



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 65.

An Act for enlarging and improving the Market Place of the Town of *Kingston-upon-Hull*, and for making a commodious Street from thence to the River *Humber*, with a Dock and Wharf or Landing Place for the Ferry and Market Boats belonging and resorting to the said Town. [20th June 1801.]

WHEREAS the Town or Borough of *Kingston-upon-Hull* is very large and populous; and, from the great Increase of Inhabitants, and of the Trade and Commerce thereof, the Market Place hath become too small, and the Streets called *The Butchery* and *Queen Street*, near and leading thereto, are very narrow and incommodious: And whereas the Landing Places used for the Ferry and Market Boats, belonging and resorting to the same Town, are in a very inconvenient Situation: And whereas it would contribute much to the Convenience and Accommodation, as well of the Inhabitants of the said Town as the Publick in general, if the said Market Place were enlarged and improved, and if divers Messuages, Tenements, and Buildings, in the said Town of *Kingston-upon-Hull*, were taken down, and One commodious Street made, to extend from the South End of the Market Place aforesaid to the River *Humber*; and if a Dock were made at the South End of the same Street, adjoining the River, with a proper and convenient Wharf or Landing Place

Preamble

[Loc. & Per.]

13 P

Place

Mayor and Burgeses to enlarge the Market Place, and take down the Guildhall for that Purpose.

To erect another Guildhall at their own Expence.

During the Time of taking down and rebuilding the Guild hall, Mayor, &c. to provide a Place for the publick Business.

To lay out a new Street, etc.

And also to build Houses.

Place for the Accommodation of the said Ferry and Market Boats; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor and Burgeses of the said Town or Borough of *Kingston-upon-Hull*, in Common Council assembled, shall be and they are hereby empowered to take down the Building called or known by the Name of *The Guildhall of the Town of Kingston-upon-Hull*, and to lay out the Ground whereon the same stands, or so much thereof as they shall judge necessary, in enlarging and improving the Market Place of the said Town; and the said Mayor and Burgeses in Common Council assembled, are hereby directed and required, at their own Expence, to erect and build, or cause to be erected and built, in a good and workmanlike Manner, a larger and more commodious Guildhall, upon such Part of the Ground whereon the present Guildhall now stands as shall not be wanted for the Purposes aforesaid, and on other Ground belonging to the said Mayor and Burgeses which adjoins thereto, or upon some Part of the Ground near or adjoining to the present Guildhall, which shall be purchased under the Authority of this Act; and that the said new Guildhall, when erected and built as aforesaid, shall be maintained, supported, and kept in Repair by and at the Expence of the said Mayor and Burgeses and their Successors for ever.

II. And be it further enacted, That during the Time of taking down the present Guildhall, and until the said new Guildhall shall have been built, and made fit and opened for publick Business, the said Mayor and Burgeses shall, and they are hereby directed and required, at their own Expence, to provide some other fit and convenient Place, in the said Town of *Kingston-upon-Hull*, to be used in like Manner and for the like Purposes as the present Guildhall hath been used or is properly applicable.

III. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgeses in Common Council assembled, and they are hereby authorized and empowered, by themselves or their Deputies, Agents, Workmen, and Servants, to design, lay out, open, and make a spacious and commodious Street, of the Breadth of not less than Forty Feet, to extend from the South End of the Market Place aforesaid in a Southerly Direction to the River *Humber*, and to erect Dwelling Houses, Shops, and other Buildings on the East Side thereof; also a suitable and convenient Dock at the South End of the said Street, to communicate with the River, and a publick Wharf or Landing Place there, for the Accommodation of the Ferry and Market Boats belonging and resorting to the said Town of *Kingston-upon-Hull*; and for those Purposes, to purchase and take down all such Houses and other Buildings as are described or mentioned in the Schedule hereunto annexed, or such or so many of them, or such Parts thereof respectively, as may be necessary; and to leave open all or so much of the Scites of the said Houses or the Grounds thereunto belonging as they may judge proper for the Purposes aforesaid; and to erect and build, or cause to be erected and built, Dwelling Houses or other Buildings upon such Part of the Ground to be purchased by virtue and under the Authority of this Act, as shall not be wanted for the Street intended to be made as aforesaid.

