ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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Cap. lxxiii.

An Act for better supplying with Water the Borough of *Kingston-upon-Hull*.

[12th *July* 1843.]

WHEREAS King *Henry* the Sixth, by a certain Charter bearing Date the Tenth Day of *March* in the Twenty-fifth Year of His said Majesty's Reign, did grant and give Licence to the Corporation of the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull*, by their then Style and Title of "The Mayor and Burgesses of the Town or Borough of *Kingston-upon-Hull*," and to their Successors for ever, that they might acquire One or more Spring or Springs wherever it should please them within the County of *Kingston-upon-Hull* or any Limits of the same County, as well of the Crown as of any other Person or Persons whomsoever willing to give or grant to them the same Spring or Springs, and to dig on the Land likewise by them to be acquired, from the same Spring or Springs unto and in the said Town of *Kingston-upon-Hull*, and in the same Land so dug to bring Water from the same Spring or Springs unto the said Town of *Kingston-upon-Hull*, by Leaden Pipes under Ground, and other Instruments whatsoever necessary and fitting, to have and to hold to the same Mayor and Burgessess and their Successors the same Pipes and Instruments, and the same Spring and Springs, and all the Waters from the same

Spring or Springs so running and brought by the Pipes and Instruments aforesaid unto and in the said Town of *Kingston-upon-Hull*, in relief of the same Town, and all the Inhabitants of the same Town for ever, the said Pipes, Conduits, and Engines in the said Town of *Kingston-upon-Hull*, without any Let or Contradiction of the said King or His Heirs: And whereas the said Corporation did thereupon purchase and rent certain Springs called *Julian Spring* and *Darringham Springs* at *Anlaby*, then in the County of the Town of *Kingston-upon-Hull*, but now in the East Riding of the County of *York*, and did by a Cut or Ditch convey fresh Water therefrom, and by means of Waterworks and Pipes did distribute the same through the Streets of the Borough of *Kingston-upon-Hull*, charging a reasonable Price for such Water to such of the Inhabitants of the said Borough as procured Water from or by means of such Works and Pipes; and inasmuch as the Quantity of Water yielded by the said Springs was more than sufficient for the Supply of the said Borough as then limited, the said Corporation did also, of their free Will, in like Manner in part supply with Water from their said Springs and Works certain Parts of the Suburbs of the said Borough, charging for the same a reasonable Price to such of the Inhabitants of the said Suburbs as procured Water from or by means of such Works or Pipes, but the said Corporation was unable to supply with Water other Parts of the said Suburbs: And whereas the said Borough of *Kingston-upon-Hull* did, until lately, consist only of Parts of the Parishes of *Holy Trinity* and *St. Mary*, but now consists of the Entirety of those Parishes, together with the Parishes of *Sculcoates* and of *Drypool*, Part of the Parish of *Sutton*, and the Extra-parochial District called *Garrison Side*: And whereas the Inhabitants of the said Borough, as now extended, cannot be altogether supplied with Water from the aforesaid Springs: And whereas a further Supply of pure and wholesome Water would be of great Advantage to the Inhabitants of the said Borough: And whereas the Mayor, Aldermen, and Burgessess of the said Borough are desirous, as far as practicable, of procuring a Supply of Water for the whole of the said Borough as at present constituted: And whereas it is ascertained that a Supply of Water can be obtained for such Purpose from the River *Hull*, on the West Side thereof, at a Place called *Stoneferry*, in the Parish of *Cottingham* in the East Riding of the County of *York*; but such Objects cannot be effected without the 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 this present Parliament assembled, and by the Authority of the same, That the Corporation of the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull* in the County of the Town of *Kingston-upon-Hull* shall by the Council of the Borough be and they are hereby empowered to carry this Act into execution.

The Council of the Borough to execute this Act.

II. And be it enacted, That the said Council, for and in the carrying this Act and the several Powers thereof into execution, shall be and they are hereby empowered to appoint out of their Body from Time to Time such and so many Committees, consisting of such

Council may appoint Committees.

Number of Persons as they may think fit, for the Execution of all or any of the Purposes of this Act and the several Powers thereof which in the Discretion of such Council would be better regulated and managed by means of such Committees: Provided, that the Acts of every such Committee shall be submitted to the Council for their Approval.

The Council, or the Committee, may make Contracts in the Name of the Corporation;

III. And be it enacted, That the said Council, or the Committee so to be appointed, are hereby empowered, from Time to Time, in the Name of the said Corporation, to contract and agree with any Person for performing any of the Works by this Act authorized to be made or executed; and all Contracts so to be entered into shall be reduced into Writing, and may be sealed with the Common Seal of the Mayor, Aldermen, and Burgesses, or such Contracts, or any of them, may be signed by the Mayor, or the Chairman of the said Committee, or by the Town Clerk, under the Order of the said Committee, and the same shall be signed by the Person or Parties contracting to perform such Works, and shall specify the several Works to be done, and the Prices to be paid for the same, and the Time when such Works shall be done and completed, and the Penalties to be suffered in case of Nonperformance thereof; and the said Corporation or the Committee of the said Council shall and they are hereby required to take such Bond or other Security from every Contractor for the due Performance of his Contract as they shall think sufficient; and the said Corporation or Committee shall cause the Works to be done in pursuance of such Contracts to be inspected by such Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time to be by any such Contract limited for completing the same, the said Corporation or their said Committee shall and may cause any Action at Law or Suit in Equity to be brought by the said Corporation against any Party so contracting and neglecting to perform such Contract, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of the Contract, and Nonperformance thereof, the said Corporation shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

and may compound for Breach of Contract.

IV. Provided always, and be it enacted, That it shall be lawful for the said Corporation, by its Council or Committee, to compound and agree with any Person or Party who shall have entered into any such Contract in pursuance or under the Authority of this Act, or against whom any such Action or Suit shall be brought, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, or for or on account of any Breach or Nonperformance of any such Contract, Bond, or Security, for such Sums of Money or other Recompence as the said Council or Committee shall think proper.

Appointment of Officers.

V. And be it enacted, That the Treasurer of the said Borough shall be the Treasurer of the said Waterworks, and the Council or Committee shall from Time to Time, if they shall think fit, appoint a

Clerk

Clerk or Clerks of the Waterworks, and Collectors of Water Rates, and such other Officers as they shall deem convenient, with such Salaries and Allowances as they may think reasonable, and may remove such Clerks, Collectors, and Officers, and appoint others in their Stead: Provided always, that all and every Person or Persons now holding any such Office or Offices under the said Corporation, except the Treasurer, shall continue to hold such Office or Offices respectively, and to act therein under this Act, until removed therefrom by the said Corporation, or by Resignation or Death.

Offices of Clerk and Treasurer to be separate.

VI. And be it enacted, That neither the Person who shall hold the Office of Clerk of the Waterworks, nor the Partner of such Clerk, nor any Person in the Service or Employment of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employment of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

Penalty.

If any Person accept both the Offices of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employment of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Partner of such Treasurer, or in the Service or Employment of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of the Clerk, or in any Manner officiate for the Clerk:

If any such Clerk hold any Place of Profit or Trust under the Corporation other than that of Clerk, as the Case may be:

And any Person may sue for such Penalties by Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

Officer taking Fees to lose his Office, and forfeit 50*l.*

VII. And be it enacted, That if any Treasurer, Clerk, Collector, or other Officer employed by the said Corporation exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Council, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Council, or be in anywise concerned or interested in any Bargain or Contract made by or on behalf of the Council, he shall be incapable of being afterwards employed by the Council, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Penalty.

Council to take Security from all Officers intrusted with Money.

VIII. And be it enacted, That the said Corporation shall take from all Officers in their Employ intrusted with the Receipt or Disbursement of Money Security for the due Execution of their respective Offices, and for answering and paying, as the Council or their Committee shall from Time to Time require, all Sums of Money, Securities, and Property which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time when required by the Council or Committee so to

to do, of all Monies by them respectively received, collected, or paid for the Purposes of this Act, and when, of whom, and for what the same were so received, collected, or paid.

Officers to account.

IX. And be it enacted, That every Officer appointed or employed by the Council or the said Committee by virtue of this Act shall from Time to Time, when required by the Council or their Committee, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the said Corporation; and such Account shall state how, when, and of whom such Monies have been received, and to whom and for what Purpose such Monies have been paid or disposed of, and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Council, or the said Committee, or to the Borough Treasurer, or to any Person appointed by them or either of them to receive the same, all Monies and Securities which shall appear to be due or owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

X. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Council, or Committee, or Treasurer, or to any Person appointed by them respectively to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the said Corporation, then, on Complaint thereof being made to any Justice of the said Borough of *Hull*, or to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before any Two Justices, or if such Officer cannot be found, then in his Absence such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the said Corporation are in the Hands of such Officer, or owing by him to the said Corporation, such Justices may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount it shall be lawful for any Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Calendar Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justices at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing, or if such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Accounts in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters or Things, relating to the Execution

of this Act, or belonging to the Mayor, Aldermen, and Burgesses, in his Possession or Power;

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts (if any) relating thereto in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things (if any) in his Possession or Power: Provided always, that no Commitment of any Officer under this Act as aforesaid shall operate to discharge him of or from Liability to pay all and every such Sum or Sums of Money as he shall be indebted in to the said Corporation at the Time of such Commitment.

Commitment not to discharge Sureties.

XI. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the said Corporation of any Remedy which they might otherwise have against such Officer or any Surety of such Officer.

Accounts to be kept distinct from Borough Fund.

XII. And be it enacted, That from and after the Thirty-first Day of *August* next after the passing of this Act the Receipts and Expenditure of the Council on account of their Waterworks shall not form a Part of the Borough Fund Account of the Borough of *Kingston-upon-Hull*, but shall be kept as separate and distinct Accounts by the Treasurer of the said Borough, and be called "The *Hull* Waterworks Accounts."

Mode of keeping the Accounts.

Ordinary to be distinguished from extraordinary Receipts and Payments.

XIII. And be it enacted, That the Treasurer of the Borough shall keep the Waterworks Accounts so that therein shall be made to appear full and true Accounts of all Sums of Money borrowed or received, paid or expended, and of all Monies due and owing on account of the same, distinguishing in such Accounts the ordinary annual Receipts and Expenditure on account of the Corporation's Waterworks from the extraordinary Receipts and Expenditure temporarily occasioned by this Act and carrying the same into execution, and the whole of the Sums received for Water Rates shall in such Accounts be deemed Part and Parcel of the said ordinary annual Receipts; and the said Accounts shall be so kept as to show half-yearly and yearly the separate Balances of each of such ordinary and of such extraordinary Receipts and Expenditure, and of the Monies then due and owing on account of any Loan for carrying on the said Works.

Application of the Receipts in respect of the Waterworks of the Borough.

XIV. And whereas the present Waterworks of the said Corporation in the Year ending the Thirty-first Day of *August* One thousand eight hundred and forty-one produced for the Benefit of the Borough Fund of the said Borough the Sum of Two thousand five hundred and eighty-nine Pounds, over and above the Expenditure in and about the said Waterworks, and it is desirable that the said Borough Fund should be as little as may be diminished by the procuring and providing of the new Waterworks and other Works hereby authorized to be made and constructed; be it enacted, That the ordinary Receipts of the said Corporation in respect of their

Waterworks shall be applied, in the first place, (after paying the Expences of obtaining and passing this Act,) in defraying the ordinary annual Expenditure of the said Corporation in respect of their Waterworks; secondly, in paying the annual Sum of Two thousand six hundred Pounds to the Account of the Borough Fund, by Two equal half-yearly Payments; and, thirdly, in reducing the Interest due upon the Monies borrowed for the Purposes of this Act, if the Amount of such Receipts shall admit of the same, but if the same should in any Year be insufficient for such Purposes then the Deficiency shall be made good out of the Borough Fund.

Sinking Fund established.

