enacted, That on the said First Day of *June* next the said Commissioners, at a Meeting to be convened for that Purpose, shall elect and appoint some fit and proper Person to be an Inspector of all the Coals which shall be brought to and delivered for Sale, in the said Town or the Neighbourhood thereof, and which Person shall and may be removed, suspended or displaced, by and at the Will and Pleasure of the said Commissioners, or of any Five or more of them, (of whom the Chairman for the Time being of the said Commissioners shall be one), in the Manner hereinafter mentioned; and in Case of the Removal, Death, or Resignation, of such Inspector, the said Commissioners shall elect and chuse some other fit and proper Person in his stead, and so *toties quoties* as often as the like Event shall happen; and the said Commissioners shall provide a proper and suitable Place for the Office of such Inspector, and fix and appoint his Salary or Wages, at their Discretion, the Expence and Charge whereof shall be paid and borne or defrayed by and out of the Rate or Tax hereinafter directed to be paid and levied, or, if the same shall be insufficient for that Purpose, then the Deficiency shall be made good and supplied by and out of the Rates and Assessments hereinbefore directed to be raised and levied by and for the general Purposes of this Act.

For preventing Frauds, &c. in the Quality, Measure and Delivery of Coals. An Inspector to be appointed.

LXXXVI. And be it further enacted, That from and after the Twenty-fourth Day of *June* next, the Owner or Owners of any Cargo of Coals which shall be brought to or delivered in the said Port or Harbour, or on any Part of the Shores of the Rivers *Humber* and *Hull* for Sale in the said Town and Liberty, and Lordship or Precinct, or in the adjoining Parishes of *Sculcoates* and *Drypool*, and the Hamlets of *Witham* and *Summergangs*, or the Masters of the respective Vessels in which the same shall be shipped or brought, shall, before the same or any Part thereof shall be delivered or landed in the said Port or Harbour, or on the said Shores of the Rivers *Humber* and *Hull* for Sale as aforesaid, bring and deliver to the said Inspector, the original Bills or Tickets, Bill or Ticket, given and delivered along with the said Coals at the Time when the same were taken on board by the Clerk or Agent of the Collieries or Pits, from which the same were taken or won, denoting the Quantity and Quality thereof, (of which original Bills or Tickets, Bill or Ticket, the said Clerk or Agent

Owners and Masters to deliver the original Tickets to the Inspector, or otherwise certify the Quality.

Agent shall keep and file a Duplicate or Duplicates), and in and upon which said Bills or Tickets, Bill or Ticket, the Keeper of the last Lock or Gate of the Rivers *Ouze* and *Aire*, or any other navigable Water, by or through which the Vessels whereon such Coals shall be shipped or loaded shall have passed, shall endorse a Note or Memorandum when such Vessels respectively passed the same: and in case it shall happen that such Bills or Tickets, Bill or Ticket shall not sufficiently denote or specify the Quantity or Quality of the said Coals; or there shall not be any such Bills or Tickets, Bill or Ticket given and delivered with the said Coals at the Collieries or Pits from which the same were taken or won; or if the original Bills or Tickets, Bill or Ticket, shall at any Time be accidentally lost; or the Ship or Vessel whereon such Coals shall be shipped or loaded shall have been originally loaded for Exportation, or for the Sale or Delivery of her Cargo at any other Place or Places, or in any other Manner than as aforesaid, and shall afterwards change her Destination without any such Bills or Tickets, or Bill or Ticket having been obtained and provided; or in case the said Inspector shall otherwise see good and sufficient Cause for the same, then and in all or any of such last-mentioned Cases the Owner or Master of each such Ship or Vessel shall deliver or cause to be delivered to the said Inspector an Account of the Quality and Quantity of such Coals, when the same were taken on board, at what Place or Places, from what Collieries or Pits the same were taken or won, and by what Ship or Vessel the same were brought, together with the Date or Time when such Ship or Vessel passed by or through the last Lock or Gate of the River or Water whereby the same was navigated, and shall verify the same by Affidavit to be sworn by such Owner or Master before the Mayor or any of the Aldermen of the said Town, (and which Oath the said Mayor or Alderman is hereby empowered and required to administer); and in Case either of the Non-delivery or of the accidental Loss of any such original Bills or Tickets, Bill or Ticket, or of the said Ship or Vessel having been originally loaded for Exportation, or for Sale and Delivery otherwise than as aforesaid, without any such Bills or Tickets, Bill or Ticket being obtained or provided, the said Master or Owner shall state the Circumstances thereof in and by the said Affidavit; and the said Inspector shall receive and register, keep and file such Bills or Tickets, Bill or Ticket, Account or Accounts, together with the Affidavit or Affidavits accompanying the same, and upon Payment or Tender of the Sum herein directed to be paid for every Chaldron of Coals contained in such Ship or Vessel, shall make out and give to such Owner or Owners, Master or Masters, a Certificate (in such Form and Words as the said Commissioners shall from Time to Time think proper and direct), of the Time when such Cargo was taken on board, from what Collieries or Pits the same was taken or won, by what Ship or Vessel the same was shipped, with the Name of the Master, of how much the same consists, and the Date of the Arrival of the said Ship or Vessel in the said Port or Harbour, or upon any Part of the Shores of the said Rivers *Humber* and *Hull*; which Certificate shall be signed by the said Inspector, and shall be affixed and continue upon the Mast or some other conspicuous Part of the Ship or Vessel wherein the same shall be loaded until the said Cargo shall be sold