IV. Provided

IV. Provided always, and be it further enacted, That the said Mayor and Burgesses in Common Council assembled, shall well and effectually pave over the Ground of the said new intended Street, with the Materials of the Pavement of the present Streets so far as they will extend, and with a sufficient Quantity of new Materials of like Quality to supply the Deficiency; and that, after the same new Street shall be so completed, made, and paved as aforesaid, the same shall for ever after be kept in Repair by such Ways and Means as the other publick Streets in the said Town of *Kingston-upon-Hull* are now kept in Repair, and shall be subject to the like Powers, Provisoos, and Authorities, with respect to paving, lighting, and cleansing, as the other publick Streets in the said Town of *Kingston-upon-Hull* are now subject to; and that after the said Dock and Wharf or Landing Place as aforesaid shall be made and completed, the same shall be maintained, supported, and kept in Repair by and at the Expence of the said Mayor and Burgesses and their Successors for ever.

New Street to be paved.

V. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgesses in Common Council assembled, to cause to be built upon, stopped up, or inclosed, any of the present Courts, Alleys, Ways, or Passages adjoining the said intended new Street, and which now are or heretofore were used as Ways or Passages, and any Part or Parts thereof which shall appear to the said Mayor and Burgesses in Common Council assembled, proper to be built upon, stopped up, or inclosed, for the Purpose of carrying this Act into Execution, and to sell and dispose of or let the Ground and Soil thereof to any Person or Persons, for such Uses as they shall think proper, and to apply the Money arising by such Sale or Sales or Letting, to the Purposes of this Act.

To appropriate Courts, Alleys, etc. taken for the Purposes of this Act.

VI. And whereas His Majesty hath been graciously pleased to signify His Royal Pleasure that, in order to enable the said Mayor and Burgesses to make such Dock and Wharf or Landing Place as aforesaid, for the Reception of the said Ferry and Market Boats, and other the Purposes herein-before mentioned, all that Plot or Parcel of Ground situate and being in the Town of *Kingston upon-Hull* aforesaid, in or near certain Streets or Places there called *The Fore Ropery* and *Back Ropery* or *Humber Street*, abutting upon Ground belonging to His Majesty, called *The Artillery Yard*, and Ground of the said Mayor and Burgesses, on or towards the East; on other Ground of the said Mayor and Burgesses on or towards the West; on the said Streets called *The Fore Ropery* and *Back Ropery* or *Humber Street* on or towards the North; and on the Fore Shore of the River *Humber* on or towards the South, with the Erections and Buildings thereon standing, now in the several Tenures or Occupations of *Thomas Nicholson*, *John Atkin*, *Timothy Thorney*, *Thomas Gleadow*, and others, (being Part of the Land belonging to His Majesty's Military Works at the said Town of *Kingston-upon-Hull*), shall, in Consideration of the Sum of Two thousand four hundred Pounds of lawful Money of *Great Britain*, to be paid by the said Mayor and Burgesses into the Treasury of His Majesty's Office of Ordnance, and to be applied to the current Service of His Majesty's said Office of Ordnance, be granted and confirmed unto the said Mayor and Burgesses and their Successors; be it therefore enacted, That upon Payment of the said Sum of Two thousand four hundred Pounds by the said Mayor and Burgesses to the Treasurer for the Time being of His Majesty's said Office of Ordnance

Crown Land granted to the Mayor and Burgesses for a Dock and Landing Place for the Ferry.