XV. And be it enacted, That if in any Year such ordinary Receipts for the Waterworks shall prove more than sufficient for the Purposes aforesaid, then the Balance remaining in hand shall be carried to an Account to be called "The Waterworks Sinking Fund," which Fund shall and may from Time to Time, when and so often as the Council or their said Committee shall deem fit, be applied either in repaying any Sum of Money that may have been borrowed for the Purposes of this Act, or in carrying this Act into execution.

When all Debts in respect of the Works are paid, Sinking Fund to cease.

XVI. And be it enacted, That when and so soon as the whole of the Monies borrowed for the Purposes of this Act shall have been repaid, with the Interest due thereon, and all the Expences of carrying this Act into execution shall have been fully paid and satisfied, then the said Waterworks Sinking Fund shall cease.

When Cost of new Works paid off, Rents to be reduced.

XVII. And be it enacted, That when and so soon as the Debt to be contracted by the said Corporation in obtaining and carrying into execution this Act shall have been fully paid and satisfied, with lawful Interest for the same, then the Water Rents payable to the said Corporation shall be so reduced that the same shall not raise annually a larger Sum than Two thousand six hundred Pounds, so to be paid into the Borough Fund as aforesaid, together with such further Sum as will be necessary for defraying the annual Cost and Expences of working the Waterworks of the said Corporation, and for their Outlay in the Purchase of such further Mains and Pipes as may be needed for extending the Supply of Water to such Parts of the Borough as may not then be supplied, or for renewing worn-out Mains and Pipes, and for the Repairs, Enlargement, and Improvement of the said Works, Engines, Mains, Pipes, Reservoirs, and other Matters and Things relating to the said Waterworks, so as to make them adequate for the supplying of the whole Borough as it shall then exist with a proper Supply of Water.

Annual Account in Abstract to be transmitted to the Town Clerk, and published; and the whole of the Accounts kept open for Inspection of

XVIII. And be it enacted, That the Treasurer of the Borough shall every Year prepare an annual Account in Abstract, showing the Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Twenty-ninth Day of *September* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Accounts duly audited by the Auditors of the said Borough, and certified by the said Treasurer (who shall transmit a Copy of the said Account, free of Charge, to the Town Clerk of the said Borough, on or

the Rate-payers, who may have Copies of the same.

or before the Thirtieth Day of *November* then next, which Account shall be open to the Inspection of all Persons charged with Water Rent at all reasonable Times, free from Charge for inspecting the same); and the said Treasurer shall cause the said annual Account in Abstract, so audited and certified, to be published once at the least in Two of the Newspapers published within the said Borough within the Month of *December* next following the said Thirtieth Day of *November* in each Year: Provided always, that if the said Treasurer shall wilfully neglect or omit to prepare such annual Account in Abstract, or shall wilfully neglect or omit to transmit such annual Account in Abstract, so prepared and audited and certified, to the said Town Clerk, on or before the said Thirtieth Day of *November*, or shall wilfully neglect or omit to cause the said annual Account in Abstract, so prepared, audited, and certified, to be published once in Two at least of the Newspapers published in the Town of *Hull* as herein directed, he shall forfeit for each and every such Neglect or Omission any Sum not exceeding Ten Pounds; and all the Accounts directed by this Act to be kept by the said Treasurer, and the quarterly Account of the Water Rents to be collected in the then current Quarter, shall be open to the Inspection of all Persons charged with Water Rent at all reasonable Times; that is to say, the Accounts by this Act directed to be kept may be inspected at the Office of the said Treasurer, and the Account of the Water Rents to be collected at the Office of the Clerk of the Waterworks, who respectively shall, upon Demand, show such Accounts respectively to any Person charged with Water Rent so applying to inspect the same; and every such Person shall be entitled to have delivered to him by the said Treasurer or the said Clerk, as the Case may be, a Copy of the whole of such Accounts, or of any Part of the said Accounts which he may require, certified by the said Treasurer or the said Clerk respectively, upon giving to the said Treasurer or Clerk Fourteen Days Notice in Writing of the same, and paying for such Copy at the Rate of Sixpence for every One hundred Words: Provided always, that if the said Treasurer or the said Clerk shall wilfully neglect or refuse to show such Accounts to any Person charged with Water Rent so applying to inspect the same at such reasonable Times as aforesaid, or shall wilfully neglect or refuse to furnish any such Person with a Copy of the Whole or any Part of such Accounts in manner aforesaid, he shall forfeit for every such Neglect or Refusal any Sum of Money not exceeding Ten Pounds.

Power to borrow Money.

XIX. And be it enacted, That for the Purpose of carrying this Act into execution it shall be lawful for the said Corporation, by their Council or Committee, to borrow on Bond or on Mortgage such Sums of Money as may be necessary for carrying this Act into execution, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage their Waterworks, and the Rates or Rents relating to the same, as also any other Property belonging to the said Corporation: Provided always, that if any Money shall be borrowed under or by virtue of this Act the same shall be applied and expended to and for the Purposes of such Works, Rates, or Rents, and not otherwise, in manner and form and subject as by this Act is provided.

XX. And

XX. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Bond or Mortgage, the said Corporation pay off the same, it shall be lawful for them again to borrow on Mortgage or on Bond the Amount so paid off, and so from Time to Time. Re-borrowing.

XXI. And be it enacted, That every Mortgage for securing Money borrowed by the said Corporation shall be by Deed under the Common Seal of the Mayor, Aldermen, and Burgesses, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage of the said Waterworks, Rates, Rents, or Premises may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect. Mortgages.

XXII. And be it enacted, That in case any of the Mortgagees of the said Waterworks, Water Rates, or Water Rents shall resort to the same specifically for Repayment of the Money so lent, the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls or Water Rents mentioned to be comprised in such their Mortgages, according to the respective Sums in such Mortgages mentioned to be advanced thereon by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of Priority of Date of any such Mortgage, or on any other Account whatsoever. Rights of Mortgagees.

XXIII. And be it enacted, That it shall be lawful for the said Corporation to raise all or any Part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives, instead of Assignments or Mortgages as aforesaid; and for that Purpose the Council may charge the respective Rates and Rents granted by this Act, or other Property vested in the Mayor, Aldermen, and Burgesses, with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the said Corporation any Sum of Money for the Purchase of the same. Council may raise Money by Annuity.

XXIV. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Common Seal of the Mayor, Aldermen, and Burgesses, and may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect. Form of Grant of Annuity.

XXV. And be it enacted, That every Annuity so granted shall be paid out of the Rates, Rents, or other Property vested in the Mayor, Aldermen, and Burgesses by virtue of this Act, according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act. Annuities to rank after Mortgages.

XXVI. And be it enacted, That the Expences of every Mortgage or Bond, or Assignment of Mortgage, and Grant of Annuity, shall from Time to Time be defrayed by the said Corporation out of the Monies raised by the same, or out of the Water Rates. Expences of Mortgages and Annuities.

Register of Mortgages and Annuities to be kept, and to be open to Inspection.

XXVII. And be it enacted, That a Register of such Bonds, Mortgages, Assignments, and Annuities shall be kept by the Treasurer of the said Borough; and within Fourteen Days after the Date of any such Bond, Mortgage, Assignment, or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all seasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages and Annuities.

XXVIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage, Assignment, or Annuity may transfer his Right and Interest therein to any other Person by a Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Transfers to be registered.

XXIX. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Treasurer of the said Borough, and thereupon such Treasurer shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage, Assignment, or Annuity, and for such Entry the Treasurer may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage, Assignment, or Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage, Assignment, or Annuity so transferred, or any Sum thereby secured.

Interest on Mortgages to be paid half-yearly.

XXX. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Power to take up Money at a less Rate of Interest.

XXXI. And be it enacted, That if the Council or Committee can at any Time borrow or take up any Sum of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them and which shall be in force shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates, Rents, or other Property vested in the Mayor, Aldermen, and Burgesses, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to any Monies borrowed on Mortgage.

Council may make Bye Laws to govern themselves and their Servants.

XXXII. And be it enacted, That it shall be lawful for the Council, by a Majority of those present at any Meeting of the Council, from Time to Time to make such Bye Laws for regulating the carrying on of their Business and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or

alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England*, or the Provisions of this Act, and so as the same be reduced into Writing, and signed by the Mayor on behalf of the Council.

Fines for Breach of such Bye Laws.

XXXIII. And be it enacted, That it shall be lawful for the Council by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty thereby imposed may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notice on Mayor, Aldermen, and Burgesses, or Council.

XXXIV. And be it enacted, That any Summons or Notice, or Writ or other Proceeding, at Law or in Equity, requiring to be served upon the Mayor, Aldermen, and Burgesses, or the Council, may lawfully be served by delivering the same personally to the Town Clerk of the said Borough, or, in case he shall be absent from the Borough, by leaving the same at the Office of the said Town Clerk, unless in those Cases where some other Mode of Service is hereby specifically pointed out for Service thereof.

Authentication of Summonses, Notices, &c.

XXXV. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the said Corporation or Council or Committee, the Signature thereof by the Mayor or by the Treasurer or the Town Clerk, on behalf of such Corporation, Council, or Committee, shall be a sufficient Authentication thereof.

Releases to Witnesses.

XXXVI. And be it enacted, That in all legal Proceedings under this Act, or relating to the Waterworks of the said Corporation or any Matter relative thereto, no Person shall be disqualified as a Witness by reason of his being a Member of the Council or an Inhabitant of or Burgess of the said Borough, or in the Service of the said Council, and it shall be lawful for the Mayor or the Town Clerk, or any Attorney employed by the said Council, by Order of the Council or Committee, to grant general or other Releases for the Purpose of qualifying any Person to give Evidence as a Witness; and every such Release or Discharge shall be under the Hand and Seal of the Party giving the same.

Proof of Debts in Bankruptcy.

XXXVII. And with respect to the Proof and Recovery of Debts or other Proceedings against the Estates of Bankrupts or Insolvents, be it enacted, That if any Person against whom the said Corporation shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk of the Waterworks or Treasurer of the Borough, and they are hereby severally empowered, in all Proceedings instituted or prosecuted by the said Corporation against the Estate of such Bankrupt or Insolvent, to represent the said Corporation and act in their Behalf in all respects as if such Claim or Demand had been the

Claim

Claim or Demand of such Clerk or Treasurer, and not of the said Corporation.

Tender of Amends.

XXXVIII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before any Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, shall make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceeding shall be had as in other Cases where Defenders are allowed to pay Money into Court.

Power to purchase Lands.

XXXIX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said Corporation, by their Council, or their Committee or Agent, to agree with the Owners of any Lands which may be required for the Purposes of this Act for the absolute Purchase for a Consideration in Money of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable and other Rights to which such Lands may be subject, and all other Estates or Interests in or affecting such Lands, of what Kind soever, and to take Conveyance of and hold such Lands accordingly: Provided always, that it shall not be lawful for the said Corporation to purchase or take any Lands, except such as are contained in the Schedule (D.) to this Act annexed, without the Consent in Writing of the Owners and Occupiers thereof respectively.

Parties under Disability enabled to sell and convey.

XL. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Mayor, Aldermen, and Burgesses, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent

Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they respectively had been under no Disability.

Parties under Disability to exercise other Powers.

XLI. And be it enacted, That the Power required to be exercised by the Lord of any Manor pursuant to the Provisions of this Act, and the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the Mayor, Aldermen, and Burgesses.

Consideration to be a gross Sum.

XLII. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

XLIII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and, in addition to Compensation for the Value of such Lands or of the Interest therein to be so conveyed, such Parties, and also any Lessees, Tenants for a Year or from Year to Year or at Will, or other Occupiers of any such Lands, shall be entitled to Compensation for such Goodwill or Improvements as shall be lost, and for any Injury or Damage sustained on account of the Execution of this Act, or in anywise relating thereto, and also shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XLIV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provisions herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Council or their Committee, and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two

Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

XLV. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who, by reason of Absence, or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on chief Rents.