Inspector to  
give Certi-  
ficate to the  
Owner or  
Master.

To be affixed  
on the Vessel  
or Place  
where the  
Coals shall  
be sold.



fold, and delivered; and in case the same shall be delivered into any Yard or Place for Sale, then the said Certificate shall be placed upon a Board or Pole in the front of the Heap, or in such other Place and in such other Manner as the said Inspector shall from Time to Time order and direct: and if any Owner or Master, Dealer in Coals or other Person, as the case may be, shall sell and deliver, or expose to Sale, or cause to be landed in the said Port or Harbour, or upon the Shores of the said Rivers *Humber* and *Hull*, any Coals for Sale and Consumption in the said Town and Liberty, and Lordship or Precinct, or in the said adjoining Parishes or Hamlets, without such Certificate, or shall neglect or refuse, for the Space of Three Days after the Arrival of the Ship or Vessel wherein the same shall be loaded, to bring and deliver to the said Inspector the original Bills or Tickets, Bill or Ticket given along with such Coals by the Clerk or Agent of the Collieries or Pits from whence the same were taken or won, or to make and give such Account or Accounts, Affidavit or Affidavits relating thereto as are hereinbefore required to be made and given, or shall make and forge, and give or deliver, or cause to be made and forged and given or delivered, a false, feigned or forged Bill or Ticket, or shall alter, deface, erase or mutilate any original Bill or Ticket, or shall not affix and put up the Certificate of the said Inspector, as and in such Place as he shall direct, or shall make or forge, or affix and put up, or cause and procure to be made and forged, affixed and put up, any false, feigned or forged Certificate, or shall alter, deface, erase or mutilate, the Certificate which shall be given to him by the said Inspector, or shall not continue the same until the Whole of the Quantity of Coals therein referred to shall be sold and disposed of, or shall knowingly and wilfully make and deliver a false or inaccurate Account of the Quantity or Quality of such Coals, or bring to sell or dispose of, in the several Places aforesaid, or any of them, Coals of one Quality or Sort for and as a Quality or Sort, which the same really are not, every such Offender shall, upon Conviction thereof before the Mayor and any One or more of the Aldermen of the said Town, forfeit and pay for each and every such Offence, any Sum not exceeding Ten Pounds; and if any such Master or Owner shall wilfully and corruptly make a false Oath or Affidavit of all or any of the Matters and Things whereunto he shall be required to make the same as aforesaid, he shall, upon Conviction thereof at the next General Quarter Sessions of the Peace for the said Town and County, be adjudged and suffer the Pains and Penalties imposed by Law for wilful and corrupt Perjury.

Penalty for  
Non-observ-  
ance.

LXXXVII. And be it further enacted, That before any Person shall act as an Inspector in the Execution of this Act, he shall take and subscribe before the Mayor of the said Town for the Time being, or any One or more of the Aldermen, an Oath (which the said Mayor and Alderman or Aldermen, is and are hereby authorized and required to administer) in the following Words; (that is to say);

Inspector to  
take an Oath  
for the due  
Performance  
of his Duty.

‘ I *A. B.* do swear, That I will honestly, truly, faithfully, and impar-  
‘ tially, according to the best of my Skill and Judgement, execute  
‘ the Office of Inspector of Coals for the Town of *Kingston-upon-Hull*,  
‘ and the Liberty of *Tripett*, and the Lordship of *Myton*, within the  
‘ Parish of the *Holy Trinity* in the said Town, and for the several ad-  
‘ [Loc. & Per.] 11 S joining

Form of the  
Oath.