Ordnance, or his Deputy, (who is hereby authorized and required to receive such Money, and to give a Receipt or Discharge for the same), all that the said Plot or Parcel of Ground, Hereditaments, and Premises above-mentioned and described, with the Appurtenances, shall be granted and confirmed, and the same are hereby declared to be accordingly granted and confirmed to the said Mayor and Burgeses and their Successors, and the same shall thereupon become vested in the said Mayor and Burgeses and their Successors for ever, freed and absolutely discharged of and from all Claim, Right, and Title whatsoever of His Majesty's Right of the Crown, His Heirs, and Successors; and that from and immediately after Payment of the Sum of Two thousand four hundred Pounds of aforesaid, it shall be lawful for the said Mayor and Burgeses and their Successors to enter upon and take Possession of the same Plot or Parcel of Ground, Hereditaments, and Premises, and to convert and apply the same for the Purposes hereby directed.

Form of the Receipts.

VII. And be it further enacted, That the Receipt or Discharge hereinbefore directed to be given for the said Sum of Two thousand four hundred Pounds, shall be in the Words or to the Effect following, (*videlicet* :)

RECEIVED the _____ Day of _____ of the
 Mayor and Burgeses of the Town or Borough of *Kingston-upon-Hull*, the Sum of Two thousand four hundred Pounds of lawful Money of *Great Britain*, in full for the absolute Purchase of all that Plot or Parcel of Ground, Hereditaments, and Premises, being Part of the Land belonging to His Majesty's Military Works at the said Town of *Kingston upon Hull*, and which, by an Act of Parliament passed in the Forty-first Year of His said Majesty's Reign, intituled, [*Here insert the Title of this Act*] are directed and declared to become vested in the said Mayor and Burgeses, upon Payment of the said Sum of Two thousand four hundred Pounds into the Treasury of His Majesty's Office of Ordnance, and which said Sum of Two thousand four hundred Pounds is to be applied to the current Service of His Majesty's said Office of Ordnance. As Witness my Hand.

Witness,

Treasurer or Deputy Treasurer,
 (*as the Case may be.*)

Which Receipt or Discharge when so signed by the said Treasurer, or his Deputy for the Time being, shall be enrolled in the Office of the King's Remembrancer of His Majesty's Court of Exchequer at *Westminster*; and the proper Officer of the said Court is hereby required, upon the Production of such Receipt to enrol the same, and at the Foot or on the Back thereof to give a Certificate of such Enrolment; and the said Receipt or Discharge, or a Copy of such Enrolment, duly attested by the proper Officer of the said Court of Exchequer, shall at all Times thereafter be admitted and allowed as Evidence in any Court of Law or Equity of the Payment of the said Sum of Two thousand four hundred Pounds in pursuance of this Act.

Mayor, etc.
 empowered to purchase.

VIII. And be it further enacted, That it shall be lawful for the said Mayor and Burgeses in Common Council assembled, and they are hereby empowered, to treat and agree, and to employ any Person or Persons to treat and agree with the Owners and Occupiers thereof, and other Persons entitled thereto, for the Purchase of all the Houses, Buildings, Lands, Tenements,

Tenements, and Hereditaments mentioned and described in the Schedule hereunto annexed, or so many or such Part or Parts of such Houses, Buildings, Lands, Tenements, and Hereditaments respectively, as they shall think necessary or proper to be purchased, removed, or pulled down, for effecting the said Improvements; and after Payment of the Sum or Sums of Money which shall be agreed upon or ascertained for such Purchase or Purchases, the said Mayor and Burgeses in Common Council assembled are hereby authorized to appoint their Agents or Workmen to pull down such Houses or Buildings, and remove, sell, or dispose of the Materials thereof, and to lay out such Lands respectively into such intended Street as aforesaid, or otherwise apply and dispose thereof for the Purposes of this Act.

IX. Provided always, and be it further enacted, That if any Premises in the Schedule hereunto annexed mentioned, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act; but the same Premises, and every Part thereof, shall and may be purchased, sold, conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same were properly or more particularly named or described.

Misnomer not to prevent the Execution of the Act.

X. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politick, Corporate, or Collegiate, shall be applied to by or on Behalf of the said Mayor and Burgeses in Common Council assembled, to treat for, sell, dispose of, or convey, for any of the Purposes of this Act, any Part or Parts of any House, Building, Land, Tenement, or Hereditament, in the actual Occupation of One Person, or of several Persons jointly, and shall by Notice in Writing to be left at the Office of the Town Clerk of the said Town of *Kingston-upon-Hull*, within Thirty Days next after such Application, signify his, her, or their Inclination or Desire to treat for, sell, dispose of, and convey the Whole of such House, Building, Land, Tenement, or Hereditament, some Part whereof shall be deemed necessary to be purchased for the Purposes of this Act, and it shall happen that the said Mayor and Burgeses in Common Council assembled shall not think proper or be willing to purchase the Whole of such House, Building, Land, Tenement, or Hereditament, then and in every such Case, nothing in this Act contained shall extend or be construed to extend to compel the several Persons interested therein to treat for, sell, dispose of, or convey Part only, or less than the Whole of such House, Building, Land, Tenement, or Hereditament; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

No Person compellable to sell Part of his Property if willing to sell the Whole.

XI. Provided always, and be it further enacted, That if the said Mayor and Burgeses in Common Council assembled shall not, within the Space of Twelve Calendar Months next after the passing of this Act, agree for or cause to be valued as herein-after mentioned, and within Six Years then next following actually purchase and pay for, the Houses, Lands, Tenements, and Hereditaments which they are hereby empowered to purchase for the Purposes aforesaid, then and in such Case the Owners or Proprietors of such Houses, Buildings, Lands, Tenements, and Hereditaments which shall not have been so agreed for, or valued, purchased,

Corporation not valuing or purchasing Premises within certain Periods, the Owners thereof not bound to sell to them.

and paid for, within the several Times herein-before limited for such Purposes respectively, shall not be bound or obliged to sell such Houses, Buildings, Lands, Tenements, and Hereditaments, or any of them, or any Part or Parcel of them or any of them, to the said Mayor and Burgeses, for the Purposes of this Act; any Thing herein contained to the contrary notwithstanding.

Bodies Politick, etc. Trustees, and other Persons empowered to sell and convey Lands, etc.

XII. And be it further enacted, That it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust for charitable or other Uses, and all other Trustees and Feoffees in Trust whatsoever, Guardians and Committees for Lunaticks and Idiots, Executors, Administrators, and Guardians whatsoever, not only for or on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Persons whomsoever, and to and for all Femes Covert who are or shall be seised in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any Houses, Buildings, Lands, Tenements, or Hereditaments, which by the said Mayor and Burgeses in Common Council assembled shall be thought necessary to be purchased for any of the Purposes of this Act, to sell and convey, assign or surrender all or any such Houses, Buildings, Lands, Tenements, or Hereditaments, or any of them, or any Part or Parcel thereof, and all their respective Interests therein of what Nature or Kind soever, to the Mayor and Burgeses of the said Town or Borough of *Kingston-upon-Hull* and their Successors, or any Person or Persons in Trust for them; and that all Contracts, Agreements, Bargains, Sales, Conveyances, Assignments, Surrenders, and Assurances, which shall be made by such Persons as aforesaid, shall be good and valid in the Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; all which Conveyances and Surrenders so to be made in pursuance of this Act, or a Memorial thereof, shall, within Six Calendar Months next after the making thereof, be registered at the publick Register Office established in *Beverley*, in the East Riding of the County of *York*, by an Act passed in the Sixth Year of the Reign of Her late Majesty *Queen Anne*, at the Expence of the Purchasers; and that all such Persons so conveying as aforesaid, or making such Assurances as aforesaid, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act, notwithstanding any Omission or Mistake of Matter or Form whatsoever; and if it shall happen that any Bodies Politick, Corporate, or Collegiate, or any other Person or Persons, seised or possessed of, or interested in any such Houses, Buildings, Lands, Tenements, or Hereditaments, in the said Schedule mentioned and described, shall refuse to treat or agree, or by reason of Disability cannot agree with the said Mayor and Burgeses in Common Council assembled, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction

Conveyances to be registered.