XLVI. And be it enacted, That if any Person seised in Fee of or entitled to dispose of absolutely for his own Benefit any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Lands for a perpetual annual Rent-charge, in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands or any Part thereof unto the said Mayor, Aldermen, and Burgesses, in consideration of an annual Rent-charge payable by the said Mayor, Aldermen, and Burgesses to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of Rents to be charged on Rates or Rents.

XLVII. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Rates or Rents payable under this Act, and shall be paid by the said Corporation as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the said Mayor, Aldermen, and Burgesses, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the said Mayor, Aldermen, and Burgesses.

Form of Conveyance.

XLVIII. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedules (E.) and (F.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the said Mayor, Aldermen, and Burgesses, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances, as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the said Mayor, Aldermen, and Burgesses, to attend the Reversion and Inheritance.

XLIX. And

Costs of Conveyances.

XLIX. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Council, be it enacted, That all such Costs shall be borne by the Mayor, Aldermen, and Burgesses, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Council or their Committee by the Town Clerk may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Mayor, Aldermen, and Burgesses enter into Possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, within Seven Days after Notice in Writing from the Town Clerk the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the said Town Clerk, then the Mayor, Aldermen, and Burgesses shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

L. And be it enacted, That if the said Corporation and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to one of its Masters or Taxing Officers to be taxed in the usual Manner, and upon Proof of such Service the Master or Taxing Officer shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party, and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Mayor, Aldermen, and Burgesses, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Mayor, Aldermen, and Burgesses, unless on the Taxation One Sixth Part of the Costs (exclusive of Disbursements) be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

LI. And for the Purposes of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this

Act,

Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King
12 G. 1. c. 32. *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late
12 G. 2. c. 24. Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies so deposited

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Lands in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or if such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or in Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

LII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

LIII. And

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

LIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may be lawfully paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Council approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Common Seal of the Mayor, Aldermen, and Burgesses; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LIV. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their own Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties fail to convey, or do not show Title, the Purchase Money to be deposited.

LV. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Council or their Committee, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Council or their Committee, it shall be lawful for the said Corporation to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them as far as the Council or their Committee can do), subject to the Control and Disposition of the said Court; and upon Receipt of such

such Money the Cashier of such Bank shall give to the Party paying in such Money a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the said Mayor, Aldermen, and Burgesses.

Application of Money so deposited.

LVI. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the said Corporation, or any Part thereof, or any Interest in the same, the said Court of Chancery may in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

LVII. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in Possession deemed to be the Owner.

LVIII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall for the Purposes of this Act be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

LIX. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof

whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the said Mayor, Aldermen, and Burgesses; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry, except to survey, &c.

LX. And be it enacted, That the Mayor, Aldermen, and Burgesses shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Mayor, Aldermen, and Burgesses to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Land.

Penalty on Mayor, &c. entering upon Lands without Consent before Payment of the Purchase Money.

LXI. And be it enacted, That if the Mayor, Aldermen, and Burgesses, or any of their Contractors, shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Mayor, Aldermen, and Burgesses shall forfeit to the Parties in Possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Mayor, Aldermen, and Burgesses, or their Contractors, shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession of such Lands, wilfully continue in unlawful Possession of any such Lands, the Mayor, Aldermen, and Burgesses shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Mayor, Aldermen, and Burgesses to the Payment of any such Penalties as aforesaid if they shall *bond fide*

and

and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Council or their Committee may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to Right of Mayor, &c.

LXII. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Mayor, Aldermen, and Burgesses.

Notice of Intention to take Lands.

LXIII. And be it enacted, That when the Council or their Committee shall require to purchase any of the Lands which by this Act the said Corporation is authorized to purchase or take, they shall, under the Hand of their Town Clerk, give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, or partly in Writing and partly in Print, and shall state the Particulars of the Lands so required, and shall state that the Council or their Committee are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the Execution of this Act.

Parties interested in Lands to state their Claim.

LXIV. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Lands, or to treat with the Council or their Committee respectively in respect of his Interest therein, or if such Party and the Council or their Committee shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of this Act, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver Possession of Lands.

LXV. And be it enacted, That where, according to the Provisions of this Act, the Mayor, Aldermen, and Burgesses are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Mayor, Aldermen, and Burgesses from entering upon or taking possession of the same, it shall be lawful for the Council to issue a Precept, in the Name and under the Common Seal of the Mayor, Aldermen, and Burgesses, to the Sheriff of the County in which such Lands shall lie, to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the said Sheriff, shall be paid

by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the said Sheriff shall issue his Warrant accordingly.

Dispute as to Compensation to be settled by a Jury.

LXVI. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Council or their Committee and the Owners and Occupiers of any Lands, or of any Interest in any such Tenements, taken or required for or injuriously affected by the Execution of this Act (including among such Owners all Parties by this Act enabled to sell or convey Lands), as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Council or their Committee to take such Lands, or to carry this Act in respect thereof into execution, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof, or otherwise in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Mayor, Aldermen, and Burgesses in every such Case shall be settled by the Verdict of a Jury, in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

LXVII. Provided always, and be it enacted, That if the Compensation or Damages claimed in any of the Cases mentioned in this Act shall not exceed Fifty Pounds the same shall be settled by Two Justices, not being Members of the Council.

Notice by Council of Intention to have a Jury summoned.

LXVIII. And be it enacted, That where in the Opinion of the Council or their Committee it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then, One Month at the least before issuing any Warrant for summoning a Jury as herein provided, the Town Clerk shall give Notice in Writing to the Party with whom such Difference shall have arisen of the Intention of the Council or their Committee to cause such Jury to be summoned; and such Notice shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of this Act.

Requisition by Party claiming Compensation to have a Jury summoned.

LXIX. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of this Act, or in respect of Goodwill, Improvements, or any Injury or Damage whatsoever, to the Amount or supposed Amount of Fifty Pounds, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Town Clerk of such his Desire, and he shall in such Notice

state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Council or their Committee shall be willing to pay the Amount of the Compensation or Damage so claimed, and shall by their Town Clerk signify the same in Writing to such Party, within Twenty-one Days after the Receipt of such Notice, then the Mayor, on Request, shall issue his Warrant to the Sheriff to summon a Jury accordingly, in the Manner herein mentioned.

Warrant for summoning a Jury to be addressed to the Sheriff of Hull.

LXX. And be it enacted, That in every Question of disputed Compensation which shall be required to be determined by the Verdict of a Jury the Mayor shall issue his Warrant to the Sheriff of the County of the Town of *Kingston-upon-Hull*, under the Seal of the said Mayor, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute such Application shall be made to some Coroner of the said Borough or County, and if all the Coroners of such Borough or County be so interested such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

Provisions applicable to Sheriff to apply to Coroner.

LXXI. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury where the Term "Sheriff" is used the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been diercted, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the said County.

Summoning of Jurymen.

LXXII. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose, not being less than Twenty-one Days from the issuing of such his Summons.

Impannelling of Jury.

LXXIII. And be it enacted, That out of the Jurors appearing to such Summons a Jury of Twelve Persons shall be drawn in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can be speedily procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

LXXIV. And

Notice of Inquiry.

LXXIV. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Party requiring the Jury to the other Party.

Sheriff to preside.

LXXV. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party on whose Requisition such Jury shall have been summoned shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Witnesses to be summoned.

Jurymen to make Oath.

LXXVI. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury to be for Purchase of Lands and for Damage, assessed separately.

LXXVII. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Council, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the said Corporation; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Value of Interests previously purchased to be deducted.

LXXVIII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the said Corporation shall be first deducted.

Verdict and Judgment to be recorded.

LXXIX. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands, or any Part thereof, shall

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be situate, in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

LXXX. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Council, all the Costs of such Inquiry shall be borne by the Mayor, Aldermen, and Burgesses; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Council, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Mayor, Aldermen, and Burgesses: Provided always, that in every Case where by reason of Absence in Foreign Parts or of any Disability the Owner of the Lands shall have been prevented from treating with the Council, all the Costs shall be borne by the Mayor, Aldermen, and Burgesses.

Particulars of the Costs.

LXXXI. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond (if any) given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Mayor, Aldermen, and Burgesses, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

LXXXII. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regula-

tions, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

LXXXIII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Special Jury to be summoned at the Request of either Party.

LXXXIV. And be it enacted, That if either Party desire any such Question of disputed Compensation or Damage as aforesaid amounting or supposed to amount to more than Fifty Pounds to be tried before a Special Jury, and before the Mayor has issued his Warrant as aforesaid to the Sheriff give Notice in Writing to the Mayor of such Desire, such Question shall be so tried, and for that Purpose the Mayor shall, by his Warrant under his Seal to the Sheriff, require him to nominate a Special Jury; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him, for the Purpose of nominating a Special Jury; and at the Time and Place so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties, and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty in the Manner used and accustomed by the proper Officers of the Superior Courts.

Deficiency of Jurymen.

LXXXV. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury, and such Trial shall be attended in all respects with the like Incidents and Consequences as hereinbefore provided in the Case of a Trial by Common Jury.

Other Inquiries before same Special Jury by Consent.

LXXXVI. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Special Jurymen not to attend more than once.

LXXXVII. And be it enacted, That no Special Juryman shall, without his Consent, be summoned or required to attend any such Proceeding as aforesaid more than once in any Year.

Proceedings on Disputes as to Compensation before Justices.

LXXXVIII. And with respect to any such Question of disputed Compensation, or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in the Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Justices, the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Council empowered to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

LXXXIX. And be it enacted, That if at any Time after the Mayor, Aldermen, and Burgesses shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which the Council shall have failed or omitted duly to purchase or pay Compensation for, then, whether the Period granted for the Purchase of the Lands shall have expired or not, the Mayor, Aldermen, and Burgesses shall remain in the undisturbed Possession of such Lands, provided, within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Council, or in case the same shall be disputed then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Council shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Mayor, Aldermen, and Burgesses thereon and the Time of the Payment of such Purchase Money or Compensation by the Council, so far as such Mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Council had purchased such Estate, Right, Interest, or Charge before the Mayor, Aldermen, and Burgesses entering upon such Lands, or as near thereto as Circumstances will admit.

XC. And

How Value of such Premises to be estimated.

XC. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the Council.

Mayor, Aldermen, and Burgesses to pay the Costs of Litigation as to such Lands.

XCI. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Mayor, Aldermen, and Burgesses shall become absolutely entitled to any such Estate, Interest, or Charge last herein-before mentioned, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom any Litigation by the said Corporation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Parties not to be required to sell Part of a House.

XCII. And be it enacted, That no Party shall at any Time be required to sell or convey to the Mayor, Aldermen, and Burgesses a Part only of any House, if such Party be willing to sell and convey the whole thereof.

Power to redeem Mortgages.

XCIII. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Council may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in Possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act; and in order thereto the Council may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges (if any), and also Six Months additional Interest; thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Mayor, Aldermen, and Burgesses, or as the Council or their Committee shall direct; or the Council or their Committee may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Council to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences (if any), such Mortgagee shall convey or release his Interest in the Lands comprised

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in such Mortgage to the Mayor, Aldermen, and Burgesses, or as the Council shall direct.

Deposit of Mortgage Money on Refusal to accept Redemption.

XCIV. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Council or their Committee, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Council, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs (if any), due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due, and thereupon, as well as upon such Conveyance by the Mortgagee (if any such be made), all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee in such Lands, shall vest in the Mayor, Aldermen, and Burgesses, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be paid when Mortgage exceeds Value of Lands.

XCV. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Council in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Council or their Committee on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation, and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Mayor, Aldermen, and Burgesses to the Mortgagee in satisfaction of his Mortgage Debt, as far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Mayor, Aldermen, and Burgesses, or as the Council or their Committee shall direct.