‘ joining Parishes of *Sculcoates* and *Drypool*, and Hamlets of *Witham* and *Somergangs*, pursuant to the Directions and Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, An Act [*here insert the Title of this Act*].

‘ So help me GOD.’

Five or more Commissioners (the Chairman being one) may examine Inspector's Accounts, and discharge him if found erroneous.

LXXXVIII. And be it further enacted, That it shall be lawful for any Five or more of the said Commissioners (the Chairman for the Time being of the said Commissioners being one of them) at any Time or Times at their own Will and Pleasure, without any previous Notice or Declaration of their Intention so to do, to call for, inspect and examine the Books, Accounts, Papers, and Vouchers of or belonging to the said Inspector, regarding the Execution of this Act in the Matters and Things appertaining to his Office, and which Inspector is hereby required to produce the same accordingly: and if it shall appear to the said Commissioners making such Inspection and Examination that there is any wilful and erroneous Entry, Omission, Concealment, Fraud or Misrepresentation in all or any of such Books, Accounts, Papers and Vouchers, or that the said Inspector shall have negligently or fraudulently conducted himself in the Execution of his Office, the same Commissioners shall and may thereupon dismiss and discharge the said Inspector as and of their own Authority, and shall thereof forthwith give Notice in Writing to the Clerk of the said Commissioners, assigning the Cause of such Dismission and Discharge, in order that a General Meeting of the said Commissioners shall and may be held, and which Meeting the said Clerk is hereby required to summon and convene at the usual Place where the Meetings of the said Commissioners shall be held, within Fourteen Days next afterwards, for the Election and Appointment of a fit and proper Person in the Place of the Inspector who shall be so dismissed or discharged; and the Person who shall be so dismissed and discharged shall not be capable of being re-elected to the Office of Inspector, or of being chosen or appointed to any other Office or Place under or by virtue of this Act; and the said Commissioners so dismissing or discharging such Inspector, or in case of the Death, Resignation or Removal in any other Way, of any Inspector from Time to Time, the Chairman for the Time being of the said Commissioners shall and may thereupon nominate and appoint some fit and proper Person to execute the Office of Inspector *ad interim*, and until a new Election shall take place and be made as aforesaid.

Inspector so dismissed incapable of being re-elected. Appointment of Inspector *ad interim*.

Penalties on Inspector for Neglect or Fraud.

LXXXIX. And be it further enacted, That if any Person who shall be appointed to act as Inspector under or by virtue of this Act, shall refuse or neglect to receive and register the Bills or Tickets, Bill or Ticket, Account or Accounts, Affidavit or Affidavits to be made and given to him, of or concerning any Coals as aforesaid upon Payment or Tender of the Sum appointed to be paid for or in respect thereof, or shall not truly and faithfully register the same, and make and deliver such Certificate or Certificates thereof in the Form and Manner required by the said Commissioners, or shall not make and keep such Books, Accounts, Papers, Registers, Vouchers, Notes, and Entries as are by this Act, or shall from Time to Time be thought fit and required by the said Commissioners to be made and kept, or shall not produce the same when required thereunto as herein mentioned, or shall destroy, alter, deface,

or mutilate the same or any of them, or shall in any Manner act in Collusion with any Person or Persons whomsoever, to assist or enable him, her, or them to counteract, defeat, or evade the Provisions of this Act, every such Offender shall, upon Conviction thereof before the Mayor and any One or more of the Aldermen of the said Town for the Time being, forfeit and pay for every such Offence the Sum of Fifty Pounds.

