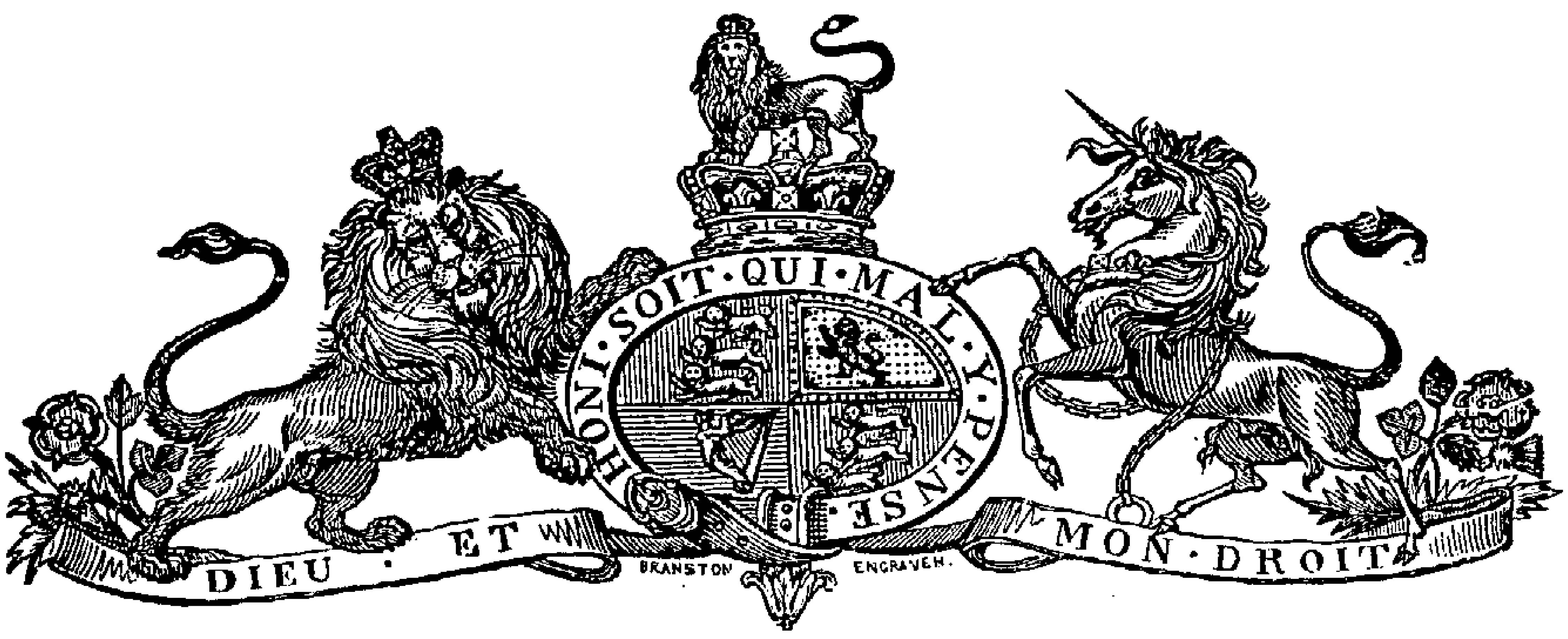


ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. lxxvi.

An Act for better lighting and cleansing the Town of *Kingston-upon-Hull* and certain Parts of the Liberty of *Trippett* within and Part of the Municipal Borough of *Kingston-upon-Hull*.

[19th *June* 1840.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for explaining, amending, and making* 28 G. 2. c. 27. *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:* And whereas another Act was made and passed in the Second Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend and render more effectual several Acts made for cleansing and* 2 G. 3. c. 70. *enlightening the Streets of the Town of* Kingston-upon-Hull, *and for preventing Annoyances therein:* And whereas another Act was passed in the Fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for amending and supplying the Deficiencies* 4 G. 3. c. 74. *of*

of 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:'* And whereas another Act was made and passed in the Twenty-third Year of the Reign of His said Majesty
23 G. 3. c. 55. King *George* the Third, 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 Staiths in the said Act described; and for other Purposes:* And whereas another Act was made and passed in the Fiftieth Year of
50 G. 3. c. 41. the Reign of His said Majesty King *George* the Third, intituled *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 Delivery of Coals in the said Town:* And whereas the said recited Acts contain, amongst various other Provisions, certain Provisions for and in relation to the lighting and cleansing of the Town of *Kingston-upon-Hull* or some Parts thereof, and the Liberty of *Trippett* in the Parish of the *Holy Trinity* in the said Town, and the several Squares, Streets, Lanes, Ways, and public Passages and Places therein, and also for the Appointment and Regulation of Assessors and other Officers for assessing, raising, and applying Rates and Assessments for the aforesaid Purposes; and by the said last-mentioned Act certain Powers in relation to such Purposes are vested in the Commissioners appointed thereunder: And whereas by the said recited Acts the Rates and Assessments thereby authorized to be levied for the aforesaid Purposes, and also for the Purpose of watching the said Town and Liberty, were limited not to exceed the Sum of One Shilling and Sixpence in the Pound upon the Value of the Premises thereby made subject to such Rates and Assessments, and by the Effect of the Acts subsequently passed for the Regulation of Municipal Corporations in *England*, whereby the Rate for the Purpose of watching the said Town and Liberty hath become a distinct Rate, the Rates and Assessments for the Purpose of lighting and cleansing the said Town and Liberty are now limited not to exceed the Sum of One Shilling and Two-pence in the Pound: And whereas the Provisions of the said recited Acts, in relation to the lighting and cleansing of the said Town and Liberty, and to the Rates and Assessments for that Purpose, and to the Regulation within the said Town and Liberty of the Drivers of Hackney Carriages and common Porters, have been found insufficient; and it is expedient that the said Acts should be repealed

to

to the Extent herein-after expressed, and that more effectual Powers should be granted for cleansing and lighting the said Town and Liberty, and for assessing and raising the requisite Rates and Assessments for those Purposes, and also that more effectual Provision should be made for securing the good Conduct of Drivers of Hackney Carriages, and of common Porters, acting or plying for Employment within the said Town and Liberty; but the several Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That all such Parts of the said recited Acts respectively as relate to the sweeping, cleansing, scraping, scavengering, and watering the Streets, Squares, Lanes, and Alleys within the said Town of *Kingston-upon-Hull* and the said Liberty of *Trippett*, and carrying off the Dirt, Dust, Filth, and Soil therefrom, and to the lighting thereof, and to the Lamps used or to be used for that Purpose, and the Posts, Irons, and other Furniture thereof, and to the making, assessing, confirming, raising, levying, applying, and otherwise concerning any Rate or Rates, Assessment or Assessments for the Purposes aforesaid, upon the Owners or Occupiers of Messuages and other Hereditaments within the said Town and Liberty, or any Part or Parts thereof respectively; and also relating to the Appointment, Duties, Powers, and Authorities of Assessors, Collectors, and other Officers for any of the Purposes aforesaid, and for the Appointment of and otherwise concerning the Scavengers and other Persons employed or to be employed for the respective Purposes aforesaid, and which confer any Authorities, Powers, or Rights of Control or Superintendence upon the Commissioners acting under the said last-mentioned Act over the said Assessors, or in relation to such sweeping, cleansing, and lighting, or any other Purpose, the Provisions concerning which are hereby repealed, or which inflict or impose any Fines or Penalties for enforcing or in relation to any of the same Purposes, and the Recovery and Application of or otherwise concerning such Fines or Penalties, shall, from and after the Second *Monday* next after the passing of this Act, be and the same are hereby repealed; and the Provisions of this Act shall thenceforth commence and take effect in lieu thereof: Provided always, that no Act or Portions of Acts expressly or virtually repealed by the aforesaid Acts hereby in part repealed shall be hereby revived.

Certain Parts of the recited Acts repealed.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend to and include several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend to and include Females as well as Males; and the Word "Officer" shall be construed to extend to any Clerk, Treasurer, Collector, Servant, or other Person employed by the Assessors under this Act, and the Words "Hackney Carriage" shall include every Carriage drawn or impelled by Animal Power, except a Stage Carriage which shall be used for the Purpose of standing or plying for

Construction of certain Words in this Act.

for a Passenger or Passengers for Hire within the said Town and Liberty or either of them, unless in each such Case it be otherwise specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

Books under the recited Acts to be Evidence.

III. And be it further enacted, That all Books of the respective Commissioners and Assessors under the said recited Acts or any of them, and all Entries therein, made pursuant to the same Acts respectively, may be given in Evidence in the like Cases and Manner as if the Portions of the said recited Acts which are hereby repealed had not been so repealed; and the Assessors for the Time being under this Act, and all Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby, may at all convenient Times, and for any reasonable Purpose, inspect such Books, without Fee or Reward.

Agreements and other Instruments executed under the Authority of the recited Acts to remain in full Force.

IV. And be it further enacted, That notwithstanding the Repeal herein-before contained of certain Portions of the said recited Acts, all Contracts and Debts which before the passing of this Act may have been respectively made and incurred by or on account of the said Assessors acting under the said recited Acts or any of them, or by any Person with or to the said Assessors, and all Notices which may have been given by or unto the same Assessors, and any Rate which may have been made or assessed by the same Assessors in pursuance of the same Acts, shall respectively remain in full Force and be carried into effect, acted on, paid, recovered, levied, and collected with, unto, and by the Assessors under this Act, in such Manner in all respects as the same would have subsisted and would or might have been respectively carried into effect, acted on, paid, recovered, levied, and collected with, unto, and by the said Assessors under the said recited Acts, if no Portions of the same Acts respectively had been hereby repealed.

Limits of the Town of Kingston-upon-Hull and Liberty of Trippett for the Purposes of this Act.

V. And be it further enacted, That for the Purposes and in the Construction of this Act the Town of *Kingston-upon-Hull* shall be held to comprise and denote such Part of the present Borough of *Kingston-upon-Hull*, exclusive of the Liberty of *Trippett*, as lies within or is bounded by the ancient Walls and Gates of the said Town, or the Line or Site thereof, the River *Humber*, and the River *Hull*, and to include certain Ground and the Foreshore of the River *Humber*, Part of the *Humber* Ward in the said Town, and extending from the River *Hull* to Ground of or belonging to the Dock Company at *Kingston-upon-Hull*, in or near a certain Street called the *Fore Ropery* and *Back Ropery* or *Humber Street*, and which Ground and Foreshore were by the said Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third made subject to the Rates or Assessments thereby authorized.

The Town and Liberty, for the Purposes of this Act, to be divided into Six Wards.

VI. And be it further enacted, That the Two Wards or Divisions into which One of the ancient Wards of the said Town named *Trinity Ward* hath for many Years past been divided, and which are respectively called or known as *First Part Trinity Ward* and *Second Part Trinity Ward*, shall for all the Purposes of this present Act be reunited and shall constitute One Ward called *Trinity Ward*, and

that the said Liberty of *Trippett* shall for all the Purposes of this Act be included in and form Part of the North Ward of the said Town, and that for such Purposes the said Town and Liberty shall be divided into Six Wards; namely, *Humber Ward*, *Austin Ward*, *Trinity Ward*, *Whitefriars Ward*, *Saint Mary's Ward*, and *North Ward*.