Deposit of such Money when refused on Tender.

XCVI. And be it enacted, That if upon such Payment or Tender as aforesaid being made any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Council, then they may pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Money required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Monies due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the Mayor, Aldermen, and Burgesses, and they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to the Possession thereof; nevertheless, all Rights and Re-

medies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of mortgaged Lands taken.

XCVII. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Lands on the one Part, and the Council or their Committee on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Mayor, Aldermen, and Burgesses to such Mortgagee, in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Corporation, at the Expence of the Mayor, Aldermen, and Burgesses, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Deposit of such Money when refused on Tender.

XCVIII. And be it enacted, That if upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined such Mortgagee shall fail to convey or release to the Mayor, Aldermen, and Burgesses, or as the Council or their Committee shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Council or their Committee, it shall be lawful for the Council to pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Lands shall become absolutely vested in the Mayor, Aldermen, and Burgesses as to all such Estate and Interest as were then vested in the Mortgagee or any Person in Trust for him; and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless, every such Mortgagee shall have

have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Release of Lands from Rent-charges.

XCIX. And with respect to any Lands which shall be charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the Council or their Committee and the Party entitled to any such Charge respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of Part of Lands from Charge.

C. And be it enacted, That if Part only of the Lands charged with any such Rent Service, Rent-charge, chief or other Rent, Payment or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Council on the other Part; and if such Apportionment be not so settled by Agreement the same shall be settled by Two Justices, not being Members of the Council; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in case of Refusal to release.

CI. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Mayor, Aldermen, and Burgesses a Release of such Charge; and if he fail so to do, or if he fail to adduce a good Title to such Charge to the Satisfaction of the Council or their Committee, they shall pay the Amount of such Compensation into the Bank of *England* in the Manner provided by this Act in the like Cases of Monies required to be deposited in such Bank, and thereupon the Rent Service, Rent-charge, chief or other Rent, Payment or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on Lands not taken.

CII. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be; and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-

last-mentioned Lands, for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Council for that Purpose, the Council shall cause a Memorandum of such Release, under the Common Seal of the Mayor, Aldermen, and Burgesses, to be endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Mayor, Aldermen, and Burgesses, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

When Part only of Land under Lease taken, the Rent to be apportioned.

CIII. And with respect to any such Lands which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Council or their Committee on the other Part; and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices not being Members of the Council; and after such Apportionment the Lessee of such Lands, as to all future accruing Rent, shall be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Lands which shall not be required for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Lands had been included in the Lease.

Lessees to be compensated where Lands are severed.

CIV. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Mayor, Aldermen, and Burgesses Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

Tenants at Will or from Year to Year to cede Possession on

CV. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice

to

Six Months Notice.

to that Effect from the Council or their Committee, or Town Clerk, or at any other Time, when required, after the Expiration of such Period, all such Persons shall respectively deliver up to the Council or their Committee, or to the Person appointed by them or either of them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Council.

Compensation to such Tenants.

CVI. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices, not being Members of the Town Council, in case the Parties differ about the same.

On Refusal, Sheriff to give Possession.

CVII. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the Council, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue their Precept in the Name and under the Common Seal of the Mayor, Aldermen, and Burgesses, to the Sheriff, to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto; and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff, and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases.

CVIII. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Council may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power, to the Town Clerk; and if, after Demand made in Writing by the Town Clerk, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Compulsory Purchase limited to Five Years.

CIX. And be it enacted, That the Powers of the Council for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing thereof.

CX. And

Land Tax to be made good.

CX. And for the Purpose of providing against Deficiencies in the Assessment for the Land Tax occasioned by the Execution of the Powers of this Act within the said respective Parishes, be it enacted, That if the Mayor, Aldermen, and Burgesses become possessed by virtue of this Act of any Lands charged with the Land Tax, they shall from Time to Time be liable to make good the Deficiency in the Assessment for Land Tax arising within the said Parishes respectively by reason of such Lands having been taken or used for the Purposes of this Act, and such Deficiencies shall be computed according to the Rental at which such Lands with any Building thereon were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer under this Act shall pay all such Deficiencies to the Collector of the said Assessment; nevertheless, if at any Time the Council think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given for the Redemption of the Land Tax.

Lands not wanted to be sold.

CXI. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Mayor, Aldermen, and Burgesses under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Council shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Common Seal of the Mayor, Aldermen, and Burgesses; and a Receipt of the Treasurer under this Act shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in any such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

CXII. And be it enacted, That if the Corporation do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to original or adjoining Owners.

CXIII. Provided always, and be it enacted, That before the Council dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession one after another in such Order as the Council shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

CXIV. And be it enacted, That if such respective Persons be desirous of purchasing such Lands, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Council, or if they decline such Offer, or if for Sixty Days they neglect

neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Proviso as to Sale of Lands.

CXV. Provided always, and be it enacted, That in any Case in which the Council shall have purchased or acquired any Land under this Act within the said Borough it shall be lawful for the Council absolutely to sell and dispose of all or any Part of such Land to such Person and in such Manner as the Council shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Differences as to Price to be settled as in other Cases.

CXVI. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Council do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the Council of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Council for the Purposes of the Works.

Effect of the Word "grant" in Conveyances.

CXVII. And be it enacted, That in every Conveyance of Lands to be made by the said Corporation under this Act the Word "grant" shall operate as express Covenants by the Mayor, Aldermen, and Burgesses, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Mayor, Aldermen, and Burgesses, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall

shall quietly enjoy the same against the Mayor, Aldermen, and Burgesses, and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Mayor, Aldermen, and Burgesses, and their Successors, from all Incumbrances created by the Mayor, Aldermen, and Burgesses:

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Mayor, Aldermen, and Burgesses, or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators and Assigns respectively, according to their respective Quality or Nature of such Lands, and the Estate or Interest therein in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Power to purchase Lands required for additional Reservoirs, &c.

CXVIII. And be it enacted, That for any of the following Purposes it shall be lawful for the said Corporation, in addition to the Lands authorized to be compulsorily taken by them as aforesaid, to contract with any Party willing to sell the same for the Purchase of any Land, not exceeding in the whole Ten Acres, to be taken and used in such Places as shall be deemed eligible, for the Purpose of obtaining Water, or of protecting such Water from Injury or Deterioration, or of making and providing additional Reservoirs, Tanks, Aqueducts, and other Buildings and Conveniences, or for making convenient Roads or Ways to the said Works, or for any other Purpose connected with the said Works which the Council may think beneficial to the Undertaking; and it shall be lawful for all Parties who under the Provisions herein-before contained would be enabled to sell and convey Lands required by the said Undertaking, to sell and convey Lands required for any such additional Purpose as aforesaid.

Authority to Council to re-sell and re-purchase Lands.

CXIX. And be it enacted, That it shall be lawful for the Council to sell the Lands which they at any Time shall have acquired under this Act, or any Part thereof, in such Manner, and for such Considerations, and to such Persons, as the Council may think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time, but the total Quantity of Land to be held at any One Time by the Council for the Purposes last aforesaid shall not exceed Twenty Acres, in addition to the Lands occupied by their Reservoirs and other Works.

Restraint on Purchase from incapacitated Persons.

CXX. And be it enacted, That the Council shall not, by virtue of the Power to purchase Land for additional Purposes, purchase more than Twenty Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this Act; and if the Council purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the Whole or any Part of the Land so purchased, it shall not be lawful for any Party, being under legal Disability, to sell to the Council any other Land in lieu of the Land so sold or disposed of by the Council.

CXXI. And

Plans and Books of Reference to be kept by the Clerks of the Peace.

CXXI. And whereas a Plan and Section, describing the Line and Levels of the intended Channels, Cuts, and Aqueducts, and the Lands through which the same are intended to be carried, and the Situation of the intended Reservoirs and Works, and a Book of Reference containing a List of the Owners, Lessees, and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace of the East Riding of the County of *York*, and also at the Office of the Clerk of the Peace of the County of the Town of *Kingston-upon-Hull;* be it enacted, That such Plans and Sections shall be kept by the said Clerks of the Peace, and such Clerks of the Peace shall permit all Persons to inspect and make Copies of the same at seasonable Times, and shall make out Copies and Extracts from the said Books of Reference for all Persons requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Errors and Omissions to be corrected.

CXXII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or in the said Books of Reference, or the Schedule (D.) hereto, be it enacted, That the Correction of any such Matter may be referred by the Council to the Determination of Two Justices not being Members of the Council; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, in Duplicate; and they shall in such Certificates state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificates shall be deposited with the Clerks of the Peace of the said East Riding, and of the County of the Town of *Kingston-upon-Hull;* and such Certificates and such Extracts or Copies respectively shall be kept by such Clerks of the Peace along with the Documents to which they relate; and thereupon such Documents, or the Schedule (D.) to this Act, shall be deemed to be corrected according to such Certificates; and it shall be lawful for the Council to purchase and take the Lands in accordance with such Certificates.

Copies of Plans to be Evidence.

CXXIII. And be it enacted, That true Copies of such Plan and Book of Reference, or of any Correction thereof or Extracts therefrom, certified by the said Clerks of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Power to enter Lands and construct Works.

CXXIV. And be it enacted, That it shall be lawful for the said Corporation, their Servants and Workmen, to enter into any Lands and other Places mentioned in the said Plan and Book of Reference, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the Works hereby authorized to be made, and to dig and break up the Soil of such Lands and Places, and to trench and sough the same, and to remove or use all Soil, Trees, or other Things dug or gotten out of the same, they doing as little Damage as may be in the Execution of the Powers hereby granted, and making satisfaction in manner herein mentioned to all

Persons interested in any Lands used for the Purposes of this Act, or which may be injured by the Execution of the Powers hereby granted: Provided always, that it shall not be lawful for the said Corporation to enter into or use any Land for the Purposes of this Act without having paid or tendered Payment for the same in manner herein mentioned, except for the Purpose of setting out and taking Levels of such Parts of the said Land as the Council shall intend to take or use for the Purposes of this Act.

Council empowered to take Water from the River Hull.

CXXV. And be it enacted, That it shall be lawful for the said Corporation from Time to Time to take such Water as they may require from the River *Hull* at or near *Stoneferry* in the Parish of *Cottingham* in the East Riding of the County of *York*.

Council not to deviate beyond the Limits of Deviation marked upon the Plan.

CXXVI. And be it enacted, That the said Corporation, in making any Channels, Cuts, Tunnels, Aqueducts, Reservoirs, and Works, shall not deviate to any greater Distance than One hundred Yards, and shall not deviate unless within the Limits of Deviation marked on the said Plan, nor into the Lands of any Person not mentioned in the said Book of Reference, without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Houses and inclosed Grounds not to be taken unless specified in the Schedule.

CXXVII. And be it enacted, That the Council shall not take or injure any Property of the following Kinds, except such as shall be specified in the Schedule (D.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified, according to the Provisions herein-before contained, to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-two, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk or Avenue to a House,

Power to lay Mains beneath the River Hull at Stoneferry.

CXXVIII. And whereas the said Waterworks to be made under the Authority of this Act will lie on the West Side of the River *Hull*, and certain Parts of the Borough of *Kingston-upon-Hull* which it may be desirable should be supplied with Water from the said Waterworks lie on the East Side of the said River; be it therefore enacted, That it shall be lawful for the said Corporation to convey One or more Mains, Conduits, or Pipes beneath the Bed of the River *Hull* at or near *Stoneferry* aforesaid, for the Purpose of conveying Water from the said Waterworks to the East Side of the said River, and thence by Mains to such Parts of the Borough of *Kingston-upon-Hull* as lie upon the East Side of the River *Hull* as it may be intended to supply with Water by means of such Mains, and in so doing to erect all necessary temporary Dams and other Works in the said River, but so as always to leave a free Passage for Ships, Boats, and Vessels.