XC. And be it further enacted, That no Sack shall be made use of in the Delivery of Coals from any Ship, Vessel, Lighter, Barge or other Craft, or from any Wharf, Warehouse or other Place within the said Town and Liberty, and Lordship or Precinct, and the said adjoining Parishes or Hamlets, except such Sack shall be made of Linen called Sacking, and shall have been first sealed and marked with White Paint in Oil at the Office of the said Inspector, or at the Guildhall of the said Town by the proper Officer there; and shall, at the Time of making use of such Sack, measure in the Inside thereof at least Two Feet and Six Inches in Length, by Two Feet in Breadth; and no Sack shall be sealed or marked which shall not at the Time of marking or sealing thereof, measure in the Inside thereof Two Feet and Eight Inches in Length, and Two Feet and One Inch in Breadth; and if any Vender or Venders of, or Dealer or Dealers in, or Carrier or Carriers of Coals shall use or cause to be used any Sack or Sacks for delivering or carrying Coals within the said Town and Liberty, or Lordship or Precinct, and the said adjoining Parishes or Hamlets, of less Length at the Time of using the same, than Two Feet and Six Inches at the least in the Inside thereof, or of less Breadth than Two Feet at the least in the Inside thereof, then and in every such Case, every such Vender of, or Dealer in, or Carrier of Coals shall for every such Sack so deficient in Length or Breadth, on Conviction thereof before the Mayor or any One of the Aldermen of the said Town, forfeit and pay any Sum not exceeding Five Shillings, and the Mayor or other Alderman before whom such Conviction shall take place, shall cause every such Sack found deficient either in Length or Breadth to be destroyed.

Dimensions  
of the Sack.

XCI. And be it further enacted, That from and after the said Twenty-fourth Day of *June* next, the Measure of every Chaldron of all such Coals as shall be sold and delivered to any Purchaser or Purchasers thereof in the said Town and Liberty, and Lordship or Precinct, and the said adjoining Parishes and Hamlets respectively, shall contain Twenty-four of the said Sacks filled to the Top; and if any Dealer or Vender in, or Carrier of Coals shall deliver or cause to be delivered to any such Purchaser or Purchasers thereof, a less Number of such Sacks for a Chaldron, and so in Proportion for a greater or less Quantity than a Chaldron, or shall not fill the same to the Top, every such Dealer in, or Vender of, or Carrier of Coals shall, on Conviction thereof before the Mayor or any One of the Aldermen of the said Town, forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Measure of  
the Chaldron.

XCII. And be it further enacted, That from and after the said Twenty-fourth Day of *June* next, every Porter or Carrier of Coals within the said Town and Liberty, and Lordship or Precinct, and the

Porters to be  
registered  
and ticketed.

said

faid adjoining Parishes or Hamlets, shall cause his Name to be registered by the said Inspector in a Book to be kept for that Purpose, and which Inspector shall thereupon give and deliver to each such Porter an engraved and numbered Ticket of Brass or other durable Materials, denoting his Occupation and Order of Entry in such Book or Register, which Ticket shall be worn and carried by the said Porter or Carrier of Coals in the Front of his Hat or Cap; and every Owner of any Cart or Carts employed in the Carriage and Delivery of Coals shall give an Account to the said Inspector of the Number of Carts to be employed by him (and which shall also be entered and registered by the said Inspector in the said Book or Registry); and if any such Porter shall carry any Coals without wearing or carrying such Ticket, or if any such Porter or the Owner of any such Carts shall carry or convey any Coals without having caused such Registry or Entry to be made, and without having paid such Tax, Rate, or Duty to or with which he or she is hereby respectively made liable, every Person so offending shall, on Conviction thereof before the Mayor or any of the Aldermen of the said Town, forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings; and the said Inspector shall and he is hereby required to permit and suffer the Book or Books in which all or any such Entries and Registry hereby respectively required to be made shall be so made and kept, and also the original Bills or Tickets and Accounts, with the Affidavits accompanying the same, and directed to be filed as aforesaid, to be inspected or examined by any Person or Persons requiring the same, without Fee or Reward.

Common  
Meters to at-  
tend Admea-  
surement and

to keep Ac-  
count of Coals  
delivered.

and to exa-  
mine Condi-  
tion of Sacks.

XCIII. And be it further enacted, That from and after the said Twenty-fourth Day of *June* next, the Common Meters of the said Town shall, and they are hereby strictly required and enjoined personally to be and attend at or upon the Ship or Vessel, Yard or other Place, where any Coals intended for such Sale and Delivery as aforesaid shall be during the whole Time of the Delivery thereof, and to admeasure the same as and in such Manner as is hereby directed and not otherwise; and each of such Meters shall keep a Book or Books (to be provided by the said Commissioners) and shall enter therein the Name and Description of the Ship or Vessel, Yard, or other Place where the same shall be, and of the Owner or Master thereof, and of the Dealer or Vender of such Coals, and the several Quantities which he shall respectively admeasure and deliver therefrom, and the Day of the Month and Year on which the same shall have been delivered, and to whom, and shall deliver such Book or Books signed by him to the said Inspector at the End of every Week; and every such Meter shall, and he is hereby required and enjoined from Time to Time to inspect and examine the Condition and Dimensions of all Sacks used in the Measure and Delivery of Coals within the said Town and Liberty, and Lordship or Precinct, and the said adjoining Parishes and Hamlets respectively, and to take and carry such as shall appear to be deficient, with the Name or Names of the Dealer or Vender in, or Carrier of the Coals for which the same shall be used, to the Mayor or any of the Aldermen of the said Town, to be used and dealt within Manner herein before directed; and if any such Common Meter shall neglect or refuse to do and observe all or any of the said Matters and things which he is hereby required to do and observe,