Appointment of Assessors.

VII. And be it further enacted, That the following Twelve Persons; namely, *William Barnes* and *Ralph Jackson* in respect of the said *Humber Ward*, *Colley Bedford* and *Robert Foster* in respect of the said *Austin Ward*, *John Surr* and *William Barry* in respect of the said *Trinity Ward*, *Michael Bell* and *Thomas Flint* in respect of the said *Whitefriars Ward*, *John Hargrave* and *William Whitehead* in respect of the said *Saint Mary's Ward*, and *Jesse Malcolm* and *George Stray* in respect of the said *North Ward*, and who respectively are Assessors now acting under and by virtue of the said recited Acts or some or one of such Acts, and their Successors, to be elected in manner herein-after directed, shall be and they are hereby appointed Assessors and Commissioners for the Execution of this Act, under the Name of "The Assessors for lighting and cleansing the Town of *Kingston-upon-Hull* and the Liberty of *Trippett*."

Six Assessors to go out of Office each Year.

VIII. And be it further enacted, That on the First Day of *August* in the Year One thousand eight hundred and forty-two, and on the like Day in every succeeding Year, One of the Assessors for the Time being appointed by or under this Act for each of the said Wards shall go out of Office, but each Assessor so going out of Office may be forthwith or at any Time thereafter re-elected if then qualified as herein-after provided; but no Person who shall have served the Office of Assessor shall, without his previous Consent, be re-elected for the same or any other Ward until the Expiration of Five Years from the Time of his going or last going out of Office in rotation.

Order in which the Assessors are to go out of Office.

IX. And be it further enacted, That the Assessor to go out of Office in the Year One thousand eight hundred and forty-two in respect of each Ward shall be such one of the Persons hereby appointed Assessors in respect of that Ward as shall be determined by a Majority of the whole Body of Assessors for the Time being at some previous Meeting thereof, or in default of such Determination then such one of the Assessors for the same Ward as is first in this Act, and the Assessor to go out of Office in the Year One thousand eight hundred and forty-three in respect of each Ward shall be such one of the Assessors hereby named for the same Ward as shall not previously have gone out of Office; and in the Year One thousand eight hundred and forty-four, and in every succeeding Year, such one of the Assessors for each Ward who shall have been longest in Office from the Time of his Election or last Re-election shall be the Assessor for that Ward who shall go out of Office.

Mode of Election of Assessors.

X. And be it further enacted, That the Clerk for the Time being to the said Assessors, or such other Officer of the said Assessors as they shall from Time to Time authorize to act in their Behalf, shall be and he is hereby required and empowered, on the *Sunday* next after

after the First Day of *July* One thousand eight hundred and forty-two, and in every succeeding Year, to give a written or printed public Notice, signed by him, for the several Occupiers and Owners of Messuages, Lands, or Tenements in each of the said Wards who shall respectively be rated by Name under and pursuant to the Provisions of this Act, to assemble and meet together for the Purpose of appointing an Assessor for the same Ward on the *Thursday* next following every such Notice, at some convenient Place within the same Ward to be specified in such Notice, and at such Hour, not being earlier than Eight in the Morning nor later than Six in the Afternoon, as shall be therein named in respect of each Ward, and so that the Time appointed for such Meeting in each such Ward shall be different by the Space of One Hour at least from the Time appointed for such Meeting in any other of the said Wards; and such Notice shall be given by the same being affixed in some conspicuous Place on One of the outward Doors of each of the Churches and Chapels within the said Town and Liberty, or such of them as shall for the Time being be open and used for Divine Service, or such of them, not being fewer than Three, as the Assessors may think proper and direct, and the said Clerk or other Officer shall, after such Notices have been so given, and before the Day appointed for such Election, cause a like Notice to be put up in some One or more conspicuous Place or Places within each of the said Wards, and the Clerk for the Time being or such other Officer as aforesaid shall and he is hereby required to attend at the Time and Place so to be appointed for such Election in each of the aforesaid Wards pursuant to every such Notice, and shall immediately proceed to such Election and take the Votes of the several Persons qualified to vote as aforesaid in manner following; (that is to say,) each Person so qualified, who shall appear at or within One Hour after the Time appointed for such Meeting, shall personally deliver to the said Clerk or other Officer a Voting Paper, signed by the Person so qualified, containing the Christian Name and Surname, Description and Place of Abode of One Person qualified in manner herein-after mentioned to be an Assessor for the same Ward, and the Name of the Street, Square, or other Place in which the Property in respect whereof such Voter is rated shall be situate; and the said Clerk or other Officer, after he shall have taken such Votes in manner aforesaid in respect of any One Ward, shall immediately proceed to cast up the Number thereof, and shall declare the Person who shall have the Majority of Votes to be an Assessor for that Ward from the First Day of *August* next ensuing, in the Place of the Assessor for the same Ward who shall then go out of Office; and in case there shall be an Equality of Votes for Two or more Persons to be Assessor for any of the said Wards, then such Clerk or other Officer taking such Election, although he may have previously voted in respect of his being rated as aforesaid, or may not be qualified to vote otherwise than by virtue of this Provision, shall have a casting Vote.

Notice by the Clerk to Persons elected Assessors.

XI. And be it further enacted, That the said Clerk or other Officer presiding at such Election shall and he is hereby required, within Six Days after the Day of the making thereof, by Writing under his Hand, to be delivered to or left at the Dwelling House of each Person

so chosen an Assessor for any of the said Wards, signify to every such Person such his Election, and require him to take upon him the said Office of Assessor for the Ward for which he shall be so chosen, and an Entry shall be made in the Books of the said Assessors of the Names of all the Persons so chosen Assessors as aforesaid, distinguishing the Wards for which they shall respectively be so chosen; and each of the Persons so chosen an Assessor for any of the said Wards shall, on or before the said First Day of *August* then next ensuing, signify his Acceptance of the said Office in Writing under his Hand, in a Book to be kept by the Clerk of the Assessors for that Purpose; and if any Person so chosen an Assessor shall neglect or refuse to accept of such Office in manner aforesaid, every Person so neglecting or refusing shall forfeit any Sum not exceeding the Sum of Five Pounds.

For Appointment of Assessors in case of Death, Disqualification, or Refusal.

XII. Provided always, and be it further enacted, That in case any Person hereby appointed or who shall be hereafter appointed an Assessor for any of the said Wards shall die, or be or become disqualified, or personally incapable to act as such Assessor, or shall neglect or refuse to accept such Office in manner aforesaid, the Clerk for the Time being of the said Assessors shall, on some *Sunday* not later than Fourteen Days after such Death, Disqualification or Incapacity, Neglect or Refusal, shall have taken place or been ascertained, give the like public Notice as aforesaid for the Persons qualified to vote in the Election of Assessors for the Ward wherein such Vacancy shall be to meet in order to supply the same, on some Day in the same Week not earlier than the *Wednesday* in such Week, at such convenient Place within the same Ward, and at such Time, between the Hours of Eight of the Clock in the Morning and Six of the Clock in the Afternoon, as shall be mentioned in such Notice; which Notice shall be affixed in manner aforesaid upon the Doors of such of the said respective Churches and Chapels as are situate in the Parish or Parishes whereof the same Ward forms Part, or such of them, not being less than Three, as the Assessors may think proper and direct, and the like Notice shall, in some succeeding Day previous to the Day of Election, be put up on some conspicuous Place or Places within the said Ward; and at the Time and Place so appointed some other Person qualified to be an Assessor under this Act shall, in the manner herein-before mentioned in relation to the annual Elections of Assessors, be elected Assessor in the Place of the Assessor who shall so die or be or become disqualified or incapacitated as aforesaid; and such Person so elected shall become an Assessor under this Act, and with the like Power as the Person in whose Place he shall be so appointed would have had if he had not died, or been so disqualified or incapacitated, or had neglected or refused as aforesaid; and the Person so elected shall continue in such Office during the Remainder of such Term as the said deceased, disqualified, or incapacitated, or neglecting or refusing Assessor, would have continued in Office if such Death, Disqualification, Incapacity, Neglect, or Refusal had not occurred; and shall, for the Purpose of going out of Office, stand in the same Order and Rotation as such deceased, disqualified, or incapacitated, neglecting or refusing Assessor, would otherwise have done; and on every such Election the

the like Entry shall be made, and the like Notice shall be given to, and the like Acceptance of Office shall within Ten Days after such Notice be made by, the Assessor so appointed as are herein-before required with reference to the Appointment of Assessors at such annual Elections, and under the like Penalty in any Assessor so appointed who shall neglect or refuse so to accept the said Office.

For punishing the Clerk, Assessors, &c. for Neglect of Duty.

XIII. And be it further enacted, That if the Clerk for the Time being of the said Assessors, or other Officer acting as aforesaid, shall wilfully neglect or refuse to give or cause to be given such Notices as he is herein-before required to give or cause to be given, or if he or any Assessor for the Time being, who shall have accepted the Office of such Assessor, shall wilfully neglect or refuse to do any such Act or Thing as he or they is or are respectively required to do in the Execution of this Act, every such Clerk, Officer, or Assessor so wilfully neglecting or refusing as aforesaid shall for every such Offence forfeit any Sum not exceeding the Sum of Ten Pounds.

Election of Assessors not to be impeached by reason of defective Notices or Want of Title of presiding Officer.

XIV. Provided always, and be it further enacted, That no Election of any Assessor or Assessors under this Act shall be void or voidable by reason of any such Notices as aforesaid not having been duly given, or by reason of any Informality or Defect in the Appointment, or other Want of Title of the Person who shall preside at such Election, provided that such Person so presiding shall then be in the actual Possession or Execution of the Duties of the Office of Clerk to the said Assessors for the Time being, or other Office the Holder of which shall for the Time being be entitled to preside at such Election.

No elder Brother or Assistant of the Trinity House to be appointed an Assessor, &c.

XV. Provided always, and be it further enacted, That no Elder Brother or Assistant of the Corporation of the *Trinity House* in *Kingston-upon-Hull* shall be chosen or appointed an Assessor or Collector or other Officer for any of the Purposes aforesaid, but shall be wholly exempt from serving any of the said Offices, but any Person who whilst serving any such Office shall become such Elder Brother or Assistant shall not be thereby exempted from serving such Office.

Qualification of Assessors.

XVI. And be it further enacted, That no Person shall be capable of acting as an Assessor in the Execution of this Act unless he shall be an Inhabitant Householder in the Ward in respect whereof he is or shall be appointed an Assessor by or in pursuance of this Act, and shall at the Time at which this Act shall come into operation, or at the Time of his being elected Assessor, as the Case may be, be rated and assessed towards the Relief of the Poor upon an annual Amount or Value of Fifteen Pounds at the least in respect of any rateable Property within the same Ward; and if he shall during his Continuance in the said Office of Assessor cease to be an Inhabitant Householder in the same Ward, or shall in any Rate to be made for the Relief of the Poor be not rated in respect of Property in the same Ward, or be so rated upon an annual Amount or Value less than the Sum

Sum of Fifteen Pounds, he shall thereupon become disqualified to act as Assessor under this Act.