Mains may be laid beneath any other Part of the River, with Consent.

CXXIX. Provided always, and be it enacted, That it shall also be lawful for the said Corporation in like Manner to convey One or more Mains, Conduits, or Pipes across and under the Bed of the River *Hull* at any other Part of the River *Hull* where it may be necessary or convenient to do so, having first obtained the Consent of all the Owners and Occupiers of any private Property through which it may be necessary to conduct such Mains, Conduits, or Pipes, and doing as little Damage as may be in the Execution of the said Work, and making full Satisfaction for the Damages thereby occasioned; and it shall and may be lawful to and for the said Council to make and erect such temporary Works, Cuts, and Dams therein, and in and upon the Banks thereof, as they may deem necessary for the better Performance of any of the said Works hereby authorized: Provided always, that all such temporary Works, Cuts, and Dams shall be so constructed as at all Times to leave Room for the free Passage of Ships and Vessels up and down the said River.

Power to lay Mains across Bridges.

CXXX. And be it enacted, That it shall be lawful for the Council to carry and convey Mains, Conduits, and Pipes over, across, or through any Bridge made or to be made over or across any Stream, Drain, or Sewer already existing or made or hereafter to be made in or through the said Parishes of *Cottingham*, *Sculcoates*, *Sutton*, *Drypool*, *Holy Trinity*, or *Saint Mary*, or the said Extra-parochial District called *Garrison Side*, or may make or enlarge any Bridge across any such Stream, Drain, or Sewer, or erect any new Bridge across the same for the Purpose of conveying such Mains, Conduits, or Pipes across the same, or to convey and construct such Mains, Conduits, or Pipes under the Bottom or Bed of any such Stream, Drain, or Sewer, and shall have and enjoy all necessary Powers for the Execution of such Works, doing as little Damage as may be in the Execution thereof, and making good all such Damage as shall be occasioned thereby.

For preserving Bridges belonging to Commissioners of Drainage.

CXXXI. Provided always, and be it enacted, That nothing in this Act contained shall abrogate, lessen, interrupt, or make void any of the Powers or the Rights which the Trustees of the *Holderness* Drainage, or the Commissioners of the *Beverley* and *Barmstone* Drainage, or the Trustees of the *Cottingham* Drainage, or the Trustees of the *Skidby* Drainage, now respectively have of repairing or altering or removing their respective Bridges or Works, without the Assent of or any Interruption by the said Corporation, nor in any other Way defeat, abridge, or lessen any of the Powers of any of the said Commissioners or Trustees, and that all Damage which in the Execution of this Act shall or may be done by the said Corporation to any of the said Bridges or Works shall be made good by the said Corporation.

Council empowered to construct Waterworks, &c.

CXXXII. And be it enacted, That it shall be lawful for the said Corporation, subject to the Restrictions herein contained, from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Engines, Waterworks, Steam Engines, Water Wheels, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Mains, Conduits, Waste Gates, Stop Gates, Stopcocks, Sluices, Banks, Bridges, Pipes, Tunnels,

Tunnels, Machinery, and other Works, and also such Houses and Buildings upon the Lands purchased by the Council as they shall think proper, for the better supplying the Inhabitants within the Limits of this Act with Water, and also for such Purpose to lay Mains and Pipes in and under all and every the Streets, Ways, Roads, Footroads, and public Passages in the said Borough of *Kingston-upon-Hull*, in the Parishes of *Cottingham* or *Sutton* aforesaid, and in and through any Property described in Schedule (D.) hereunto annexed, and thence to the said Waterworks, when and as they shall see fit and necessary, and the same from Time to Time to take up and repair and renew, when and as need may be, doing as little Damage as may be thereto, and fully and effectually repairing and making good all such Damage as shall be done in the Execution of such Work.

Compensation to be made for temporary Damage.

CXXXIII. And be it enacted, That it shall be lawful for the said Corporation, subject to the Restrictions in this Act contained, to enter upon the Lands of any Corporation or Person adjoining to or being within the Distance of Twenty Yards of any of the Works by this Act authorized to be executed, or any Part thereof, and not being a Garden, Orchard, Park, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, for the Purpose of depositing upon such Lands or upon any Part thereof any Soil, Gravel, Clay, Sand, Limestone, Bricks, or other Materials, without making any previous Payment, Tender, or Deposit, they the said Council, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands to the Owners and Occupiers thereof from Time to Time, and as often as any such temporary Occupation shall be taken or any such temporary Damage shall be done by the Council, and making Compensation to the Owners also for the permanent Injury to such Lands, every such Compensation, in case the Parties differ about the same, to be settled and recovered in manner by this Act provided in Cases of other Disputes as to the Compensation for any Damage sustained by reason of the Execution of any of the Works by this Act authorized.

Council, before entering on such Lands, to agree with Owner for the Payment of a Rent for the same.

CXXXIV. Provided always, and be it enacted, That the said Corporation or their Committee shall, before entering upon any such adjoining Lands for the Purpose aforesaid, if required by the Owner or Occupier of such Lands, agree with the Owner and Occupier of such Lands for the Payment of a certain and fixed Rent in respect thereof during the Continuance of such temporary Occupation, such Rent, in case the Parties differ in Opinion thereon, to be fixed by Arbitration of Two indifferent competent Persons, One to be named by each Party, in manner aforesaid, or by their Umpire, appointed in Writing by such Arbitrators before they enter on the Business of the said Arbitration, and also within Twelve Calendar Months next after the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid make Compensation and Satisfaction, to be ascertained and

and settled in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the Council.

Council to give Notice previous to such temporary Possession.

CXXXV. Provided also, and be it enacted, That before it shall be lawful for the said Corporation to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Works the Council or their Committee shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Fences so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto.

Council not to make Bricks, &c., without Consent, on Land temporarily taken.

CXXXVI. And be it enacted, That it shall not be lawful for the Council to make Bricks or place a Steam Engine upon any of such Lands so temporarily occupied, without the Leave of the Owner and Occupier thereof in Writing first had and obtained for that Purpose.

Penalty for obstructing Construction of Works.

CXXXVII. And for preventing any Obstruction to the Construction of the Works hereby authorized, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the Council, or the said Corporation or their Committee, or Servants or Workmen, in setting out the Line of the Works, or in executing the same Works or any Part thereof, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of such Works, or deface or destroy any Marks made for the same Purpose, he shall forfeit any Sum not exceeding Five Pounds for every such Offence.

Power to continue the Use of existing Waterworks, or may vary the same.

CXXXVIII. And be it enacted, That the said Corporation may continue to supply the Inhabitants of the said Borough or of any Part thereof with Water from their now existing Waterworks, Mains, Pipes, Reservoirs, and other Works, as if this Act had not been passed, or, if they think fit, may discontinue the Use of all or any Part thereof, or may connect the same or any Part thereof with the Works hereby authorized to be made, and disconnect the same again, from Time to Time as they may think fit.

Power of this Act to extend to existing Waterworks, &c.

CXXXIX. And be it enacted, That all Penalties and Provisions hereby imposed and authorized in respect of the Waterworks, Works, Mains, Pipes, Rates, Rents, Workmen, Servants, and other Matters hereby directed to be made, done, put or placed, charged or executed, and the Obligations hereby imposed on the said Corporation, shall also be in full Force and Effect with respect to the Waterworks, Springs, Cuts, Works, Mains, Pipes, Rates, Rents, Workmen, Servants, and other Matters and Things of the said Corporation existing at the Time of the passing of this Act, or to be made by virtue of the said recited Charter of King *Henry* the Sixth.

Power to break up Streets, &c., and open Drains.

CXL. And be it enacted, That it shall be lawful for the said Corporation to form, lay down, alter, repair, or remove, in or under any Street within the Limits of this Act, any Aqueducts, Conduits, Pumps, Pipes, Tunnels, and other Works, for the Purpose of supplying the

Inhabitants within the same with Water, and for that Purpose to break up or open the Pavement or Soil of any such Street, and any public Sewer or Drain therein, they the Council doing as little Damage as may be in the Execution of the said Powers, and making Compensation for any Damage caused thereby in manner herein mentioned.

Streets, &c. broken up to be reinstated without Delay.

CXLI. And be it enacted, That when the Pavement or Soil of any Street or any Sewer or Drain shall be opened or broken up by the said Corporation, they shall with all convenient Speed complete the Work on account of which the same shall be broken up, and fill in the Ground and make good the Pavement or Soil, or the Sewer or Drain, so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Soil shall be so opened or broken up to be fenced and guarded, and set up and maintain upon or against the Part of the said Pavement or Soil so broken up or opened a sufficient Light during every Night while such Pavement or Soil shall be continued open or broken up.

In case of Delay, other Parties may reinstate and recover the Expences.

CXLII. And be it enacted, That if any unnecessary Delay shall take place on the Part of the said Corporation in reinstating such Streets, it shall be lawful for the Persons having the Control or Management of the Street, Sewer, or Drain in respect of which such Delay shall take place, to cause the Matter or Thing so delayed to be done; and the Expence of doing the same, together with the Costs of recovering such Expence, shall be recovered from the said Corporation in the same Manner as any Damages for the Recovery of which no special Provision is made by this Act are hereby directed to be recovered; and the Money so recovered shall be applied by the Persons having the Control or Management of the Streets for the Purpose of the same.

Power to Inhabitants to lay Service Pipes in certain Cases.

CXLIII. And be it enacted, That it shall be lawful for such of the Inhabitants of Dwelling Houses situate within the Limits of this Act as shall be desirous of having Water from the Waterworks of the said Corporation conveyed into their said Dwelling Houses for domestic Purposes, as defined by this Act, from any Main or Branch Pipe of the said Corporation in the Street where their said Premises may be, to open the Ground between the said Main and Branch Pipes of the said Corporation and their respective Houses, and to lay good, sound, and perfect Leaden or Iron Pipes from such Premises to communicate with the Main or Branch Pipes of the said Corporation: Provided always, that every such Inhabitant shall, before he shall commence laying any Pipe to communicate with the Main or Branch Pipes of the Council, give to the Clerk of the Waterworks and the Surveyor of the said Corporation Fourteen Days Notice of his Intention to do so.

Communication to be made under Superintendence of

CXLIV. And be it enacted, That before any Pipe is made to communicate with the Main or Branch Pipes of the said Corporation the Inhabitant intending to lay such Pipe shall also give Six Days Notice

Council's Surveyor.

Notice to the Surveyor to the said Corporation of the particular Day and Hour when such Pipe is intended to be made to communicate with the Pipes of the said Corporation; and every such Pipe shall be so made to communicate under the Superintendence and according to the Directions of the said Surveyor or other Officer or Person appointed for that Purpose by him or by the Council or Committee, unless such Surveyor or Officer or Person shall not attend at the Time mentioned in the said Notice.

Bore of Pipes.

CXLV. And be it enacted, That the Bore of any such Pipe as aforesaid shall not exceed Half an Inch, except with the Consent of the Council or their Committee.

Inhabitants other than Occupiers of Dwelling Houses not to make Communication before Agreement.

CXLVI. Provided always, and be it enacted, That no Inhabitant within the Limits of this Act (except the Owner or Occupier of such a Dwelling House as aforesaid, or Part of a Dwelling House, laying any Service Pipe for the Supply of Water to the same,) shall make any Service Pipe to communicate with the Pipes of the said Corporation, unless he shall have agreed with the said Corporation for a Supply of Water to his Buildings and Premises.

Removal of Service Pipes.

CXLVII. And be it enacted, That it shall be lawful for any Person who shall have laid down any Pipe, or who shall have become entitled to the same, to remove the same, and the Cocks and other Apparatus belonging thereto, after having first given Fourteen Days Notice in Writing to the Clerk of the Waterworks, and to the Surveyor to the said Corporation, of his Intention so to do, and of the Time of such proposed Removal; and every such Person shall make Compensation to the said Corporation for any Injury or Damage to their Pipes or Works, or to the Highway or Road, which may be caused by such Removal.