observe, or shall knowingly or wilfully connive at and assist any Person or Persons in counteracting, defeating, or evading all or any of the Purposes of this Act, he shall, on Conviction before the Mayor, or any One or more of the Aldermen of the said Town, forfeit and pay any Sum not exceeding Five Pounds.

XCIV. Provided always, and be it further enacted, That if the said Inspector, or any of the said Common Meters, shall at any Time or Times hereafter, during his or their respective Continuance in his or their Office or Employment as aforesaid, be directly or indirectly interested or concerned in the Sale of any Coals whatsoever, otherwise than in the Discharge of their said respective Offices or Employment, such Inspector or Common Meter so offending, shall for every such Offence, on Conviction thereof before the Mayor or any One or more of the Aldermen of the said Town, forfeit and pay any Sum not exceeding Ten Pounds; and moreover shall be dismissed from his or their said Office or Employment, and be for ever disabled from holding or executing the same or any other Office and Employment under this Act.

Inspector and Coal Meters not to be interested in the Sale of Coals.

XCV. And, in order to defray the Expence of the said several Regulations and Provisions, be it further enacted, That from and after the said Twenty-fourth Day of *June* next, every Owner or Master of any Ship or Vessel laden with Coals for the Sale and Delivery thereof as aforesaid, or the Vender of or Dealer in such Coals shall, before he shall sell or deliver for Sale and Consumption as aforesaid, any Cargo of Coals, from any Ship or Vessel in the said Port or Harbour, or on the Shores of the said Rivers *Humber* and *Hull*, pay to the said Inspector at the Time of taking out such Certificate as aforesaid, the Sum of One Penny for each and every Chaldron of which such Cargo shall consist; and every Person employed as a Porter or Carrier for the Carriage and Delivery of Coals as aforesaid, shall pay to the said Inspector, on making such Entry and Registry as aforesaid, and yearly and every Year on the Twenty-fourth Day of *June*, the Sum of Sixpence, and the Owner of every Cart which shall be so employed, shall, on making such Entry and Registry as aforesaid, and yearly and every Year on the said Twenty-fourth Day of *June*, pay for the same the Sum of One Shilling; and in case any Surplus shall remain in the Hands of the said Inspector of the Monies so to be collected and received by him, after Payment of his Salary and the necessary Expences and Charge of carrying the aforesaid Regulations and Provisions into Effect, the same shall be paid over by him at the End of every Year to the Treasurer for the Time being of the said Commissioners, to be applied and disposed of for the general Purposes of this Act, as the said Commissioners shall from Time to Time direct and appoint.

Tax for defraying the Expences of Coal Regulations.

Disposition of Surplus.

XCVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered from Time to Time and at any Time hereafter, when and so often as they see Occasion, or that the same may be expedient, to reduce and lessen the said several Rates or Taxes, Sum or Sums of Money, or any of them, and afterwards to advance and raise the same or any of them at their Discretion, so as that the same do not respectively

Commissioners may reduce the Tax or Rate.

[*Loc. & Per.*]

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tively exceed the Amount of the Sum or Sums hereby imposed as aforesaid.

Application of the Penalties under the Coal Regulations.

XCVII. And be it further enacted, That all and every the Penalties hereby imposed, and made recoverable before the Mayor or any of the Aldermen of the said Town, for any Offence or Offences contrary to the aforesaid Regulations and Provisions shall be paid and delivered as follows: that is to say, One Moiety thereof shall go and be paid to the Governor, Deputy Governor, Assistants, and Guardians of the Poor within the said Town, for the Use of the Poor of the said united Parishes.

Not to extend to Persons importing Coals for their own Use.