Certain Persons disqualified from acting as Assessors.

XVII. Provided always, and be it further enacted, That no Assessor hereby appointed or hereafter to be appointed as aforesaid shall be capable of acting as an Assessor during the Time he shall hold or enjoy any Office or Place of Trust or Profit under this Act, or be concerned in or have any Benefit or Interest in any Contract whatsoever made by virtue of this Act, or in any Case wherein he shall be directly or indirectly, personally or beneficially, interested, otherwise than as a Creditor on or liable to the Payment of the Rates or Assessments to be made under this Act, nor shall any such Assessor be capable of taking any Contract under the said Assessors whilst he shall be an Assessor: Provided nevertheless, that nothing herein contained shall extend or be deemed to extend to prevent any Assessor who is or may be a Member of any Gas Company within or for the Purpose of supplying the said Town from acting as an Assessor by reason of any Contract entered into between the Assessors for executing this Act and such Company, but no Assessor being a Member of such Company shall vote on any Question relating to this Act in which the said Company may be interested.

Penalty on Persons acting as Assessors not being qualified.

XVIII. And be it further enacted, That if any Person not being qualified in manner herein-before mentioned, or being disqualified by any of the Causes aforesaid, shall act as an Assessor in the Execution of this Act, or in any particular Manner to which such Disqualification (if partial) shall extend, every such Person shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Ten Pounds, to be recovered by Information before any Justice of the Peace acting within his Jurisdiction: Provided always, that all such Acts and Proceedings of any Person acting as an Assessor in the Execution of this Act, although such Person shall at the Time of his doing the same or concurring therein be disqualified, as shall be done previously to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

In case of Neglect of choosing Assessors, the Town Council to appoint.

XIX. Provided also, and be it further enacted, That if in any One Year, through the Neglect of the Clerk to the said Assessors, or such other Officer of the said Assessors as they shall from Time to Time authorize to act in their Behalf, in omitting to give the Notices as aforesaid, or for or through any other Cause or Neglect, such Assessors shall not be chosen or appointed for the said respective Wards, or any of them, within the Time herein-before limited and prescribed for that Purpose, then and in either of the said Cases the Town Council for the said Borough of *Kingston-upon-Hull*, or the major Part of them in Council assembled, shall and may and they are hereby authorized and required to nominate and appoint Two Assessors in and for each of the said several Wards for which such Assessors shall not have been appointed as aforesaid, and such Assessors so to be appointed by the Town Council as aforesaid shall and are hereby required to take upon themselves the said Office, and

perform and execute all the Duties thereof, as if they had been elected by the Occupiers and Owners of Messuages, Lands, and Tenements at a Meeting for that Purpose as herein-before directed.

First and other Meetings of the Assessors.

XX. And be it further enacted, That the said Assessors, or any Seven or more of them, shall meet at the Chamber of the said Assessors within the said Town of *Kingston-upon-Hull* or otherwise, at such convenient Place within the said Town as shall be appointed by any Nine of the said Assessors, on the Third *Monday* after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, or if from any Cause such Meeting should not be so held, such Assessors shall meet at such Day, Hour, and Place within the said Town as any Seven of them shall appoint; and the said Assessors shall at such First Meeting proceed to put this Act into execution, and the said Assessors shall also from Time to Time meet at the Place aforesaid, or at any other convenient Place in the said Town, and at such Times as they shall appoint, and they may from Time to Time adjourn any such Meetings; and if at any Meeting appointed or convened under this Act there shall not, within Fifteen Minutes next after the Time fixed for such Meeting, be Seven Assessors present, then the Assessors or Assessor who shall be present, or if there shall be none the Clerk to the said Assessors, shall adjourn such Meeting to any other Day not exceeding Fourteen Days afterwards; and Notice of every original and adjourned Meeting shall be given by Writing signed by the Clerk to the said Assessors, and given unto or left at the Dwelling House of each of the Assessors for the Time being One Day at least before the Day appointed for such Meeting; and at all Meetings to be held in pursuance of this Act the Assessors shall defray their own Expences, except any Charge for the Room or Place where the same shall be held, and the Expence of Stationery, which shall be defrayed out of the Monies to be raised by virtue of this Act.

Meetings of Assessors may be convened on Three Days Notice.

XXI. And be it further enacted, That it shall be lawful for any Two or more of the said Assessors, although not assembled at a Meeting, from Time to Time and at any Time, by Notice in Writing under their Hands, to be delivered to the Clerk to the said Assessors, or left at his usual Place of Abode, to convene and appoint a Meeting of the said Assessors to be held at any Time and in any convenient Place in the said Town to be specified in such Notice, such Time not being less than Three clear Days after such Notice shall have been so delivered or left as aforesaid: Provided always, that such Notice shall specify the Business to be transacted at any such Meeting; and no Business other than that so specified, or other than an Adjournment of such Meeting, shall be transacted thereat.

Proceedings of the Assessors at their Meetings.

XXII. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Assessors shall and may from Time to Time be exercised by them, or by the major Part of them, present at any Meeting to be held in pursuance of this Act, such Assessors present at any such Meeting not being less than Seven in Number; and all the Acts, Orders, and Proceedings of such Assessors, or of such major Part of them as aforesaid, shall have

have the same Force and Effect as if the same were made and done by all the Assessors for the Time being; and such One of the Assessors present as the major Part of them then present shall appoint shall preside as Chairman, who shall, in addition to his Vote as Assessor, have a casting Vote, in case of the Equality of Votes of the Assessors present at any such Meeting, and who shall vote on any Resolution or Question; and no Act of the said Assessors in the Execution of this Act shall (except in Cases herein specified) be valid unless done at some Meeting held in pursuance of this Act; and all Acts, Orders, and Proceedings of the said Assessors at such Meetings, including the Rates and Assessments to be made under or in pursuance of this Act, and all Alterations and Amendments of such Rates and Assessments, shall be entered in a Book, and signed by the Clerk; and all Entries in such Book, being so signed, shall be deemed Originals, and shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others; and such Book shall be kept by the Clerk to the said Assessors, or by such other Person and at such Place as the said Assessors shall direct, and the same shall at all convenient and reasonable Times, without Fee or Reward, be open to the Inspection of any of the said Assessors, and of every Person rated and assessed for the Purposes of this Act, or otherwise affected thereby.

Accounts to be kept of Receipts and Disbursements.

XXIII. And be it further enacted, That the said Assessors shall and they are hereby required to cause a Book to be provided and kept, in which shall be entered true and regular Accounts of all Monies received, paid, laid out, and expended in the Execution of this Act, and of the several Articles, Matters, and Things for which such Monies shall have been disbursed, laid out, and paid, which Book, and also all Contracts which shall be entered into by the Assessors under and for the Purposes of this Act, shall at all reasonable Times be open to the Inspection of the said Assessors or any Creditor on the Rates hereby authorized to be made, or any Person rated or liable to be rated under this Act, without Fee or Reward, in respect of such Book, and on Payment to the Clerk to the said Assessors of One Shilling on the Inspection of any such Contract; and the said Assessors, Creditors, or other Persons may take Copies of or Extracts from the said Books and Contracts, or any Part thereof, without paying any thing for the same; and if the Clerk or Treasurer to the said Assessors, or other Person with whom any Book or Account belonging to the said Assessors shall have been deposited, shall, on any reasonable Demand, refuse to permit or shall not permit any of the said Assessors, Creditors, or other Persons to inspect such Book, Accounts, or Contracts, or to take Copies thereof or Extracts therefrom, such Clerk or Treasurer or such other Person so refusing or offending shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Officers to be appointed.

XXIV. And be it further enacted, That the said Assessors at any Meeting may nominate and appoint a Clerk, Treasurer, Collector of the Rates or Assessments herein-after mentioned, Surveyor, and such other Officers for the Execution of this Act as they shall think proper; and the said Assessors may remove and displace any such Clerk, Treasurer, Collector, or Officer, from Time to Time, when they shall think

think proper; and the said Assessors shall take such Security from every such Treasurer and Collector, for the due Execution of such their Offices, as to them shall seem meet, and shall and may, out of the Monies which shall arise and be collected by virtue of this Act, allow and pay to such Officers such Salaries or Allowances as the said Assessors shall think reasonable.

The same Person may be Surveyor and Collector, but the Assessors Clerk not to be Treasurer or Collector; nor any Person to hold Two of the Offices of Clerk, Treasurer, and Collector.

XXV. And be it further enacted, That the same Person may, in the Discretion of the said Assessors, be the Surveyor and Collector under this Act; but it shall not be lawful for the said Assessors to continue or appoint the Person who has been or may be appointed to act as their Clerk, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer or Collector for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of such Treasurer or of his Partner, the Clerk or Collector of the said Assessors, or to continue or appoint the Person who has been or may be appointed Collector, or the Partner of any such Collector, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, the Clerk or Treasurer of the said Assessors; and if any Person shall at the same Time act in all or only Two of such Capacities of Clerk, Treasurer, and Collector for the Purposes of this Act, and if any Person being such Clerk, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer or Collector, or shall act as Deputy of the Treasurer or Collector, or in any Manner officiate for the Treasurer or Collector, or being such Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk or Collector in the Execution of this Act, or shall act as Deputy of such Clerk or Collector, or in any Manner officiate for such Clerk, or if any Person being such Collector, or the Partner of any such Collector, or the Clerk or other Person in the Service or Employ of any such Collector or of his Partner, shall accept the Office of Clerk or Treasurer in the Execution of this Act, or shall act as Deputy of such Clerk or Treasurer, or in any Manner officiate for such Clerk or Treasurer, or if any such Treasurer shall hold any Place of Profit or Trust under the said Assessors other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered by Action of Debt, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

Officers to account.

XXVI. And be it further enacted, That all Officers appointed under this Act shall, under their Hands, at such Time and in such Manner as the said Assessors shall direct, deliver to the said Assessors, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue of and for the Pur-

poses of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Assessors or to such Person as they shall appoint to receive the same; and if any such Officer shall refuse or wilfully neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Assessors or to such Person as they shall appoint to receive the same, within Ten Days after being thereunto required by the said Assessors, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Assessors or to such other Person as aforesaid respecting the same, then and in every such Case, upon Complaint made on behalf of the said Assessors by any Person whom they shall appoint for that Purpose, of any Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the Borough, County, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to summon the Officer so neglecting or refusing to appear before him, and on his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account, if produced, in the same Manner as the said Assessors might have done; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money and the Charges of Distress and Sale, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Book, Paper, or Writing relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the Borough, County, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Assessors for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Assessors are hereby empowered to make and receive,) or until he shall have delivered a true Account as aforesaid together with such Vouchers as aforesaid, or until he shall have delivered up such Book, Paper, or Writing, or given Satisfaction in respect thereof to the said Assessors or to such other Person as aforesaid (as the Case may be): Provided always, that no Person who shall be committed by virtue of this

Act on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time than Three Calendar Months: Provided also, that no Prosecution or Commitment under the Provisions of this Act of any such Officer shall acquit or discharge any Security that shall or may have been taken by or given to the said Assessors for the due and faithful Execution of his Office or the Payment of the Monies received or to be received by him.