Power to Inhabitants to break up Pavements.

CXLVIII. And for the Purpose of enabling the Inhabitants within the Limits of this Act to lay down Pipes in any Streets within the same, and to repair, renew, and remove the same, when authorized so to do by virtue of this Act, be it enacted, That it shall be lawful for any such Inhabitant, so authorized as aforesaid, to open or break up the Pavement and Soil of any such Street as shall be between any Main or Branch Pipe of the Corporation, and his House, Building, or Premises, and any Sewer or Drain therein, for any such Purpose as aforesaid, doing as little Damage as may be, and making Compensation for any Damage done in the Execution of any such Work: Provided always, that every such Inhabitant desiring to break up the Pavement or Soil of any Street, or any Sewer or Drain therein, shall be subject to the same Necessity of giving previous Notice, and be subject to the same Control, Restriction, and Provisions in and during the Time of breaking up the same, and for reinstating the same, and to the same Penalties for any Delay in regard thereto, as the said Corporation are subject to by virtue of this Act.

CXLIX. And

Rate at which the Council are to supply Water.

CXLIX. And be it enacted, That the said Corporation shall, at the Request of the Owner or Occupier, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House, being situate in any Street within the Limits of this Act, in which or within Thirty Feet of which any Main or other Water Pipe of the Corporation shall be laid, a sufficient Supply of Water for the domestic Purposes of every such Occupier, at a Rate *per Centum per Annum* not exceeding Six Pounds on the net annual Value of Premises: Provided always, that the said Corporation shall not be obliged to furnish any such Supply for any less Sum than Two Shillings in any One Year; and it is hereby declared, that a Supply of Water for domestic Purposes shall not include nor be deemed or construed to include a Supply of Water for Baths, Horses, Cattle, or washing of Carriages, nor for any Trade or Business whatsoever.

Valuation to be according to the net annual Value.

CL. And be it enacted, That such Water Rates shall be paid by the Owner or Occupier obtaining the Supply of Water, and shall be payable according to the net annual Value of the Premises.

When several Houses are supplied by One Pipe, each to pay.

CLI. And be it enacted, That when several Houses or Parts of Houses in the Occupation of several Persons shall be supplied by One common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rates for the Supply of Water as they would have been liable to if each of such several Houses or Parts of Houses had been separately supplied with Water by a distinct Pipe.

Rates to be paid quarterly in advance.

CLII. And be it enacted, That the Rates payable to the said Corporation for the Supply of Water to any Premises whatsoever shall be paid in advance, if the Corporation shall so require it, and shall be paid by equal quarterly Payments, on the Four following Days in the Year, *videlicet*, on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, and the first Payment shall be made at before the Time at which the Pipe from such Premises shall be made to communicate with the Pipes of the said Corporation, or at the Time when any Owner or Occupier of the said Premises shall contract to take Water from the said Corporation; and the Amount of such first Payment shall be such Proportion of a quarterly Payment as the Length of Time that shall intervene between such Day of Payment and the next quarterly Day of Payment shall bear to a Quarter of a Year.

Parties removing to pay to the next Quarter Day.

CLIII. And be it enacted, That the Owner or Occupier of any Premises liable to the Payment of any Rate for Water supplied by the said Corporation, who shall give Notice to the Clerk of the Waterworks of his Intention to discontinue the Use of the said Water, or who, being an Occupier, shall remove from the said Premises between any Two Quarters, shall pay the Water Rate in respect of such Dwelling House or Part of a Dwelling House becoming due on the Quarter Day next following his quitting the same or giving such Notice.

CLIV. And

Water for other than domestic Purposes to be supplied by Agreement.

CLIV. And be it enacted, That it shall be lawful for the said Corporation or their Committee to supply any Person with Water for other than domestic Purposes as defined by this Act, at such Rent and upon such Terms and Conditions as shall be agreed upon between the said Corporation or their Committee and the Person desirous of having such Supply of Water.

Recovery of Rates.

CLV. And be it enacted, That if any Person supplied with Water by the said Corporation, whether for domestic or other Purposes, shall neglect or refuse to pay any Water Rent or Rate alleged to be due to the said Corporation at any of the said Times of Payment thereof, it shall be lawful for the said Corporation to recover such Water Rent or Rate as shall be due from such Person before Justices by the same Means as any Damages are directed to be recovered under this Act in Cases where no special Provision is otherwise contained in this Act for such Purpose; and if the Amount ordered by such Justices to be paid for such Water Rent or Rate, together with such Costs, if any, as the Justices shall award, shall not be paid within such Time as such Justices shall order and direct, then, besides the Remedies hereby given for Recovery thereof in pursuance of the Order and Determination of such Justices, it shall be lawful for the said Corporation, their Servants or Workmen, Fourteen Days after such Failure in Payment as aforesaid, to stop the Water from flowing into the Premises of such Person, by cutting off the Service Pipe to such Premises, or by such Means as they shall think fit: Provided always, that if before such Water shall so be stopped the Person so ordered by such Justices to pay such Water Rent or Rate shall give such Notice of Appeal against the Determination of the said Justices, and enter into such Recognizances as by this Act is required in Cases of Appeal, then it shall not be lawful to stop the said Water until such Appeal shall have been decided or determined, nor until Fourteen Days after Failure of such Person to comply with the Order, if any, made on such Appeal; and in case the Water shall so legally be stopped the Cost of so stopping the same shall and may be in like Manner recovered before Justices as aforesaid.

Penalty for refusing a Supply of Water.

CLVI. And be it enacted, That if the Corporation shall neglect or refuse to furnish a sufficient Supply of Water for domestic Purposes at the Rate aforesaid to any Owner or Occupier of any Dwelling House or Part of any Dwelling House in any Street or Place where the Pipes of the Corporation shall be laid, or within Thirty Feet of any such Pipe, for Ten Days after Demand in Writing made to the Clerk or Surveyor of the Corporation, and Tender made to such Clerk or Surveyor of the Amount of the Portion of the Rate payable in advance, the Corporation shall forfeit to the Owner or Occupier making such Demand Treble the Amount of the Rate so tendered, and also the further Sum of Twenty Shillings for every Day during which they shall refuse or neglect to furnish such Supply: Provided always, that the Corporation shall not be obliged to supply any Water to any such Owner or Occupier, or be liable to any Penalty for not supplying the same, if such Supply cannot be made by the Corporation without lessening the Quantity of Water required by other Owners or Occupiers of Houses and Parts of Houses supplied with

Water by the Corporation previously to the Demand made by such Occupier.

Penalty for Failure of Supply of Water.

CLVII. And be it enacted, That if the Corporation shall neglect or refuse to furnish a sufficient Supply of Water for domestic Purposes during any Part of the Period for which the Rate for such Supply shall have been paid they shall forfeit to the Person having paid such Rate the Sum of Twenty Shillings for every Day during which such Refusal or Neglect shall continue, after Notice shall have been given to the Corporation of the Want of such Supply; but no Penalty shall be payable by the Corporation if the Want of such Supply shall arise from Drought, Frost, or other unavoidable Accident, or during the necessary Repairs or cleansing of the Works of the Corporation during such Time as is unavoidably occupied thereby.

Fire Plugs to be provided by the Council.

CLVIII. And be it enacted, That the said Corporation shall, at the Time of laying down any Main Pipe for supplying any Street, Highway, or Place within the Limits of this Act with Water, fix, and from Time to Time repair or renew, Fire Plugs in such Street, Highway, or Place, for the Supply of Water in extinguishing Fire; and as soon as any such Fire Plug shall have been completed the Council shall deposit a Key of such Fire Plug at each Place within the Limits of this Act where any public Engine shall be kept for extinguishing Fire, and at each Police Station in the Borough, and affix a public Notification in some conspicuous Place by the Side of the said Street, Highway, or Place, to denote the Situation and Distance of such Fire Plug; and the said Corporation, when and so soon as they shall ascertain that any Main Pipe heretofore placed in any Street, Highway, or Place will continue to be used for the Supply of Water under this Act, shall in like Manner fix, and from Time to Time renew and repair, Fire Plugs therein, and in like Manner deposit Keys thereof as above mentioned, in respect of Main Pipes to be hereafter laid down.

Proprietors of Manufactories may require the Council to place Fire Plugs adjacent thereto.

CLIX. And be it enacted, That it shall at any Time be competent to any Persons, being Owners or Occupiers of any public Work or any Manufactory situated near to any Main or other Pipe of the said Corporation, to require the Corporation to place Fire Plugs, at the Expence of the Party requiring the same, opposite or near to such public Work or Manufactory, and outside of the same, in the Streets or other Places of the Town and Neighbourhood of *Hull* aforesaid, and to attach the same to the Pipes most suitable for that Purpose, to be used for extinguishing Fires only, and that exclusively of and in addition to the Fire Plugs to be provided by the said Corporation, which shall, when so required, be obliged to place and attach such Fire Plug at the Expence of the Party requiring the same.

Water to be taken to extinguish Fires.

CLX. And be it enacted, That it shall be lawful for all Persons at all Times to take and use the Water of the Corporation in extinguishing any Fire which may happen within the Limits of this Act, without making Compensation for such Water.

Persons using the Water to provide Cisterns and Cocks.

CLXI. And be it enacted, That every Person supplied with Water by the said Corporation who shall have been convicted of the Offence next herein-after mentioned shall, when required by the Clerk of the Waterworks or the Corporation's Surveyor, provide a proper Cistern to receive and retain the Water with which he shall be so supplied; and every such Person shall, on Request of the said Clerk of the Waterworks or Corporation's Surveyor, provide a suitable Ballcock or Stopcock, and affix it to the Pipe conducting the Water from the Works of the said Corporation, or to such Cistern as he shall be required, and shall keep such Cistern, Ballcock, and Stopcock in good Repair, so as effectually to prevent the Water from running to Waste; and in case any such Person shall neglect to provide, when required by the Clerk of the Waterworks, such Cistern or Ballcock or Stopcock, or to keep the same in good Repair, it shall be lawful for the said Clerk of the Waterworks, or for any Person acting under his Authority, to cut off the Pipe or turn off the Water from the Premises of such Person until such Cistern and Ballcock or Stopcock shall be provided or repaired, as the Case may require.

Penalty for suffering Cisterns, &c. to be out of Repair.

CLXII. And be it enacted, That if any Person supplied with Water by the said Corporation shall wilfully or knowingly suffer the same to run to Waste, or suffer any Cistern, Place for Water, Pipe or Cock, belonging to him, to be out of repair, so that the Water supplied to him by the said Corporation shall be wasted, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Corporation may repair and recover the Expences.

CLXIII. And be it enacted, That it shall be lawful for the said Corporation, their Servants or Workmen, to repair any such Cistern, Place for Water, Pipe or Cock, and the Expences of such Repair shall be payable by the Person so allowing the same to be out of repair, and be recovered in manner herein provided for Recovery of the Water Rate or Rent.

Power to Council's Surveyor to enter Houses to inspect.

CLXIV. And be it enacted, That it shall be lawful for the Clerk of the Waterworks or Surveyor, or for any other Person acting under the Authority of the Council or their Committee, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, to enter into any House, Building, or Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste or improper Use of such Water; and if such Clerk, Surveyor, or other Person acting by the Authority of the Council, shall at any such Time be refused Admittance into such Dwelling House, Building, or Premises, for the Purpose aforesaid, or shall be prevented from making such Inspection and Examination as aforesaid, it shall be lawful for him to turn off the Water supplied by the said Corporation from such House, Building, or other Premises.

Penalty for allowing Persons to use the Council's Water.