XCVIII. Provided always, and be it further enacted, That nothing herein contained, shall extend or be construed to extend to prevent or exclude any Person or Persons from bringing to, landing, or delivering in the said Port or Harbour, or in or upon the Shores of the said Rivers *Humber* and *Hull*, or carrying or conveying from the Place or Places of Landing to any other Place or Places, in and by his, her, or their own Servants, Horses, or Carts, or with the Servants, Horses, or Carts, of any other Person or Persons, any Coals to and for his, her or their own Use and Consumption only, or to compel or oblige such Person or Persons to bring or deliver to the said Inspector the original Bills or Tickets, Bill or Ticket, given with the same at the Collieries or Pits where such Coals were won, or to make and give such Account or Affidavit as aforesaid; or obtain such Certificate thereof, or to pay such Tax, Rate, or Duty as aforesaid, such Person or Persons so claiming such Exemption verifying the same, if required by the said Inspector, upon Oath before the Mayor or any One of the Aldermen of the said Town.

Penalty on Persons obstructing Commissioners or their Officers.

XCIX. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any of the said Commissioners, or any Surveyor, Collector, or other Officer or Workman, or any other Person or Persons whomsoever, who shall be employed by virtue of this Act, in the Performance or Execution of his or their Duty, or shall destroy, injure, waste, or embezzle any of the Stores or Materials of or belonging to the said Commissioners, or procured for the Purposes of this Act, every such Person so offending, shall for the First Offence forfeit any Sum not exceeding Ten Shillings, and for the Second Offence any Sum not exceeding Twenty Shillings, and for the Third and every other Offence any Sum not exceeding Five Pounds.

Commissioners may make Bye-laws for the Purposes of this Act.

C. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time, to make, ordain, and establish such Bye-laws, Rules, Orders, and Regulations for the several Purposes of this Act, and for the Conduct of the several Persons to be employed in the Execution thereof, and likewise from Time to Time to repeal, add to, amend, vary, and alter, all or any of such Bye-laws, Rules, Orders, and Regulations, as to them shall seem most fitting and requisite, and to fix and appoint reasonable pecuniary Penalties, not exceeding Five Pounds, for the Non observance or other Breach



with full Costs of Suit; in which Suit or Prosecution no Essoign or Wager of Law, nor more than One Imparlance shall be allowed.

Power of administering Oaths and taking Affirmations.

CIII. And be it further enacted, That in all Cases where the said Commissioners, or any Justice or Justices of the Peace are authorized to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Commissioners and Justices, and they are hereby required and empowered to administer such Oath or Affirmation.

Commissioners may compound for Penalties for Non-performance of Contracts.

CIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit for any Penalty or Forfeiture contained in any Contract or Contracts hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Non-performance of any such Contract or Contracts, for such Sum of Money as they shall think proper, so as the Sum so compounded and agreed for, be a full Compensation not only for the Injury or Damage sustained by the Breach or Non-performance of such Contract or Contracts, but also for all Costs, Charges, and Expences which shall be occasioned thereby, and so as such Composition do not extend to remit more than One-half of the said Penalty or Forfeiture.

Compelling Attendance of Witnesses.

CV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses on the Part either of the Prosecutor or of the Party or Parties accused, to give Evidence before any One or more of the Justices of the Peace for the said Town and County of the same, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed (having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges), without a reasonable Excuse for such, his, her, or their Refusal or Neglect, or appearing, shall refuse to be examined on Oath (or on solemn Affirmation, in case he, she, or they be of the People called Quakers), and to give Evidence before such Justice or Justices of the Peace, then and in either of the said Cases, every such Person so refusing or neglecting to appear, or appearing and refusing to be examined and give Evidence as aforesaid, shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Inhabitants may be Witnesses.

CVI. And be it further enacted, That in all Actions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said Town and Liberty, and Lordship or Precinct, nor any other Person whatsoever, shall be deemed an incompetent Witness to give Evidence by reason of his or her being such Inhabitant, or being charged with or liable to pay, or having paid any Rate or Assessment to be made under or by virtue of this Act.

Mitigation of Penalties.

CVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the Justice or Justices of the Peace before whom



whom shall be recovered any of the pecuniary Penalties to be imposed by this Act, (where no other Manner of Mitigation of any such Penalties is hereby directed), to mitigate or lessen any of such Penalties as he or they in his or their Discretion shall think fit.