Assessors may sue and be sued in the Name of their Clerk, &c.

XXVII. And be it further enacted, That the said Assessors may sue and be sued in respect of any Matter or Thing relating to this Act, in the Name of their Clerk or Treasurer for the Time being, or in the Name of any One of the said Assessors; and no Act, Suit, or other Proceeding which may be brought, commenced, or prosecuted, by or against the said Assessors, by virtue or on account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Treasurer, or by the Death or Disqualification of such Assessor, or by any Act or Default of such Clerk, Treasurer, or Assessor: Provided always, that in all Cases in which the said Clerk, Treasurer, or any such Assessor as aforesaid shall in pursuance of this Act be the Plaintiff or Defendant on the Record in any Action or Suit, in which in effect the said Assessors shall be suing or sued in the Name of such Clerk, Treasurer, or of such One Assessor as aforesaid, such Clerk, Treasurer, or such One Assessor, (although appearing as the Plaintiff or Defendant on the Record,) or any other Assessor, may and shall nevertheless (if not otherwise interested or objectionable) be a competent Witness; and any Affidavit preparatory to or for the Purposes of or consequent upon such Action, Suit, or Proceeding shall and may be lawfully made by such Clerk, Treasurer, or Assessor, (as the Case may be,) notwithstanding he shall be nominal Plaintiff or Defendant as aforesaid: Provided also, that any or every such Clerk, Treasurer, or Assessor, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be reimbursed, out of the Monies to arise by virtue of this Act, all such Damages, Costs, and Expences as he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein.

Provisions respecting Actions, Suits, &c.

Decree against the Clerk, &c. to have Effect against the Assessors.

XXVIII. And be it further enacted, That every Judgment, Decree, or Order made or pronounced in any Action, Suit, or Proceeding in any Court of Law or Equity, against the Clerk, Treasurer, or such One Assessor as aforesaid, shall have the like Effect and Operation upon and against the Property and Funds of the said Assessors as if all the Assessors were Parties before the Court in such Action, Suit, or Proceeding; and it shall be lawful for any Court in which such Judgment, Decree, or Order shall have been made to cause such Judgment, Decree, or Order to be enforced against all and every or any of the said Assessors, in like Manner as if all the said Assessors were Parties before the Court in such Action, Suit, or Proceeding.

Streets, &c. in the Town of Kingston-

XXIX. And be it further enacted, That from and after the Commencement of the Operation of this Act the several Streets, Squares,

Lanes, Alleys, and other public Passages and Places within the said Town of *Kingston-upon-Hull* and the Liberty of *Trippett*, as defined by this Act, shall, with the Exceptions and subject to the Provisions herein contained, be cleansed, swept, and lighted by and under the Direction and Control of the said Assessors; and that the public Sewers and Drains within the said Town and Liberty shall also from Time to Time, when and as there shall be Occasion, be cleansed and scoured by and under the like Direction and Control.

upon-Hull and Trippett to be lighted and cleansed by the Assessors.

XXX. And whereas the following Places, namely, the Market Place, the common Staiths, and Breastwork thereof next the Haven, and certain other Places within the said Town and Liberty, have been usually swept and cleansed at the Expence of the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull*, or the Corporation for the Time being of the said Borough, who have been in the habit of contracting with the Assessors under the recited Acts for such sweeping and cleansing; and it would be for the Benefit of the Public that such Places should be henceforth swept and cleansed under the Provisions of this Act, on the Payment by the said Mayor, Aldermen, and Burgesses of the annual Sum herein-after mentioned; be it therefore further enacted, That the said Market Place, common Staiths, Breastwork, and other Places last aforesaid shall from and after the Commencement of the Operation of this Act be swept and cleansed at the Expence and by and under the Direction and Control of the Assessors, in consideration whereof the said Mayor, Aldermen, and Burgesses shall annually pay out of the Borough Fund to the said Assessors, on the First Day of *August* in each Year, the clear Sum of Thirty-five Pounds, to be applied to the general Purposes of this Act, the first of which Payments shall be made on the First Day of *August* One thousand eight hundred and forty, in respect of the then next ensuing Year: Provided nevertheless, that nothing herein contained shall exempt the Owners or Occupiers of Houses and Tenements in the said Market Place and other Places within the said Town and Liberty which have been usually swept and cleansed at the Expence of the said Mayor, Aldermen, and Burgesses, from being assessed to or from the Payment of the Rates or Assessments to be made by virtue of this Act for the lighting and cleansing the said Town and Liberty or otherwise for the Purposes of this Act.

Certain Parts to be cleansed by the Assessors in consideration of an annual Payment by the Corporation of the Borough.

XXXI. And be it further enacted, That the Legal Quay at *Kingston-upon-Hull*, and the Ground lying between the same and the Dwelling Houses, Lands, and Hereditaments of or belonging to the Dock Company at *Kingston-upon-Hull*, situate on the South Side of or contiguous to the said Quay, and all such other Places within the said Town as are now lighted and cleansed by or at the Expence of the said Dock Company, and all such Streets or Places in the said Liberty of *Trippett* as are at present cleansed and lighted by or at the Expence of the said Dock Company, shall continue to be so lighted and cleansed, and shall not be lighted or cleansed by or under the Direction and Control or at the Expence of the said Assessors; and nothing herein contained shall extend or be construed to extend to charge or make liable the Owners or Occupiers of

Certain other Parts to be lighted and cleansed by the Dock Company; and the last-mentioned Places to be exonerated from the Rates and Assessments under this Act.

of any of the present Dwelling Houses, Warehouses, Buildings, Lands, and Hereditaments of or belonging to the said Dock Company, and situate on the South Side of the said Legal Quay, or the Owners or Occupiers of any of the Dwelling Houses, Warehouses, Buildings, Lands, Tenements, and Hereditaments in *Trippett* aforesaid, which adjoin on any of the said Streets or Places at present cleansed or 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, so long as the said Quay, Ground, Streets, or Places shall be lighted and cleansed by the said Dock Company: Provided always, that nothing contained in this Act shall authorize the said Assessors to scour or otherwise interfere with the Drains or Sewers made or to be made in the said Town and Liberty by the said Dock Company at *Kingston-upon-Hull.*

Assessors may contract with Dock Company for the cleansing of the Places to be cleansed at the Expence of the Corporation.

XXXII. And be it further enacted, That it shall be lawful for the said Assessors from Time to Time to contract, upon such Terms as they shall think reasonable, with the said Dock Company at *Kingston-upon-Hull*, for sweeping, cleansing, and lighting such Parts of the said Town and Liberty as are now lighted and cleansed by or at the Expence of the said Dock Company, or any Part thereof; and the Sum or Sums of Money which shall be received by the said Assessors under any such Contract shall be applied for the Purposes of this Act; and during the Continuance of such Contract the Places to which the same shall apply shall be swept, cleansed, and lighted by and under the Direction and Control and at the Expence of the said Assessors.

Lamps and other Property vested in Assessors.

XXXIII. And be it further enacted, That all the Books of Proceedings, Accounts, Papers, and Writings belonging to the Assessors under the said recited Acts, and relating to the Execution thereof, and all the present and future Lamps, Lamp Irons, and Lamp Posts which now are used, erected, or fixed up, or which hereafter shall be used, erected, or fixed up by virtue of this Act, for the Purpose of lighting the Streets, Squares, and other Places which, under this Act, are to be lighted by the Direction or under the Control of the said Assessors, and the Furniture thereof, and all Materials, Implements, and other Things to be purchased for the Purposes of this Act, and all the Dust, Dung, Dirt, Ashes, and Filth to be swept, gathered, and collected in or from the said Streets, Squares, Lanes, Drains, Sewers, and other Places to be swept and cleansed by and under the Direction and Control of the said Assessors, shall belong to and be the Property of and are hereby vested in the said Assessors; and the said Assessors shall have full Power and Authority, for the Purposes of this Act, to sell and dispose of any of the said Articles and Things, except the said Books, Accounts, Papers, and Writings, to such Person and in such Manner as they shall think proper; and the said Assessors shall and may cause to be brought any Action, or direct the prosecuting of any Bill of Indictment, as the Case may require, against any Person who shall steal, take away, or detain, damage, injure, or destroy the several Articles and Things hereby vested in the said Assessors as aforesaid, or any of them, or any Part thereof; and in all such Actions and Bills of Indictment respectively

tively it shall be sufficient to state generally that the Article or Thing for or on account of which such Action shall be brought or such Bill of Indictment shall be preferred is the Property of "The Assessors for lighting and cleansing the Town of *Kingston-upon-Hull* and the Liberty of *Trippett*," without stating or specifying the Names of all, any, or either of the said Assessors.

Assessors empowered to cleanse Streets, &c.

XXXIV. And be it further enacted, That it shall be lawful for the said Assessors, and they are hereby authorized and required, from Time to Time to cause the Streets, Squares, Lanes, Alleys, Passages, and Places herein-before directed to be respectively swept and cleansed by or under their Direction or Control, to be swept and cleansed Three Times in each Week at the least, and also to cause such of the same Streets, Squares, Lanes, Alleys, Passages, and Places as are to be cleansed by them to be from Time to Time watered, and the Dirt, Dust, Mud, Snow, and Filth therein to be removed, and the said Drains and Sewers to be scoured and cleansed, at such Times and Seasons and in such Manner as the said Assessors shall from Time to Time think fit and direct, and also to cause the Footpaths of the said Streets to be from Time to Time scraped, swept, and cleansed as often as there shall be Occasion.

Assessors may enter into Contracts for effecting the Purposes of this Act.

XXXV. And be it further enacted, That the said Assessors shall and may contract with or employ such Persons as they shall think proper to act as Scavengers, and to water the said Streets, Squares, Lanes, and other Passages and Places, at such Times as the Assessors shall direct, with such Salary, Wages, or Reward as the said Assessors shall think proper and direct, and also from Time to Time to enter into any other Contract for effecting the Purposes of this Act which the said Assessors shall think fit; and the Persons employed as Scavengers shall, at such Times and in such Manner as the said Assessors shall direct, bring or cause to be brought such Sort of Cart or other Carriage as the said Assessors shall direct and appoint in all and every the Streets, Squares, Lanes, and other Passages and Places which shall at any Time be cleansed by the said Assessors where such Cart and Carriage can pass; and the said Scavengers shall sweep and cleanse in a proper Manner all the said Streets, Squares, Lanes, and other Passages and Places as the said Assessors shall direct and appoint, and afterwards take up and carry away the Dirt, Soil, Filth, and Snow there made and found or swept up out of the same, immediately or within such Time as the said Assessors shall direct, under a Penalty not exceeding Twenty Shillings for every Neglect.

No Person but the Scavengers to take away the Soil of the Streets.