CLXV. And be it enacted, That every Person supplied with Water under the Provisions of this Act, who shall supply any such Water to any other Person, or wilfully permit any other Person to take any Water supplied by the said Corporation from any Cistern,

Pipe, or Place for Water belonging to him, shall forfeit for every such Offence a Sum not exceeding Five Pounds: Provided always, that the Supply of Water for the Purpose of extinguishing any Fire, or in any sudden Emergency, or to any Person supplied with Water by the Corporation during any Time that the Pipes or Cock belonging to such Person may be out of repair, if such Pipe or Cock shall not have been out of repair during a longer Time than was necessary for the Repair thereof, shall not be deemed an Offence within the Meaning of this Act.

Penalty for taking the Council's Water without Agreement.

CLXVI. And be it enacted, That if any Person, not having agreed to be supplied with Water by the said Corporation, shall take any Water from any Reservoir, Watercourse, Aqueduct, or Conduit or Pipe belonging to the Corporation, or any Pipe affixed or leading to any such Reservoir, Watercourse, Aqueduct, or Conduit, or from any Cistern or other like Place containing Water belonging to the Corporation, he shall forfeit for every such Offence a Sum not exceeding Two Pounds.

The Dock Company's Tenants to be supplied upon the same Terms as before the passing of this Act.

CLXVII. And whereas the Ownership of the Soil in the Streets called *Saville Street*, *Dock Street*, *George Street*, *Charlotte Street*, *North Street*, *Bridge Street*, *Junction Street*, *Paradise Row*, *Trippett Street*, and *Princess Street*, and Part of *Grimston Street*, is vested in the Dock Company at *Kingston-upon-Hull*, and which Streets are repaired by them, and in and by a certain Indenture bearing Date the Second Day of *December* One thousand eight hundred and twenty-nine, made between the said Dock Company of the one Part, and the said Municipal Corporation, by their then Name of the Mayor and Burgesses of the Town or Borough of *Kingston-upon-Hull*, of the other Part, the said Municipal Corporation entered into certain Agreements with the said Dock Company relative to the supplying of the Houses in the said Streets with Water, with as good and wholesome Water, and in as ample and beneficial a Manner, and upon the same Terms, as the Inhabitants of the Town of *Kingston-upon-Hull* then were or thereafter should be supplied, and relative to the Manner of laying and relaying Mains and Pipes in the said Streets for such Purpose; be it therefore enacted, That nothing in this Act contained shall be construed so as to make void, alter, or vary the Agreements, Matters, or Things in the said Indenture contained, but the same Indenture shall continue in full Force and Effect, any thing herein contained to the contrary notwithstanding: Provided always, that all and every the said Covenants, Clauses, Agreements, Matters, and Things in the same Indenture contained shall be extended and made applicable to any Streets or Roads, or Street or Road, which may hereafter be made by the said Dock Company in or upon any Part or Parts of the Land or Ground now held by the said Dock Company, or which may hereafter be acquired and held by them.

Penalty for wilfully damaging Works, &c.

CLXVIII. And be it enacted, That every Person who shall wilfully break, damage, or destroy any Well, Reservoir, Pipe, Cock, or other Work made or provided, or to be provided for the Purposes of this Act, or shall flush or draw off the Water, or shall do any wilful

Act

Act whereby the Water shall be wasted, shall forfeit for every such Offence a Sum not exceeding Five Pounds, besides paying the full Amount of the Damage thereby done or occasioned to the Corporation.

Penalties for fouling the Water of the Council.

CLXIX. And be it enacted, That every Person who shall wilfully or knowingly commit any of the following Offences shall for every Offence forfeit a Sum not exceeding Five Pounds; (that is to say,)

First,—Every Person who shall bathe in any Reservoir, Cut, Canal, Aqueduct, or other Waterworks belonging to the said Corporation, or wash therein any Dog or other Animal, or throw or entice, or cause to go and be therein, any Dog or other Animal:

Second,—Every Person who shall throw any Gravel, Stone, Rubbish, Dirt, Filth, or other noisome or offensive Thing into, or wash or cleanse any Cloth, Wool, Leather, or Skin of any Animal, or any Wearing Apparel or other Thing, in any such Reservoir, Aqueduct, or other Waterworks as aforesaid:

Third,—Every Person who shall cause or permit the Water of any Sink, Sewer, or Drain, or other filthy Water belonging to him, or which ought to be conveyed away by him, to run or be conveyed into any of the Cuts, Reservoirs, or Waterworks belonging to the said Corporation, or into any Spring, Drain, or Watercourse communicating therewith, or shall commit or cause any Act whereby the Water of the said Corporation shall be fouled or corrupted.

Penalty on Gas Makers for corrupting Water.

CLXX. And be it enacted, That if any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any River, Stream, Reservoir, Cut, Aqueduct, Pond, or Place for Water, used by or belonging to the said Corporation, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such River, Stream, Reservoir, Aqueduct, Cut, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in Superior Courts within Twelve Months.

CLXXI. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person in whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted by any such Act as aforesaid: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during the Continuance of the Offence.

CLXXII. And be it enacted, That in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not) the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in like Manner) for each Day such Washing, Substance, or Thing shall be

be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Clerk of the Waterworks or Surveyor to the Council into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, and such Penalty shall be paid to the Council.

Daily Penalty during Escape of Gas after Notice.

CLXXIII. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not, within Twenty-four Hours next after Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Penalty on Gas Makers if Water contaminated.

CLXXIV. And be it enacted, That whenever the Water supplied by the Council, or any other Water within the Limits of this Act, shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Penalty during the Continuance of the Contamination after Notice.

CLXXV. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected, served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to examine Gas Pipes, to ascertain Cause of Contamination.

CLXXVI. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding so to dig and examine Twenty-four Hours Notice in Writing shall be given to the Person making or supplying such Gas of the Time at which such Digging and Examination are intended to take place.

The Expences to abide the Result of the Examination.

CLXXVII. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of the Digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CLXXVIII. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Person supplying Gas to be liable to Indictment for Nuisance.

CLXXIX. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas within the Limits of this Act from being liable to an Indictment for Nuisance, or to any other legal Proceeding to which he may be liable in consequence of making or supplying such Gas.

Provision for Damages not otherwise provided for.

CLXXX. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained, determined, and recovered by and before any Two or more Justices, not being Members of the Town Council, in a summary Way, with Costs; and when by this Act any Damages or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress and Sale of the Offender's Goods, and such Justices shall issue their Warrant accordingly.

For ascertaining Compensation.

CLXXXI. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace, not being a Member of the Town Council, may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

CLXXXII. And

Justices to examine Parties and Witnesses.

CLXXXII. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Two Justices, or any Penalty is to be recovered before any Justices, it shall be lawful for such Justices to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justices; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse, to the Satisfaction of such Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justices to proceed *ex parte*.

Recovery of Money from the Mayor, &c., or from the Treasurer.

CLXXXIII. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Mayor, Aldermen, and Burgesses, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Mayor, Aldermen, and Burgesses to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Mayor, Aldermen, and Burgesses, and, if no sufficient Goods of the Mayor, Aldermen, and Burgesses can be found, by Distress of the Goods of the Treasurer under this Act, but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimbursement of the Treasurer.

CLXXXIV. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Mayor, Aldermen, and Burgesses coming into his Custody or Control, or to sue the Mayor, Aldermen, and Burgesses for the same, in the same Manner as other Parties are by this Act enabled to sue the said Mayor, Aldermen, and Burgesses.

Publication of Penalties.

CLXXXV. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, be it enacted, That from Time to Time the Council shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place where the Business of the Waterworks shall be transacted; and such Particulars shall be renewed as often as the same or any Part thereof are or is obliterated or destroyed.

Penalty for defacing Boards used for Publication of Penalties.

CLXXXVI. And be it enacted, That if any Person shall pull down or break or deface any such Board put up or affixed as required by this Act, or shall obliterate any of the Letters or Figures thereon, or on any public Mark or Notification denoting the Position of any Fire

Fire Plug, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before Two or more Justices.

CLXXXVII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before One or more Justices; and on Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear, on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them, and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties may be levied by Distress.

CLXXXVIII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress and Sale of the Offender's Goods, and any Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CLXXXIX. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then any Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

CXC. And

Application of Penalties.

CXC. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award the same to be paid to the Treasurer of the Borough of *Kingston-upon-Hull* in aid of the Borough Fund of the said Borough.

Penalties to be sued for within Six Months.

CXCI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CXCII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness to testify the Truth in any Matter over which he shall have Jurisdiction by this Act, and to administer an Oath to such Person for that Purpose; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CXCIII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer, Agent, or Servant of the said Corporation, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer, Agent, or Servant, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CXCIV. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in Schedule (G.) to this Act annexed.

Informalities.

CXCV. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Court.

Distress, how to be levied.

CXCVI. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods

and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CXCVII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CXCVIII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act he may appeal to the General Quarter Sessions for the Borough of *Kingston-upon-Hull*; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXCIX. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Expences of Act.

CC. And be it enacted, That all the Expences of obtaining and passing this Act, or preparatory or incident thereto, shall be paid and defrayed out of the first Monies which shall come into the Hands of the said Corporation by virtue of this Act.

Saving Rights of Corporation of Hull.

CCI. And be it enacted, That nothing herein contained shall prejudice, lessen, or defeat any Right, Interest, or Property of the said Corporation of or in any Charter, Power, Privilege, Franchise, or Authority, but all and every such Charters, Powers, Privileges, Franchises, and Authorities shall and may be exercised and enjoyed in as full and ample a Manner, to all Intents and Purposes, as the same were or might have been exercised and enjoyed at any Time before the passing of this Act, nor shall any thing herein contained

alter, lessen, impeach, or make void any of the Charters of the said Corporation, or any of the Rights, Acts, Matters, or Things which the said Corporation are, shall, or may or might be entitled to, or entitled to do or exercise, by virtue of any such Charter.

Saving Rights of the Dock Company at Kingston-upon-Hull.

CCII. And be it enacted, That nothing herein contained shall prejudice, lessen, abridge, or defeat any Right, Interest, or Property of the Dock Company at *Kingston-upon-Hull*, and their Successors, or any of their Privileges, Powers, Authorities, Trusts, Franchises, or Immunities, but that such Privileges Powers, Authorities, Trusts, Franchises, and Immunities, and each and every of them, shall and may be hereafter used, exercised, and enjoyed by the said Dock Company and their Successors in as full, free, ample, and beneficial a Manner, to all Intents and Purposes, as the same respectively could or might have been used, exercised, or enjoyed if this Act had not been passed.

Saving the Rights of the Kingston-upon-Hull Gas Light Company.

CCIII. And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, alter, or take away any of the Rights, Powers, or Authorities vested in the *Kingston-upon-Hull* Gas Light Company, under or by virtue of an Act passed in the Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting with Gas the Town of* Kingston-upon-Hull, *and certain Places adjacent thereto*, but that all the Rights, Powers, or Authorities thereby vested in the said *Kingston-upon-Hull* Gas Light Company shall be as good, valid, and effectual as if this Act had not been passed.

Interpretation of Act.

CCIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" or "Persons" shall include Corporations, whether Aggregate or Sole:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Words "Justice" or "Justices" shall mean any Justice or Justices of the Peace of the Borough and County of the Town of *Kingston-upon-Hull*:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Borough of *Kingston-upon-Hull*:

The Word "Street" shall include all or any Part of any Square, Street, Court, Alley, Highway, Lane, Road, Footroad, Thoroughfare, or public Passage or Place, Bridge or Causeway, within the Limits of this Act:

The

The Word "Borough," and the Words "Borough of *Hull*," and the Words "Limits of this Act," shall mean the Borough of *Kingston-upon-Hull* as defined by the Acts for the Regulation of Municipal Corporations:

And whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved, it shall be payable to a Body Corporate in like Manner as to an Individual; and where the doing of any Act or Thing is made punishable by this Act, or by any of the Bye Laws so to be made as aforesaid, with any Penalty, Fine, or Forfeiture, the causing, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner:

The Word "Lands" shall respectively extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Council" shall mean the Council for the Time being of the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull*:

The Words "the Clerk," "the Town Clerk," and the "Clerk of the Council" shall mean the Town Clerk of the Borough of *Kingston-upon-Hull*:

The Words "the Mayor" shall mean the Mayor of the Borough of *Kingston-upon-Hull* for the Time being:

The Word "Sheriff" shall mean the Sheriff of the County of the Town of *Kingston-upon-Hull*, and shall include the Coroner thereof:

The Words "the said Corporation" and "the Corporation" shall mean the Corporation of the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull*.