CVIII. And be it further enacted, That all Costs, Charges, and Expences which shall or may be allowed, ordered, or directed to be paid by or by the Authority of this Act (where the Manner of ascertaining or settling the same is not hereby particularly or otherwise directed), shall from Time to Time as Occasion shall require be ascertained and settled by any Two of his Majesty's Justices of the Peace for the said Town and County, who are hereby authorized and required to ascertain and settle the same accordingly, and (where the Manner of recovering the same is not particularly or otherwise directed by this Act) shall and may (in case the same shall not be paid on Demand) be levied and recovered by Distress of the Goods and Chattels of the Person or Persons made subject and liable to the Payment thereof, by, or by Authority of this Act, and by Sale of such Goods and Chattels, (in case the same shall not be redeemed within Five Days after such Distress taken); the Overplus (if any) to be returned to such Person or Persons upon Demand, which said Distress and Sale shall be by Warrant under the Hands and Seals of any Two such Justices of the Peace, (who are hereby authorized and empowered to grant and issue such Warrant accordingly); and in case sufficient Distress shall not be found, or such Costs, Charges, and Expences shall not be forthwith paid, it shall be lawful for any Two such Justices of the Peace, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction of the said Town and County, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Costs, Charges, and Expences as aforesaid, shall be sooner paid and satisfied.

Justices may ascertain and settle Costs.

CIX. And be it further enacted, That in all Cases where any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, or by any Rule, Bye-law, or Order, or by any Division, Conviction, or other Matter or Thing done in pursuance of this or the said recited Acts, and where no other Method of Relief is hereby or by the said recited Acts, particularly or otherwise appointed or directed, it shall be lawful for such Person or Persons to appeal to the Justices of the Peace of and for the said Town and County, at the General Quarter Sessions of the Peace, to be holden in and for the said Town and County next after such Conviction, such Appellant or Appellants first giving or causing to be given Eight Days Notice at the least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, as well to the Justice or Justices of the Peace before whom such Person or Persons shall have been convicted, as to the said Clerk to the said Commissioners, or other Person or Persons who is or are intended to be affected by such Appeal; and further, within Five Days after giving or causing to be given such Notice as aforesaid, entering into a Recognizance before some Justice of the Peace of and for the said Town and County, with

Power of Appeal to the General Quarter Sessions of the Peace for the Town and County.

[Loc. & Per.]

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Two

Two sufficient Sureties, in such reasonable Sum or Sums of Money as such Justice shall direct, conditioned to try such Appeal, and to abide such Order as shall thereupon be made, and to pay such Costs as shall be awarded by the said Justices at such Quarter Sessions as aforesaid; and it shall be lawful for the said Justices, and they are hereby authorized to summon before them at such Quarter Sessions, or at some Adjournment thereof, the Witnesses on the Parts both of the Appellant or Appellants, and of the Respondent or Respondents, and upon due Proof of such Notice as before directed having been given or caused to have been given, and of the entering into such Recognizance as hereinbefore is mentioned, at such Quarter Sessions or Adjournment thereof, to hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and to award such Restitution, Damages, and Costs to the Appellant or Appellants, or Respondent or Respondents, not exceeding the Amount of the Penalties, Charges, and Expences, which shall have been actually recovered and received by any Person or Persons in pursuance of this Act, together with such reasonable Costs, Charges, and Expences of prosecuting or defending such Appeal as the said Justices shall think proper; and the said Justices may then and there, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of any such Rule, Bye-law or Order, and award such further Satisfaction to be made to the Party injured as they shall think proper; which Determination of the said Justices, at such Quarter Sessions or Adjournment thereof as aforesaid, shall be final, binding and conclusive to all Intents and Purposes whatsoever.

Notice of  
Appeal.

CX. Provided always, That in case there shall not be Time to give the said Eight Days Notice before the holding of the next General Quarter Sessions of the Peace as aforesaid, then such Appeal shall and may be made to, and heard and determined at the next General Quarter Sessions following, the said Eight Days Notice of such Appeal and Recognizance having been previously given and entered into as aforesaid.

Distress not  
to be deemed  
unlawful for  
want of  
Form.

CXI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers on account of any Defect or want of Form in any of the Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the Party or Parties so distraining; but the Person or Persons aggrieved, may recover by Action on the Case full Satisfaction for the special Damage by him or them sustained in consequence of such Irregularity: but no Person or Persons shall recover in any such Action, if Tender of sufficient Amends shall before such Action brought have been made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity as aforesaid, or shall have been guilty of any Trespass or other wrongful Proceedings; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants, in any such Action, by Leave of the Court in which any such Action shall be pending, at any time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon  
such

Such Proceedings, Orders and Judgements shall be had, made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

CXII. And be it further enacted, That no Writ, Precept, Process, Verdict or Judgement, nor any Proceeding touching the Conviction of any Offender or Offenders against this Act, before any One or more of the Justices of the Peace in and for the said Town and County, nor any Order to be made, nor any other Matter or Thing to be done or transacted in or about the Execution of this Act, shall be made void or quashed for want of Form, or be removed by *Certiorari* or any other Writ or Process whatsoever into any of his Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in any wise notwithstanding.