XXXVI. And be it further enacted, That no Person shall, without the Consent of the Assessors or their Surveyor, take or carry away, or cause to be taken or carried away, any Ashes, Dust, Dirt, Muck, Dung, or Manure which shall be made in, found, or swept up in or upon any of the said Streets, Squares, Lanes, Alleys, or other public Passages or Places, except the Scavengers appointed by the said Assessors, or such other Persons as they shall from Time to Time order and direct, upon pain of forfeiting and paying any Sum not exceeding the Sum of Ten Shillings for every such Offence.

Power for the Assessors to light the Streets, &c.

XXXVII. And be it further enacted, That it shall be lawful for the said Assessors and they are hereby authorized and required to cause the several Streets, Squares, Lanes, and other Passages and Places within the said Town and Liberty, and which are hereby directed to be lighted by or under the Direction or Control of the said Assessors, or such of them as they shall think proper, to be lighted either by means of Oil Lamps or by means of Gas or Inflammable Air, or partly by one means and partly by another, or otherwise, at such Times and Seasons as the said Assessors shall think fit, and to direct what Part of the same shall be lighted with Oil and what by means of Gas or Inflammable Air or otherwise; and it shall be lawful for the said Assessors from Time to Time to contract and agree with any Company or other Person to light the said Streets, Lanes, and other Passages and Places, or any of them, or any Part thereof respectively, by means of Oil or Gas or Inflammable Air or otherwise, in such Manner, and upon and subject to such Terms and Conditions, Stipulations, and Agreements, as the said Assessors shall think proper, and to provide and set up, fix or place, all necessary Lamps, Lamp Posts, Lamp Irons, and Iron or other Pipes, for the Conveyance of Gas or Inflammable Air or otherwise, and other Works necessary for the Purposes of this Act, upon or against any House, Tenement, Building, or Inclosure, (doing as little Damage or Injury thereto as possible,) or in such other Manner as they shall think proper: Provided nevertheless, that no such Lamp, Lamp Post, Lamp Iron, and Iron or other Pipe shall be set up, fixed, or placed upon any House or Building, or shall be continued so set up, fixed, or placed, against the Consent of the Owner or Occupier of the same Dwelling House or Building.

For repairing Damage done to any Building by affixing Lamps, &c.

XXXVIII. Provided also, and be it further enacted, That if any Injury or Damage shall be occasioned to any Building or Wall or other Erection, by the affixing, setting up, taking down, altering, or removing any Lamp or any Lamp Iron or other Fastening thereof, or any Pipe or other Matter or Thing used for the Conveyance of Gas or Inflammable Air within the said Town, and laid under the Authority of this Act, the said Assessors or Company or Persons occasioning the same shall immediately cause the said Injury or Damage to be well and sufficiently repaired, or, as the Case may require, shall pay to the Party injured such Compensation as any One Justice of the Peace for the Borough or County of the Town of *Kingston-upon-Hull* shall order.

Penalty for wilfully or accidentally damaging Lamps, &c.

XXXIX. And be it further enacted, That if any Person shall wilfully, wantonly, or maliciously break, throw down, destroy, or otherwise deface, damage, or injure any Lamp, Pipe, Post, Pillar, Pilaster, Lamp Iron, Lamp Cover, or Furniture thereof, or any Article or Thing hereby vested in or otherwise belonging to the said Assessors, or shall wilfully, wantonly, or maliciously extinguish the Light in any such Lamp, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also make full Satisfaction, in addition to the said Penalty, to the said Assessors or to the Party injured for the Damage so done; and in case any Person shall negligently or accidentally break, throw down, or otherwise

wise damage any Lamp, Pipe, Post, Pillar, Pilaster, Lamp Iron, Lamp Cover, or Furniture thereof, or any Article or Thing hereby vested in or otherwise belonging to the said Assessors, and shall not, upon Demand, make Satisfaction to the said Assessors or to the Party injured for the Damage so done, it shall be lawful for any Justice of the Peace acting within his Jurisdiction, and he is hereby required, on Complaint thereof made to him on Oath, to summon the Party complained of, and upon his appearing or making default to appear, (Oath being made that the Party complained of was served with such Summons, or that the same was left at his Dwelling House or Place of Abode, if known, or that he could not be found,) such Justice shall proceed to examine the Matter of the said Complaint, and upon Proof thereof, either upon the Confession of the Party complained of or by the Oath of One credible Witness, shall award and order such Sum of Money by way of Satisfaction for such Damage, with Costs, to be made by the Party complained of to the said Assessors or to the Party injured, as such Justice shall think reasonable.

Penalty on Contractors for Neglect.

XL. Provided always, and be it further enacted, That if any Person or Persons entering into or engaging in any Contract with the said Assessors, under or by virtue of this Act, for lighting any of the Lamps within the said Town and Liberty, or for sweeping and cleansing or watering the said Streets, Squares, Lanes, Alleys, Passages, and Places, or for any other Purposes hereby authorized, shall altogether omit or neglect to light, or shall not light at the Time appointed, in a proper and sufficient Manner, any of such Lamps, or not sweep and cleanse or water the said Streets, Squares, Lanes, Alleys, Passages, and Places in a proper and sufficient Manner, at the respective Times mentioned in and otherwise according to the Terms of such Contract, or shall in any other Manner omit or neglect to perform, execute, and fulfil the Conditions of such Contract according to the true Tenor and Meaning thereof, and of this Act, such Person or 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 Borough, or any One or more of the said Justices of the Peace of the Borough or County of the Town of *Kingston-upon-Hull*, 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 not exceeding Twenty Shillings for every Neglect or Omission in sweeping and cleansing or watering of any of the said Streets, Squares, Lanes, Alleys, Passages, and Places; and that it shall be lawful for the said Mayor or Justice 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.

Not to preclude the Assessors from Actions against Contractors.

XLI. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to hinder or prevent the said Assessors respectively from commencing and prosecuting any Action or Actions at Law against any such Contractors for or in respect of any Breach of Contract or Covenant,

so

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 shall have been proceeded against as aforesaid.

Assessors may compound for Penalties for Nonperformance of Contracts.

XLII. And be it further enacted, That it shall be lawful for the said Assessors, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Assessors shall bring or cause to be brought any Action or Suit to recover 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 Nonperformance of any such Contract or Contracts, or any Damages in respect of such Breach or Nonperformance, for such Sum of Money as they shall think proper, so as the Sum so compounded and agreed for be in the Judgment of the said Assessors a full Compensation, not only for the Injury or Damage sustained by the Breach or Nonperformance 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, in the Case of a Penalty or Forfeiture, extend to remit more than One Half of such said Penalty or Forfeiture.

Assessors to cause Houses to be numbered and Names of Streets to be put up.

XLIII. And be it further enacted, That it shall be lawful for the said Assessors and they are hereby empowered from Time to Time to cause the several Houses and other Buildings in the several Streets, Squares, Lanes, Passages, and Places within the said Town and Liberty to be numbered, and also to cause to be affixed or painted on a conspicuous Part of some House or Building or Place, at or near each End, Corner, or Entrance of such Streets, Squares, Lanes, Passages, or Places, the Names by which the same are respectively called or known or to be called or known; and if any Person shall wilfully or maliciously destroy, pull down, or deface any such Number or Name or any Part thereof, or shall fix or put up any Number or Name different to the Number or Name fixed or put up by Order of the said Assessors, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Money to be raised by means of Rates.

XLIV. And for raising Money to defray the Expences attending the obtaining of this Act, and of carrying into execution the several Purposes thereof, be it further enacted, That the said Assessors shall have full Power and Authority, and are hereby required, from Time to Time, once in every Year or oftener if they shall think necessary, (the First Year to be computed from the First Day of *August* One thousand eight hundred and forty, and every succeeding Year from the said Day in every Year respectively,) to rate and assess and to make an equal Rate or Assessment upon the Occupiers of all Houses, Buildings, Lands, and Tenements situate within the said Town of *Kingston-upon-Hull* and the said Liberty of *Trippett*, (except such as are by this Act expressly exempted from such Rate, and also except the Workhouse commonly called *Charity Hall*, and Churches and Chapels exclusively appropriated to Public Worship, or such Part of such Chapels as are or shall be so appropriated, and Hospitals,) and such Rate shall be made according to the net annual Value of

the said Houses, Buildings, Lands, and Tenements respectively; that is to say, according to the Rent at which the same might be reasonably expected to let from Year to Year, free of all usual Tenants Rates and Taxes, and deducting therefrom the probable annual Average Cost of the Repairs, Insurance, and other Expences (if any) necessary to maintain them in a State to command such Rent, so that no such Rate or Assessment shall exceed in the whole the Sum of One Shilling in the Pound in any One Year for which such Rate or Assessment shall be made; and such Rate or Assessment, when so made, shall be signed and allowed by Two Justices of the Peace acting in and for the Borough or County of the Town of *Kingston-upon-Hull;* and the Money so rated or assessed on the said several Occupiers, shall be payable by equal quarterly Payments by such Occupiers respectively to the Collector or other Person appointed by the said Assessors to collect the same, upon the First Day of *November*, the First Day of *February*, the First Day of *May*, and the First Day of *August;* and the said Rate or Assessment, and the Monies arising therefrom respectively, shall be and are hereby vested in the said Assessors.

Assessors may rate Persons omitted or under-rated, and alter Rates improperly made.

XLV. And be it further enacted, That if the said Assessors shall at any Time neglect or omit to rate or assess any Person liable to such Rate or Assessment, or shall rate or assess any Person not liable thereto, or shall rate or assess any Person liable to such Rate or Assessment in too large or small an Amount, then and in any such Case it shall be lawful for the said Assessors to rate and assess such Persons so omitted or improperly rated in such Manner as to the said Assessors shall seem just, and to strike out the Name of the Person not liable to such Rates or Assessments, and such Addition, Alteration, or Omission shall be as valid to all Intents and Purposes whatsoever as if the same had been Part of the original Rate or Assessment.

Assessors may inspect Rate Books.

XLVI. And in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, That the said Assessors shall and may and they are hereby authorized and empowered to require the Production to them, at all reasonable Times, of any Rate or Assessment for the Poor Rate, Land Tax, or otherwise, and which shall affect the Premises subject to be rated under this Act, or the Duplicate thereof, or any Book containing the same, and to take Copies or Extracts from such Books or Assessments or any Part thereof without Fee or Reward; and if any Person in whose Custody or Power any of the said Rates, Assessments, Duplicates, or Books shall remain shall, upon Notice to him for that Purpose given by the Clerk to the said Assessors, refuse or wilfully neglect to attend the said Assessors with such Books, Rates, Assessments, Duplicates, or Books in his Custody or Power, or to permit or suffer the said Assessors to take or to cause to be taken Copies thereof, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For Recove of Rates.