Public Act. CCV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

By virtue of an Act passed, *&c.*, intituled "An Act," *&c.*, we, the Corporation of the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in consideration of the Sum of paid 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, the Waterworks of the said Corporation, or such Proportion of the Rates or Rents arising therefrom as the said Sum of doth or shall bear to the whole Sum which is or shall

shall be borrowed upon the Credit of the said Works, Rates, or Rents, to hold to the said *A. B.*, his Executors, Administrators, and Assigns, 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 the Common Seal of the said Borough, this Day of One thousand eight hundred and

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SCHEDULE (B.)

Form of Grant of Annuity.

By virtue of an Act passed, *&c.*, intituled "An Act," *&c.*, we, the Corporation of the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in consideration of the Sum of paid by *A.B.*, do grant unto the said *A.B.* an Annuity or yearly Sum of to be issuing out of the Waterworks and Water Rates and Water Rents, to be paid to the said during the Term of his natural Life, [*or, as the Case may be*, to the said his Executors, Administrators, or Assigns, during the natural Life of *or* during the natural Lives of and the Life of the Survivor] upon the Day of and the Day of in every Year during his natural Life [*or, as the Case may be*, during the natural Life of the said *or* of the said and and the Survivor of them], the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have hereunto set the Common Seal of the said Borough, the Day of in the Year One thousand eight hundred and

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SCHEDULE (C.)

Form of Transfer of Mortgage or Grant of Annuity.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number [*or* a certain Grant of Annuity, Number , *as the Case may be*], made by the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull to bearing Date the Day of for securing the Sum of and Interest [*or* for granting an Annuity of *as the Case may be*; *or, if such Transfer be by Endorsement,* the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*or* the Annuity thereby granted], and in and to the Rates or Rents, Money and Property, thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

SCHEDULE (D.)

Parish of Cottingham in the East Riding of the County of York.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
West Part of the River -	John Breeding, or the Commissioners of the Court of Sewers for the East Parts of the East Riding of the County of York.	- - -	The Public, as a navigable River.
Field and River Banks -	John Breeding -	- - -	John Breeding.
"Great Friar Close" -	Marmaduke Thomas Prickett, Esq.	- - -	Adam Naylor.
Cottage and Homestead -	John Breeding -	- - -	John Breeding.
Public House and Garden	John Breeding - -	- - -	Joseph Taylor.
Wharf - - -	John Breeding, or the Surveyors of the Highways of the Parish of Cottingham.	- - -	The Surveyors of the Highways of the Parish of Cottingham.
Part of the public Road and a Wharf.	The Surveyors of the Highways of the Parish of Cottingham.	- - -	The Surveyors of the Highways of the Parish of Cottingham.
Banks and West Part of the Bed of the River.	The Surveyors of the Highways of the Parish of Cottingham, or the Churchwardens of the Parish of Cottingham, or the Commissioners of the Court of Sewers for the East Parts of the East Riding of the County of York.	John Hewetson, Esq.	William Wood (as Tenant of the Ferry).
Bridge of the Cottingham Beck.	Trustees of the Cottingham Drainage.	- - -	John Breeding, and the Surveyors of the Highways of the Parish of Cottingham.
GardenLand, and Footpath over the same.	John Breeding - -	- - -	John Breeding, and the Surveyors of the Highways of the Parish of Cottingham.
The King's Banks -	Thomas Kennington -	- - -	William Herbert.

Parish of Sculcoates in the Borough of Kingston-upon-Hull.

A public Footpath -	Thomas Kennington, or the Surveyors of the Highways of the Parish of Sculcoates.	- - -	William Herbert.
Part of a Field - -	Thomas Kennington -	- - -	William Herbert.
Part of the same Field -	Thomas Kennington -	- - -	Richard Johnson.
Occupation Road and public Footpath in front of a Messuage and to the Field.	Thomas Kennington, and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	Thomas Sissons the younger, and the Surveyors of the Highways of the Parish of Sculcoates.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers
Occupation Road and public Footpath in front of Ten Cottages.	Thomas Kennington, and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	1st Cottage, John Norton. 2d Do., Samuel Burrell. 3d Do., Robert Arnett. 4th Do., Richard Johnson. 5th Do., Richard Johnson, sub-let to John Robson. 6th Do., John Nettleton. 7th Do., Joseph Jennings. 8th Do., William Stathers. 9th Do., Benjamin Ward. 10th Do., John Brook Fea, sub-let to James Shaw.
Occupation Road and public Footpath in front of an Oil Mill.	Boswell Middleton Jalland, Esq., and William Empson Jalland, Esq., and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	John Brook Fea, and the Surveyors of the Highways of the Parish of Sculcoates.
Occupation Road and public Footpath in front of a Tar and Turpentine Distillery.	John Mayfield Storry, Joseph Smithson, and Joseph Newham, and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	John Mayfield Storry, Joseph Smithson, and Joseph Newham, and the Surveyors of the Highways of the Parish of Sculcoates.
Occupation Road and public Footpath in front of the Gas Works.	Benjamin Attwood and John Robert Snow, Esqrs., the Trustees of the British Gas Light Company, and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	The British Gas Light Company, and the Surveyors of the Highways of the Parish of Sculcoates.
Occupation Road and public Footpath in front of a Messuage and Garden.	George Parker and John Parker, and the Surveyors of the Highways of the Parish of Sculcoates.	- -	Thomas Sissons the elder, and the Surveyors of the Highways of the Parish of Sculcoates.
Occupation Road and public Footpath between a Pasture Field and the Fore-shore.	Jacob George Wrench and Edward Stewart, Esqrs., the Trustees of the British Gas Light Company, and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	William Glossop and Robert Glossop, and the British Gas Light Company, and the Surveyors of the Highways of the Parish of Sculcoates.
Occupation Road and public Footpath between the Two Parts of a Tar and Turpentine Distillery.	Samuel Cooper, and the Surveyors of the Highways of the Parish of Sculcoates.	Robert Lee -	William Oxley English and John Watson his Partner, the Surveyors of the Highways of the Parish of Sculcoates.
Occupation Road and public Footpath.	Avison Terry, Esq., and Rev. Thomas Dikes, and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	Richard Marshall, Charles Miller, George Curtis, Henry Blundell, Joseph Blundell, and Robert Spence, and the Surveyors of the Highways of the Parish of Sculcoates.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Occupation Road and public Footpath.	Thomas Jackson, Samuel Cooper, Richard Marshall, Mary Marshall, Rev. John I'on, and John Collins, and Surveyors of the Highways of the Parish of Sculcoates.	- - -	John Carter, Thomas Ward, Henry Levett, and Benjamin Levett, and the Surveyors of the Highways of the Parish of Sculcoates.
Occupation Road and public Footpath.	Henry Broadley, Esq., M.P., and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	William Binks, Thomas English, and Edgar Wilkins English, and the Surveyors of the Highways of the Parish of Sculcoates.
Occupation Road and public Footpath between the Churchyard and the Fore-shore.	Rev. William Preston as Vicar of Sculcoates, and the Surveyors of the Highways of the Parish of Sculcoates.	- - -	The Surveyors of the Highways of the Parish of Sculcoates.
Church Street - -	The Surveyors of the Highways of the Parish of Sculcoates.	- - -	The Public, and the Surveyors of the Highways of the Parish of Sculcoates.
Skidby Drain Bridge -	Trustees of the Skidby Drainage.	- - -	The Surveyors of the Highways of the Parish of Sculcoates and the Public.
Cumberland Street, partly laid out and partly across the Fields.	Henry William Maister and John Swann.	- - -	Harriet Rawling, Thomas Humphrey, and James Sadler.
Church Street - -	The Surveyors of the Highways of the Parish of Sculcoates.	- - -	The Public, and the Surveyors of the Highways of the Parish of Sculcoates.
Beverley and Barmston Drain Bridge.	Commissioners of the Beverley and Barmston Drainage.	- - -	William Glossop and Robert Glossop, and the Surveyors of the Highways of the Parish of Sculcoates.
Cottingham Drain Bridge	Trustees of the Cottingham Drainage.	- - -	The Public, and the Surveyors of the Highways of the Parish of Sculcoates.
Church Street and Wincolmlee.	The Surveyors of the Highways of the Parish of Sculcoates.	- - -	The Public, and the Surveyors of the Highways of the Parish of Sculcoates.

Parish of Sutton, partly in the East Riding of the County of York, and partly in the Borough of Kingston-upon-Hull.

East Side of the Bed of the River.	John Hewetson, Esq., or the Trustees of the Holderness Drainage, or the Commissioners of the Court of Sewers for the East Parts of the East Riding of the County of York.	- - -	William Wood (as Tenant of the Ferry).

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Private Road - -	John Hewetson, Esq. -	- - -	John Hewetson, William Wood, William Whiteside, and James Tran.
Part of the Stoneferry Street and Road.	The Surveyors of the Highways of the Parish of Sutton.	- - -	Surveyors of the Highways of the Parish of Sutton.
Carriage Road over a Field, and Footpath over the same Field parallel to the Carriage Road.	Henry Broadley, Esq., M.P., and the Surveyors of the Highways of the Parish of Sutton.	- - -	John Santon Easterby, and the Surveyors of the Highways of the Parish of Sutton.
Carriage Road over a Field, and Footpath over the same Field parallel to the Carriage Road.	Henry Broadley, Esq., M.P., and the Surveyors of the Highways of the Parish of Sutton.	- - -	George Jackson, and the Surveyors of the Highways of the Parish of Sutton.
Public Highway and Street	The Surveyors of the Highways of the Parish of Sutton.	- - -	The Surveyors of the Highways of the Parish of Sutton.
Bridge over the Old Drain near the Flax Mills.	The Trustees of the Holderness Drainage, or the Commissioners of the Court of Sewers for the East Parts of the East Riding of the County of York.	- - -	The Surveyors of the Highways of the Parish of Sutton.
Cleveland Street, Jennings Street, and Lime Street	The Surveyors of the Highways of the Parish of Sutton.	- - -	The Surveyors of the Highways of the Parish of Sutton.
Sutton Drain Bridge -	The Trustees of the Holderness Drainage, or the Commissioners of the Court of Sewers for the East Parts of the East Riding of the County of York.	- - -	The Surveyors of the Highways of the Parish of Sutton.

SCHEDULE (E.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be*, into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull," *or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same], pursuant to an Act passed, *&c.*, intituled, *&c.*, by the said Mayor, Aldermen, and Burgesses, do hereby convey to the said Mayor, Aldermen, and Burgesses, and their Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Mayor, Aldermen, and Burgesses, and their Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and

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SCHEDULE (F.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as hereinafter mentioned, by the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, acting in the Execution of an Act passed, *&c.*, intituled, *&c.*, do hereby convey to the said Mayor, Aldermen, and Burgesses, and their Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Mayor, Aldermen, and Burgesses, and their Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Mayor, Aldermen, and Burgesses, and their Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*,] Portions, henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

SCHEDULE (G.)

Form of Conviction.

Borough of Hull to wit. } Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me *C.D.*, One of Her Majesty's Justices of the Peace for the Borough of Kingston-upon-Hull [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the Provisions of an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act," *&c.* [*here set forth the Title of this Act*]. Given under my Hand and Seal, the Day and Year first above written.

C.D.

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