No Precept,  
&c. to be  
quashed for  
want of  
Form.

CXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done by virtue or in pursuance of this or the recited Acts, until after Thirty Days Notice thereof shall have been given to, or left at the usual Places or Place of Abode of, as well the Person or Persons against whom such Action or Suit is intended to be brought, as the said Clerk to the said Commissioners for the Time being; such Notice to be in Writing, signed by the intended Plaintiff or Plaintiffs, and to contain therein and set forth the particular Cause or Causes, Ground or Grounds of such Action or Suit; nor shall any such Action or Suit be brought or commenced after Tender of sufficient Amends hath been made to the Party or Parties aggrieved, nor after Six Calendar Months after the Cause of such Action or Suit shall have arisen and accrued; and every Action or Suit which shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, shall be brought and laid in the said Town and County and not elsewhere; and the Defendant or Defendants therein shall and may plead the General Issue, and give this and the said recited Acts and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by Virtue and under the Authority of this Act; and if on the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit was brought before Thirty Days Notice in Writing thereof had been given or left as aforesaid, or after Tender of sufficient Amends made to the Party or Parties aggrieved, or after the End of Six Calendar Months next after the Cause of such Action or Suit had arisen and accrued, or that such Action or Suit was brought or laid in any other County than as aforesaid, then and in every and all of the said Cases, the Jury on the Trial of any such Action or Suit shall find a Verdict for the Defendant or Defendants therein; and in all and every of such Cases where a Verdict shall be found for any Defendant or Defendants in such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same, or become nonsuited, or Judgement shall upon Demurrer or otherwise be given against such Plaintiff or Plaintiffs, then the Defendant or Defendants in such Action or Suit shall have Treble Costs, and shall have the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering his, her, or their Costs in any other Case by Law; and though a Verdict be given for the Plaintiff or Plaintiffs in any such Action or Suit as aforesaid, such Plaintiff or Plaintiffs shall not have

Limitation of  
Actions.

Treble Costs.

have Coſts given againſt the Defendant or Defendants therein, unleſs the Judge before whom the Trial ſhall be had ſhall certify his Approbation of the Action or Suit, and the Verdict thereupon obtained.

Saving the  
Right of the  
Mayor, &c.

CXIV. Provided always, That nothing in this Act contained ſhall extend or be conſtrued to alter, prejudice, affect, impeach or leſſen the ſeveral Rights of the Mayor and Burgeſſes of the Town or Borough of *Kingſton upon Hull*, or of the Juſtices of the Peace of or for the ſaid Town and County, or the Rights, Privileges, and Immunities of the ſaid Dock Company.

This Act not  
to repeal  
former Acts.

CXV. Provided alſo, That nothing in this Act contained ſhall extend or be conſtrued to extend to repeal, alter, abridge or defeat all or any of the Articles, Clauſes, Proviſions, Powers and Authorities in the ſaid recited Acts or any of them contained, which are not hereby varied, altered or repealed, ſave and except ſuch Part or Parts thereof as relate to Exemptions from Stamp Duties.

Apportion-  
ment of Ex-  
pences of this  
Act.

CXVI. Provided always, and be it further enacted, That the Expence and Charge of procuring, obtaining and paſſing of this Act, ſhall be paid and borne by the ſaid Town and Liberty and Lordſhip or Precinct, in and by the Shares and Proportions following, (that is to ſay) One-half Part thereof by the ſaid Town and Liberty, and the Remainder of ſuch Expence and Charge by the ſeveral Diviſions or Diſtricts of the ſaid Lordſhip or Precinct equally; and the Coſts, Charges and Expences of obtaining and paſſing this Act, and all incidental Expences attendant thereupon, ſhall be paid and borne by and out of the firſt Monies to be received by virtue thereof, before and in Preference to all other Payments whatſoever; and all ſuch Sum and Sums of Money as ſhall have been raiſed and ſubſcribed for the Purpoſe of obtaining the ſame, ſhall be repaid and reimbursed to the Perſon or Perſons who ſhall have advanced the ſame.

Publick Act.

CXVII. 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.

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