XLVII. And be it further enacted, That the Rates or Assessments by this Act authorized to be made shall, except in the Cases herein-

after mentioned, be paid by the Tenant or Occupier of the several Premises so rated to the Collector or Person appointed to receive the same; and if any such Tenant or Occupier shall neglect or refuse to pay any of the said Rates or Assessments respectively to the said Collector or other Person appointed to collect the same, upon Demand made thereof by Notice in Writing under the Hand of the said Collector or other Person as aforesaid, to be delivered to or left at the Dwelling House or usual Place of Abode of such Tenant or Occupier, or on the said Premises, the same shall be levied and recovered on and from such Tenant or Occupier so neglecting or refusing, by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace acting within his Jurisdiction, such Defaulter having been duly summoned by such Justice to appear before him, at a Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned, on Demand, to the Owner of the Goods and Chattels so distrained and sold, together with such Part of the said Goods and Chattels (if any) as shall remain unsold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs and Expences to be ascertained and determined by any such Justice; and in default of such Distress it shall be lawful for any such Justice to commit such Person to the Common Gaol or House of Correction for the said Borough, there to remain, without Bail or Mainprize, for any Time not exceeding Twenty-one Days, or until Payment of such Sum of Money as shall have been found to be due and in arrear upon any of such Rates or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, the Amount of such Costs, Charges, and Expences to be ascertained and determined by the said Justice.

Actions may be brought for Rates.

XLVIII. And be it further enacted, That it shall be lawful for the said Assessors, if they shall think it expedient, to bring or cause to be brought any Action or Actions of Debt, or special Action on the Case, in any of Her Majesty's Courts of Record at *Westminster*, for all or any of the Rates or Assessments to be made by virtue of this Act, in which Action or Actions it shall be sufficient for the said Assessors to declare that the Defendant is indebted to them in the Sum of Money they shall suppose to be due for Rates or Assessments under this Act; and in case the said Assessors shall recover such Sum so declared for, or any Part thereof, they shall have and recover full Costs, to be levied and recovered as other Monies upon Judgment shall for the Time being be by Law levied and recovered.

When a House shall be let to more than one Tenant.

XLIX. And be it further enacted, That when any House or other Property rated under this Act shall be let or demised to more than One Tenant or Occupier, all or any One or more of such Tenants or Occupiers may be deemed the Tenant or Occupier for the Purposes of this Act, and may be proceeded against for the Recovery of the said Rates or Assessments, either together or separately, as the Assessors shall think fit; and in case any Tenant or Occupier shall remove out of or from or give up the Possession of such House

or other Property before such Rates or Assessments shall be paid by him, or if the Goods and Chattels of such Tenant or Occupier shall be insufficient to defray such Rates or Assessments, then and in every such Case such respective Premises shall remain a Security for and be chargeable with all such Rates or Assessments, and the same shall and may be recovered by Distress and Sale in manner aforesaid of any Goods and Chattels which shall be thereafter found in or upon the same.

Owners of Tenements under 10*l.* per Annum or let in separate Apartments to be rated.

L. And be it further enacted, That the several Owners of all Houses, Buildings, Lands, and Tenements, the net yearly Rent or Value whereof respectively shall not amount to Ten Pounds, or which, whatever the yearly Rent or Value may be, shall be let to weekly or monthly Tenants, or which shall be let for any Period of Time whatever in separate Apartments, furnished or unfurnished, or shall be let furnished to any Person or Persons although not in separate Apartments, shall be rated to and shall pay the Rates and Assessments to be made by virtue of this Act in respect of the said Premises instead of the actual Occupiers thereof.

Owners may be rated without naming them.

LI. And be it further enacted, That whenever the Name of any Owner hereby made liable to the Rates and Assessments under this Act shall not be known to the said Assessors, it shall be sufficient to rate such Owner as the Owner of such House, Building, Land, or Tenement, within the Meaning and for the Purposes of this Act, by the Designation of "The Owner," without stating the Name of such Owner, and the Person so rated shall be liable to pay the said Rate or Assessment.

Persons receiving the Rents to be deemed Owners.

LII. And in order to prevent Disputes touching the Designation of Owners under this Act, be it further enacted, That the Person legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any House, Building, Land, or Tenement, from the Tenant or actual Occupier thereof, either on his own Account or as Agent of any other Person or otherwise, shall be deemed the Owner of the same for the Purposes of this Act; and in all Cases in which Owners are made liable by this Act such Person so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any such House, Building, Land, or Tenement, from the Tenant or actual Occupier thereof, shall be liable as Owner thereof, unless the real Owner shall be declared by himself or shall be distinctly known to be such to the Satisfaction of the said Assessors; and such Receiver or Collector of such Rents is hereby authorized to pay the said Rates charged and payable for and on account of such House, Building, Land, or Tenement, and to deduct the same out of the Rents received or to be received by him.

Power to make Composition with Owners for Payment of Rates.

LIII. And be it further enacted, That whenever the Owner of any such House, Building, Land, or Tenement shall have been rated as herein-before mentioned, it shall be lawful for the said Assessors, in their Discretion, to compound with him for the Payment of the Rates

Rates or Assessments to which under the Provisions of this Act he shall have become liable, at such a reduced yearly Proportion or Amount as the said Assessors shall think proper, such reduced Proportion or Amount not being made in respect of less than One Half of the net annual Value of such House, Building, Land, or Tenement, and from Time to Time to renew or to alter or discontinue any such Composition; and all such Composition shall be entered in the Rate Book of the said Assessors.

Occupiers to be liable on Default of Owner in Cases in which the Owner shall be rated.

LIV. And be it further enacted, That when the Owner of any House, Building, Tenement, or Hereditament, or of any Part thereof, within the said Town and Liberty, shall have been rated in pursuance of this Act, the Person occupying the same or any Part thereof may, at the Discretion of the said Assessors, be called upon and required to pay such Rate or Assessment, or any Composition for the same, and in case of Nonpayment thereof, either by such Owner or Occupier, the same may, after Demand thereof made by the Collector, and Refusal or Neglect to pay the same by such Owner or Occupier, be levied by Distress and Sale of the Goods and Chattels of the Owner of the said House, Building, Tenement, or Hereditament, wheresoever they may be found, or of the Person occupying or renting the same, in such Manner as is herein-before provided for the Recovery of the Rates and Assessments hereby made payable by the Occupier; and every such Occupier who shall pay any Rate or Assessment payable by the Owner, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same, together with the Costs of recovering and levying thereof, which such Occupiers shall have paid, from and out of the Rent then due and payable, or which shall thereafter become due and payable from him to such Owner; and the Receipt for such Payment shall be a sufficient Discharge for such Occupier to his Landlord for so much Money as he shall pay or shall be levied on him by virtue of this Act; but no such 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 the said Rates and Arrears thereof, than the Amount of the Rent actually due and payable by him to the Owner of the House, Building, Tenement, or Hereditament in respect whereof such Rate or Assessment shall be payable: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants already existing or to be hereafter entered into.

Occupier compellable to disclose the Name of Owner.

LV. And be it further enacted, That if, on the Request of the said Assessors or any Two of them, any such Occupier as aforesaid shall refuse or wilfully omit to disclose, or shall wilfully mis-state to them the Name and Place of Abode of the Owner of such House, Building, Tenement, or Hereditament, it shall be lawful for any Justice of the Peace for the said Borough or County of the Town of *Kingston-upon-Hull*, on Oath made to him of such Request, and such Refusal, Omission, or Mis-statement, to summon by Writing under his Hand the Person who shall have so refused or wilfully omitted or mis-stated as aforesaid, to appear at a Time and Place to be mentioned in such Summons before such Justice, or before

before some other Justice for the said Borough or County, and such Summons shall be served either by Delivery thereof to the Person summoned, or by leaving the same at his Dwelling House or last known Place of Abode; and if the Person summoned shall neglect or refuse to attend at the Time and Place mentioned in such Summons, or if he shall attend, and shall not show good Cause to the Justice then present for such his Refusal, Omission, or Mis-statement, it shall be lawful for such Justice, upon Proof, in case of such Neglect or Refusal to attend as aforesaid, of the due Service of the said Summons, to commit the Person who shall have so refused or wilfully omitted, or have made such Mis-statement, to the Common Gaol or House of Correction of the said Borough, there to be kept, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless he shall sooner, upon Oath to be administered to him by some Justice for the said Borough or County, disclose or make known the Name of the Owner or of the Person receiving or authorized to receive such Rents as aforesaid.

Unoccupied Houses not to be assessed.

LVI. And be it further enacted, That no House, Building, Land, or Tenement within the Limits of this Act, which shall not be occupied at the Time of making the said Rate or Assessment, shall be chargeable therewith until the same shall become occupied, nor shall the Owner of any House, Building, Land, or Tenement be liable to pay any Rate or Assessment during the Time the same shall be unoccupied.

How Rates to be paid by Tenants quitting or entering.

LVII. And be it further enacted, That in all Cases where any Person shall remove from or quit any House, Building, Land, or Tenement liable to be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments in proportion to the Time he 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 House, Building, Land, or Tenement as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall have removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the same Person shall for and in respect of his Occupation thereof be liable to any such Rate or Assessment in proportion to the Time that he shall occupy the same, in the same Manner as if he had been originally rated for such House, Building, Land, and Tenement; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Assessors in such Manner as they shall judge reasonable; and in case any Person having become liable to any such Rate or Assessment as aforesaid shall quit or be about to quit his House, Building, Land, or Tenement before he shall have paid such Rate or Rates, or proportionable Part or Parts thereof by him due and payable, and shall afterwards refuse or neglect to pay the same when demanded, 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 Borough or County of the Town, or for the City, Riding, Division, Liberty, Town, or Place where such Person shall remove to 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,) 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.

Assessors may release poor Householders from the Payment of their Rates.

LVIII. Provided always, and be it further enacted, That it shall be lawful for the said Assessors to exonerate and release any poor Owners, Householders, or Occupiers from the Payment of all or any Part of the Rates to be assessed or imposed by virtue of this Act, or such Proportions thereof as the said Assessors shall think them incapable of paying.

Form of Warrant of Distress.

LIX. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rate or Assessment to be made under or by virtue of this Act may include One or more Person or Persons, and may be in the Words or to the Effect following, *mutatis mutandis*; (that is to say,)

‘ } To the Collector of the Rates made by the
‘ to wit. } Assessors for executing an Act passed in
‘ the Year of the Reign of Her Majesty Queen
‘ *Victoria*, intituled [*here insert the Title of this Act*],
‘ and also to the Constables and other Peace Officers of
‘ the .

‘ WHEREAS the under-mentioned Persons, now or late Landlords, Tenants, or Occupiers of Houses within the Town of ‘ *Kingston-upon-Hull* and the Liberty of *Trippett*, have been duly ‘ rated and assessed under the Authority of the said Act, and there ‘ are now due from them respectively the several Sums of Money ‘ herein-after respectively set opposite to their respective Names, ‘ and which they have respectively refused or neglected to pay, as ‘ appeareth upon due Proof upon Oath to me, One of Her Majesty’s ‘ Justices of the Peace for the said ; and the said ‘ several Persons having been summoned to appear before me to ‘ answer the Premises, and not having shown any sufficient Cause ‘ why such Sums of Money should not be paid; These are therefore ‘ in Her Majesty’s Name to will and require you forthwith to levy ‘ the said several Sums herein mentioned by Distress and Sale of ‘ the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable ‘ Charges of the Summonses, Warrants, Distresses, and Sale, and ‘ keeping of such Goods and Chattels, being first deducted; and if ‘ no sufficient Distress can be had or taken, that then you certify ‘ the same to me, to the end that such further Proceedings may be ‘ had as the Law doth authorize and direct: And I do hereby strictly ‘ charge and command all and singular the Constables and other ‘ Her Majesty’s Peace Officers to be aiding and assisting in all

‘ things relating to the Premises. Given under my Hand and Seal
‘ this Day of One thousand eight hundred
‘ and .’