When Parties refuse to treat, etc. a Justice of Peace for the East Riding of the County of *York* to issue a Precept for impannelling a Jury;

tion of the said Mayor and Burgeses in Common Council assembled, or of the Person or Persons so authorized by them, then and in every such Case it shall be lawful for any One of His Majesty's Justices of the Peace for the East Riding of the County of *York*, upon Application to him made by the said Mayor and Burgeses in Common Council assembled, and such Justice of the Peace is hereby authorized and required, within Fourteen Days next after such Application to be made, to issue his Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the said County of *York*, who is hereby authorized, directed, and required accordingly to impanel, summon, and return a competent Number of substantial and disinterested Persons of the said Riding, qualified to serve on Juries, not less than Forty-eight nor more than Seventy-two; and out of such Persons so to be impaneled, summoned, and returned, a Jury of Twelve Men shall be drawn by some Person to be by the said Justice appointed, in such Manner as Juries for the Trials of Issues joined in His Majesty's Courts at *Westminster* are by an Act made in the Third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the better Regulation of Juries*, directed to be drawn; which Persons so to be impaneled, summoned, and returned as aforesaid, are hereby required to come and appear before the said Justice at such Time and Place, within the said Town of *Kingston-upon-Hull*, as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, and to attend the said Justice from Day to Day until discharged by him; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array; and the said Justice is hereby authorized and empowered by Precept or Precepts, from Time to Time as Occasion shall require, to call before him all and every Person and Persons whomsoever who shall be thought proper and necessary to be examined as a Witness or Witnesses, on his, her, or their Oath or Oaths, touching or concerning the Premises; and the said Justice if he thinks fit, shall and may, on the Application of either Party, otherwise authorize the said Jury to view the Place or Places or Premises in question, in such Manner as they shall direct; and the said Justice shall have Power to adjourn such Meeting from Day to Day, as Occasion shall require, and to command such Jury, Witnesses, and Parties to attend until all such Affairs for which they were summoned shall be concluded; and the said Jury upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justice is hereby empowered and required to administer) shall enquire of the Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seized or possessed thereof or interested therein, or of or in any Part thereof, and shall assess or award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, Lands, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and also for the Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, either as Leaseholder or Tenant at Will, and the said Justice shall and may give Judgement for such Sum or Sums of Money so to be assessed; which said Verdict or Verdicts, and the said Judgement and Judgements, Determination and Determinations thereupon (Notice in Writing being given to the Person or Persons interested, or claiming so to be, at least

who are to be drawn as the Act 3 Geo. II. directs.

Jury may be challenged.

Jury to assess the Value on Oath.

Verdict of the Jury, etc. to be final.

Fourteen

Fourteen Days before the Time of Meeting of the said Justice and Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their usual Place or Places of Abode, or with some Tenant or Occupier of some of the said Houses, Buildings, Lands, Tenements, or Hereditaments intended to be valued or assessed) shall be binding and conclusive to all Intents and Purposes whatsoever, as well against the King's Majesty, His Heirs and Successors, as against all Bodies Politick, Corporate, and Collegiate, and all and every Person or Persons claiming any Estate, Right, Title, Trust, Use, or Interest, in, to, or out of such Houses, Buildings, Lands, Tenements, or Hereditaments and Premises, in Possession, Reversion, Remainder, or Expectancy, as well as Infants and Issue unborn, Lunaticks, Idiots, and Femes Coverd, and Persons under any other legal Incapacity or Disability, as all other Cestuique Trusts; his, her, and their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgements, and Determinations, and all other Proceedings of the said Justice and Juries so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed by the Clerk of the Peace for the said Riding; and in case it shall so happen that the Sum or Sums of Money so to be assessed and awarded, in consequence of such Refusal to treat and agree as aforesaid, as the Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, or as such proportionable Value as aforesaid, and as the Recompence and Satisfaction to be made for the Injury or Damage sustained as before mentioned respectively shall not exceed the Sum or Sums of Money which the said Mayor and Burgeses in Common Council assembled, or any Person or Persons authorized by them, shall have previously offered to pay as and for such Value, Recompence, and Satisfaction, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Value and Recompence to be assessed and awarded by a Jury as aforesaid, and of so assessing and awarding the same, shall be borne and paid by the Bodies Politick, Corporate, or Collegiate, or other Person or Persons so seized or possessed of, or interested in such Houses, Buildings, Lands, Tenements, or Hereditaments, and so refusing to treat and agree as before-mentioned respectively; and the said Mayor and Burgeses in Common Council assembled are hereby authorized and empowered to deduct and retain the said Costs, Charges, and Expences out of the Sum or Sums of Money so to be assessed or awarded as aforesaid, or out of any Part thereof.