	Sum due.
A. B. - - -	
C. D. - - -	

Assessors empowered to borrow Money.

LX. And be it further enacted, That it shall be lawful for the said Assessors and they are hereby empowered to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Eight hundred Pounds, upon the Credit of the Rates or Assessments to be made or collected by virtue of this Act, and, by Writing under their Hands and Seals, or the Hands and Seals of any Seven of them, to assign such Rates and Assessments, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same; and the Charges and Expences of every Assignment to be made by the said Assessors shall be from Time to Time defrayed by the said Assessors out of the Money so to be borrowed; and every such Assignment shall be by Deed, duly stamped, in which the Consideration for such Assignment shall be truly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

Form of Security.

‘ BY virtue of an Act passed in the Year of the Reign
‘ of Queen *Victoria*, intituled [*here set forth the Title of this Act*],
‘ we of the Assessors appointed by or by virtue of the
‘ said Act, in consideration of the Sum of paid to
‘ us by *A. B.* of for the Purposes of the said
‘ Act, do grant and assign unto the said *A. B.* his
‘ Executors, Administrators, and Assigns, such Proportion of the
‘ Rates or Assessments arising by virtue of the said Act as the said
‘ Sum of doth or shall bear to the whole Sum which
‘ is or shall be borrowed upon the Credit of the said Rates or Assess-
‘ ments, to be had and holden from this Day until the said Sum
‘ of with Interest at *per Centum per*
‘ *Annum* for the same, shall be fully paid and satisfied. In witness
‘ whereof we have hereunto set our Hands and Seals this
‘ Day of One thousand eight hundred and .’

Securities may be transferred.

LXI. And be it further enacted, That it shall be lawful for any Person entitled to any Security for Money borrowed under this Act, his Executors, Administrators, or Assigns, by Writing under his Hand and Seal, to transfer such Security to any Person whomsoever; which Transfer shall be by Deed, duly stamped, in which the Consideration for such Transfer shall be truly stated and specified, and such Transfer may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Security.

‘ I being entitled to the Sum of
‘ secured to his Executors, Administrators, and
‘ Assigns, by virtue of an Assignment bearing Date the
‘ Day of under the Hands and Seals of of the
‘ Assessors acting in the Execution of an Act passed in the
‘ Year of the Reign of Queen *Victoria*, intituled [*here set forth the*
‘ *Title*

‘ *Title of this Act*], upon the Credit of the Rates and Assessments ‘ granted or payable by the said Act, do hereby, in consideration of ‘ the Sum of transfer all my Right and Title in ‘ and to the same Sum and all Interest and other Money due owing ‘ thereon unto his Executors, Administrators, and ‘ Assigns. In witness whereof I have hereunto set my Hand and ‘ Seal the Day of One thousand eight hundred ‘ and .’

Memorial of Transfer to be entered by the Clerk.

And a Copy of every Security or Assignment which shall be made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Assessors, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby transferred; to which Book any Person interested shall at all seasonable Times have Access, and have free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid, by the Person to whom such Transfer shall be made, the Sum of Five Shillings, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the same shall be made, and his Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred; and all Persons to whom such Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Dates of any such Assignments respectively.

Mortgages may be redeemed.

LXII. And be it further enacted, That every Assignment which shall be made by virtue of this Act may be redeemed by the said Assessors, at such Time and in such Manner as they shall think fit, upon giving Three Calendar Months previous Notice in Writing under the Hands of the said Assessors, or their Clerk, of their Intention to redeem the same.

Application of Rates and other Monies.

LXIII. And be it further enacted, That all Monies in the Hands of the Assessors acting under the said recited Acts, or their Treasurer or Collector, at the Time of the Commencement of this Act, and all Money to arise from the Rates or Assessments hereby granted, and all other Monies which may be borrowed, levied, or received under or by virtue of this Act, shall be paid to the Treasurer of the Assessors under this Act, or to such Person as they shall appoint, and shall be applied and disposed of in the first place in paying the Expences incurred in or incident to the soliciting, obtaining, and passing of this Act, in the next place in paying the Interest of all Monies to be borrowed under the Authority of this Act, then in defraying the Expences of cleansing, lighting, watering, and scouring the said Streets, Squares, Lanes, Alleys, Passages, Drains, Sewers, and Places hereby directed to be cleansed, lighted, watered, and scoured by them respectively, and of carrying the several other Purposes of this Act into execution, and afterwards in paying off the Principal of all Monies to be borrowed under the Authority of this Act, and for the Time being remaining unpaid.

LXIV. And

Assessors to furnish a Balance Sheet of their annual Receipt and Expenditure.

LXIV. And be it further enacted, That the said Assessors shall and they are hereby required to cause an annual Account or Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this Act for every Year, ending on the Thirty-first Day of *October*, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of such Account duly audited and certified by Two Auditors to be appointed for that Purpose, on or before the First Day of *December* in each Year, by the Mayor or any Two of the Aldermen for the Time being of the said Borough, who are hereby respectively authorized and required to appoint the same; and the said Assessors shall transmit a Copy of the said Account free of Charge to the Clerk of the Peace for the County of the Town of *Kingston-upon-Hull* on or before the First Day of *January* in each Year, which Account shall be kept by the said Clerk of the Peace for the Time being; and all Persons shall at all seasonable Times have Liberty to inspect the same, and to have Copies thereof or Extracts therefrom, paying to the Clerk of the Peace in whose Custody the same may be the Sum of One Shilling for every such Inspection, and for furnishing Copies of or Extracts from the same Account after the Rate of Sixpence for every One hundred Words: Provided always, that if such Account should not be prepared, audited, and certified, and a Copy thereof transmitted to such Clerk of the Peace within the Time and in manner herein-before provided, the said Assessors shall forfeit for each such Offence any Sum not exceeding Ten Pounds, which shall be recovered and applied in the same Manner as other Forfeitures or Penalties incurred by the said Assessors are hereby directed to be recovered and applied.

A Copy thereof to be transmitted to the Clerk of the Peace, and to be open to Inspection;

and a Copy thereof to be lodged with the Clerk to the Assessors, and to be published.

LXV. And be it further enacted, That the said Assessors shall, on or before the said First Day of *January* in each Year, deposit One Copy of the said Account or Abstract with their Clerk, who shall allow any Creditor upon the said Rates or Assessments, or any Person rated or liable to be rated under this Act, to inspect the same, and take Copies thereof, at all seasonable Times, on Payment of the Fee of One Shilling; and the said Assessors shall also cause the said Account, or a full and plain Abstract thereof, to be published during the Month of *January* in each Year in Three public Newspapers which shall for the Time being be published in the said Borough, and shall pay the Expence of such Publication out of the Monies to be received under this Act.

Power of Appeal.

LXVI. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Rate or Assessment made in pursuance of this Act, such Person shall apply for Relief to the said Assessors within One Calendar Month after Demand made of such Rate; and the said Assessors are hereby authorized and empowered to grant or refuse Relief to such Person or not, and make such Order therein as to them shall seem meet; and if any Person shall still think himself aggrieved by such Rate or Assessment, or shall think himself aggrieved by any other Thing done in pursuance of this Act, such Person, in any of the said Cases, may appeal to the then next General Quarter Sessions of the Peace to be held for the said Borough of *Kingston-upon-Hull*, within Six Calendar

Months after the Determination of the said Assessors, or, as the Case may be, the Cause of Complaint shall have arisen, such Appellant first giving Eight clear Days Notice in Writing at least of his Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk of the said Assessors, and within Three Days after such Notice entering into a Recognizance before a Justice of the Peace of the said Borough or County of the Town, conditioned to try such Appeal, and to abide the Order of such General Quarter Sessions; and the Court of Quarter Sessions of the Peace to which such Appeal shall be made, upon due Proof of such Notice being given and Recognizance entered into, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as the said Court shall think proper; and the Determination of such General Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

No Person to act as Driver of a Hackney Carriage or Porter without being licensed under this Act, and wearing a certain Badge.

LXVII. And be it further enacted, That after One Calendar Month from the passing of this Act no Person shall stand or ply for Employment as a Driver of a Hackney Carriage or a Porter within the said Town of *Kingston-upon-Hull* or the Liberty of *Trippett*, or any Part thereof, unless he shall first have obtained and shall then hold a Licence in Writing for that Purpose under the Hands of Two of Her Majesty's Justices of the Peace for the Borough or County of the Town of *Kingston-upon-Hull*, in addition to any other Licence which would have been requisite if this Act had not been passed, and unless he shall also, when so standing or plying for Employment, and also during the Period of such Employment, wear conspicuously such Badge, and in such Manner as any Five or more of Her Majesty's said Justices shall fix and determine upon, and thereof give Notice, signed by them at any Petty Sessions, and to be published in any Three of the Newspapers published in the said Borough.

Mode of licensing such Drivers and Porters, and Penalties for Misbehaviour.

LXVIII. And be it enacted, That it shall be lawful for any Two of Her Majesty's Justices of the Peace for the said Borough or County of the Town, in their Discretion, to grant such Licences as aforesaid to any Person or Persons applying for the same, at some Petty Sessions for the said Borough or County, for each which Licence no more than One Shilling shall be charged; and it shall be lawful for any Two of Her Majesty's said Justices at any such Petty Sessions, and upon due Proof before them upon Oath of the Misconduct or Incapacity of such Driver or Porter, to revoke the Licence which shall have been so granted to him by Writing under their Hands, which, or a Duplicate whereof, shall be served upon the Person whose Licence shall be so revoked, and which Licence he shall thereupon deliver up to the Person by whom such Notice shall be served; and it shall be lawful for any Five or more of the said Justices, when they see fit (but not oftener than once a Year), by Notice signed by them at any such Petty Sessions, and to be published in any Three of the Newspapers published in the said Borough, to revoke and annul, from a Day to be named in such Notice, all and every the Licences to Drivers of Hackney Carriages and to Porters within the said Town and Liberty which shall have theretofore

theretofore been granted under the Authority of this Act, and to require every Person who intends, after the Day so mentioned, to act as such Driver or Porter as aforesaid, to take out a fresh Licence for such Purpose, and also from Time to Time in like Manner to vary the Badges to be worn by such Drivers and Porters respectively; and if any Person shall within the said Town and Liberty stand or ply for Employment as a Driver of a Hackney Carriage, or as a Porter as aforesaid, without having obtained and then holding a Licence to be granted under the Authority of this Act, or without wearing at the Time and in Manner herein-before referred to such Badge as is herein-before mentioned, or shall stand or ply for Employment as such Driver or Porter after his Licence shall have been revoked in either of the Modes aforesaid, or whether licensed or not shall procure any Person to stand or ply on his Behalf for such Employment, or shall stand or ply for such Employment on behalf of any other Person as aforesaid, or shall lend or otherwise part with his Licence or his Badge to any other Person to enable him to stand or ply as a Hackney Carriage Driver or Porter, or shall use for such Purpose the Licence of any other Person, or shall wear any such Badge without being then duly licensed as aforesaid, or shall refuse to deliver up his Licence in manner aforesaid after the same shall have been revoked, or whilst so standing, plying, or being employed shall seize or take, or attempt to seize or take, into his Possession, any Luggage, Goods, Articles, or Things whatsoever, without being authorized so to do, or whilst standing, plying, or being employed as such Driver or Porter shall use violent, insulting, or abusive Language to any Person or Persons whomsoever, or shall refuse to obey the reasonable Commands of any Person employing such Driver or Porter, or of any Constable, Policeman, or Peace Officer acting in the Execution of his Duty, or shall be guilty of Extortion, or make any excessive or unreasonable Charge in respect of any Employment as such Driver or Porter, or whilst so standing, plying, or being employed shall be drunk, or shall be guilty of wanton or furious driving, or by Negligence, wilful Misbehaviour, or any other Misconduct shall cause any Hurt or Damage to any Person or Property, being upon any Street or Highway, or (in case of a Porter) shall delay beyond a reasonable Time to deliver any Luggage, Goods, Articles, or Things whatsoever intrusted to him for that Purpose, then and in every such Case the Person so offending shall, for each such Offence, forfeit and pay to the Treasurer of the said Borough, to be placed to the Account of the Borough Fund, any Sum not exceeding the Sum of Five Pounds, to be recovered in a summary Way as other Penalties under this Act are directed to be recovered; and the Expence of printing all Licences and of all Advertisements by the said Justices, and of the Services of Notices by their Order in respect of any of the Matters aforesaid, shall be paid by the said Treasurer of the said Borough Fund by virtue of the Order of any Two or more of the said Justices under their Hands.

Recovery and Application of Penalties.

LXIX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or which shall otherwise become payable by virtue or in pursuance thereof, and the Manner of levying and recovering whereof is not herein otherwise particularly directed, may in case of Nonpayment thereof be recovered in a summary

mary Way by the Order and Adjudication of some Justice of the Peace acting within his Jurisdiction, on Complaint for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon any Witness touching or concerning such Offence, Matter, or Thing; and the Overplus (if any) of the Money so raised or recovered, after discharging such Fine, Penalty, or Forfeiture, and aforesaid Costs and Expences, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Fines, Penalties, and Forfeitures, not directed to be otherwise applied, shall be paid, One Moiety, or other smaller Proportion, in the Discretion of such Justice, to the Informer, and the Remainder to the said Assessors, to be by them applied for the Purposes of this Act, unless any such Fine, Penalty, or Forfeiture shall be incurred by the said Assessors, and in such Case such Proportion, not exceeding One Moiety, of such Fine, Penalty, or Forfeiture, shall be paid to the Informer, and the Remainder to such public Charity as the convicting Justice shall direct; and in case such Fines, Penalties, or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby required, to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance at such Time as shall be appointed for the Return of such Warrant of Distress, such Time being not more than Eight Days from the taking such Security, and which Security any such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of any such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Fines, Penalties, or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Fines, Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, but he is hereby required, by Warrant under his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction within his Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Fine, Penalty, or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons in the Recovery of Penalties.

LXX. And be it further enacted, That in all Cases in which by this Act any Fine, Penalty, or Forfeiture is made recoverable by Information before any Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, it shall be lawful for such Justice to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Fine, Penalty, or Forfeiture incurred,

and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For compelling the Attendance of Witnesses.

LXXI. And be it further enacted, That if any Person having been summoned as a Witness to give Evidence before any Justice of the Peace touching any Complaint for any Offence against this Act, or against any Rule or Order made in pursuance thereof, whether on the Part of a Prosecutor or of the Person complained against, (a reasonable Sum for his Costs and Charges having been tendered to him,) shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Refusal or Neglect, to be approved of by such Justice, or appearing shall refuse to be examined on Oath or Affirmation, and to give Evidence before such Justice, then and in either of the said Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Inhabitants may be Witnesses.

LXXII. 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, nor any other Person, 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.

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

For securing transient Offenders.

LXXIV. And be it further enacted, That it shall be lawful for any Assessor under this Act, or for any Officer or Servant of the said Assessors, or any Person rated under this Act, or any Constable or Peace Officer, to seize and detain any Person whose Name and Residence shall be unknown to such Assessor, Officer, Servant, Ratepayer, Constable, or Peace Officer, and who shall be found in the Act of committing any Offence against this Act, and to convey him with all convenient Despatch before some Justice of the Peace, without any Warrant or other Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Form of Conviction.

LXXV. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the Form or to the Effect following; (that is to say,)

‘ } BE it remembered, That on the Day of
‘ to wit. } is convicted before of Her Majesty's
‘ Justices of the Peace for the of having [*here specify*
‘ *the Offence or Omission, and the Time and Place when and where*
‘ *committed, as the Case may be*], and I do adjudge that the

‘ said hath forfeited for the said Offence the Sum
‘ of . Given under my Hand and Seal the Day and
‘ Year first above written.’

Distress not to be deemed unlawful for Want of Form.

LXXVI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by the Party distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings if Tender of sufficient Amends shall be made, by or on behalf of the Party who shall have committed any Act of Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall be brought, at any Time before Issue joined to pay such Money into Court as he shall see fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Rates may be amended without being quashed.

LXXVII. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them, the Assessors or the Court of Quarter Sessions before whom the same shall be heard shall and may amend the same in such Manner as may be necessary for giving Relief without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon Appeal against the whole Rate or Assessment it shall be found necessary to set aside the same, then and in every such Case it shall be lawful for the said Justices to order a new Rate or Assessment to be made in manner herein directed.

Damages or Charges in case of Dispute to be settled by a Justice.

LXXVIII. And be it further enacted, That in all Cases wherein any Payment, Damages, or Charges by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by any Justice of the Peace acting within his Jurisdiction; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Part thereof, or of any Dispute respecting the same, shall be settled and determined by the Justice by or before whom any Offender shall be convicted of such Offence; and such Justice is hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Proceedings not to be quashed for

LXXIX. And be it further enacted, That no Rate or Assessment or any Proceeding to be had touching the Conviction of any Offender

against this Act, or Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster*. Want of Form.

LXXX. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he shall be examined by or before such Justice. General Power to Justices to administer Oaths.

LXXXI. And be it further enacted, That no Assessor acting in execution of this Act shall be held or adjudged to have rendered himself personally liable by reason of his having executed or signed any Mortgage or other Instrument for the Payment of any Sum which such Assessor shall not have bound himself to pay personally as an Individual independent of his Office of Assessor under this Act, or by reason or in consequence of his being a Party to, or making, signing, or executing in his Capacity of Assessor, pursuant to this Act, any Contract, Agreement, or other Instrument, or doing or concurring in any other Act, Matter, or Thing which shall be respectively executed, entered into, or done in or for the Purpose of exercising or carrying into effect any of the Powers or Provisions of this Act; and that the Bodies, and the private Goods, Chattels, Lands, or Tenements of the said Assessors, or any of them, shall not, by reason or in consequence of any such Mortgage, Contract, Agreement, Instrument, Act, Matter, or Thing, or any Judgment, Decree, or Order made or pronounced against the said Assessors or any One or more of them, or the Clerk or Treasurer of the said Assessors, be liable to be arrested, seized, detained, or taken in execution, unless the Action, Suit, or Proceeding in which such Judgment, Decree, or Order shall have been made or pronounced shall have arisen in consequence of the wilful Neglect or Default of such Assessor, but the same shall otherwise be enforced only against the Property and Funds of the said Assessors under this Act. Assessors not to be personally liable.

LXXXII. And be it further enacted, That so much of the said recited Act of the Twenty-eighth Year of the Reign of His Majesty King *George* the Second as enacted, that if any Action or Suit should be commenced for any thing done in pursuance of that Act, such Action or Suit should be brought within Three Months next after the Cause of Action should arise, and should be brought in the Town or County of the Town of *Kingston-upon-Hull*, or in the County of *York*, and that the Defendant might plead the General Issue, and give the said Act and special Matter in Evidence; and that in certain Cases therein mentioned the Jury should find for the Defendant, and then, or in certain other Cases therein also mentioned, the Defendant should recover Treble Costs; and also that so much of the said recited Act of the Second Year of the Reign of His Majesty King *George* the Third as enacts that no Action or Suit should be commenced for any thing done in pursuance of that Act until Notice thereof should have been given to the Effect and in Manner in the same Act specified; and that the Plaintiffs should not recover unless it were proved that such Notice was given The Clauses respecting Limitation of Actions in recited Acts repealed.

as

as aforesaid, but in default thereof such Defendant should recover a Verdict, together with Costs; and also that so much of the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Third as enacts that any Action or Suit for any thing done in pursuance of that Act should be brought within Six Months next after the Cause of Action should arise, and the Venue should be laid in the Town or County of the Town of *Kingston-upon-Hull*, or in the County of *York*, and that the Defendant might plead the General Issue, and give the said Act and the special Matter in Evidence; and that in certain Cases therein specified the Jury should find for the Defendant, and thereupon, or in certain other Cases therein also mentioned, the Defendant should recover Treble Costs; and also that so much of the said Act of the Fiftieth Year of the Reign of His said Majesty King *George* the Third as enacts, that no Action or Suit should be commenced for any thing done by virtue or in pursuance of that or the therein-recited Acts until after such Notice thereof as is therein mentioned, nor after Tender of sufficient Amends, nor after Six Calendar Months after the Cause of such Action or Suit should have arisen, and that the Venue in every such Action or Suit should be laid in the said Town and County, and that the Defendant might plead the General Issue, and give that and the said recited Acts and the special Matter in Evidence, and that in certain Cases therein mentioned a Verdict should be found for the Defendant, and then or in certain other Cases therein also mentioned the Defendant should have Treble Costs; and that though a Verdict were given for the Plaintiff in any such Action or Suit, such Plaintiff should not have Costs against the Defendant, unless the Judge before whom the Trial should be had should certify his Approbation of the Action or Suit, and the Verdict thereupon obtained, shall be and such Parts of the same Acts respectively are hereby repealed.

Saving the Rights of the Mayor, &c.

LXXXIII. Provided always, and be it further enacted, That, subject and without Prejudice to the full Operation and Effect of the express Provisions of this Act, nothing in this Act contained shall extend or be construed to alter, prejudice, affect, impeach, or lessen the Rights of the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull*, or of the Justices of the Peace for the County of the Town of *Kingston-upon-Hull*, or the Rights, Privileges, or Immunities of the said Dock Company, or the Rights, Privileges, or Immunities of the Guild or Brotherhood of Masters and Pilot Seamen of the *Trinity House* of *Kingston-upon-Hull*.

This Act not to affect former Acts.

LXXXIV. Provided also, and be it further enacted, That nothing in this Act contained shall 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 expressly repealed.

Public Act.

LXXXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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