Upon Payment of the Value assessed, the Premises to be conveyed to the Mayor, etc.

XIII. And be it further enacted, That upon Payment of the Sum or Sums of Money so to be awarded and adjudged as aforesaid, after such Deduction as aforesaid, if the Case shall so require, to the Person or Persons to whom the same shall be so awarded, for the Purchase of the said Houses, Buildings, Lands, Tenements, or Hereditaments, or for the Purchase of any Estate or Interest therein, such Person or Persons shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances in the Law to the said Mayor and Burgeses, and their Successors, or any Person or Persons in Trust for them, of the said Houses, Buildings, Lands, Tenements, and Hereditaments, or of such Estate or Interest, for which such Sum or Sums of Money shall be so awarded, and shall procure all necessary Parties to execute such Conveyances, Assignments, and Assurances, and shall do all Acts, Matters,

Matters and Things necessary and requisite to make and derive a good, clear, and perfect Title thereto to the said Mayor and Burgeses; and such Conveyances, Assignments, and Assurances shall contain all such reasonable and usual Covenants as shall, on the Part of the said Mayor and Burgeses, be required; and in case the Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid, shall not be able to evince and make out a good and sufficient Title to the Premises to the Satisfaction of the said Mayor and Burgeses, and to make or procure to be made good, valid, and legal Conveyances thereof to the said Mayor and Burgeses, or any Person or Persons in Trust for them, or shall refuse so to do, being thereto required, and such Sum or Sums so assessed and awarded as aforesaid, after such Deduction as aforesaid, being produced and tendered to be paid to him, her, or them, on their making such Title, and executing, or procuring to be executed such Conveyances, Assignments, and Assurances as aforesaid, or shall refuse to accept or receive the same, being tendered to be paid to him, her, or them; or in case any such Person or Persons to whom any Sum or Sums of Money as aforesaid shall be so awarded, cannot be found in the said Town of *Kingston-upon-Hull*, or within Two Hundred Miles thereof; or in case that by reason of Disputes depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear to the said Mayor and Burgeses in Common Council assembled, what Person or Persons is or are entitled to the Premises in question, then and in every such Case it shall be lawful for the said Mayor and Burgeses to order the said Sum or Sums of Money so assessed and awarded as the Value and Purchase Money for the said Houses, Buildings, Lands, Tenements, and Hereditaments as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums, or any Part thereof, by Motion or Pétition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order Distribution thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as the same Court shall think just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum and Sums, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person as shall pay any such Sum or Sums into the Bank as aforesaid.

When a good Title cannot be made, or legal Conveyances executed;

or the Parties are not to be found;

Court to order the Purchase Money to be paid into the Bank, etc.

subject to the Order of Court of Chancery, on Motion or Pétition.

XIV. And be it further enacted, That all such Verdicts, Judgements, Determinations, Orders, and other Proceedings of the said Justice and Juries as relate to or concern any of the Cases before mentioned, and all Receipts which the said Cashier or Cashiers of the Bank shall give for any Sum or Sums of Money paid into the Bank in consequence of any Verdict and Judgement, shall be entered among the Records of the General Quarter Sessions of the Peace for the said Riding; and the

Verdicts to be recorded.

Immediately
after Verdicts
and Payments,
&c. Premises
to vest in
Mayor, &c.

said Verdicts, Judgements, Sentences, Decrees, and Orders, and other Proceedings, shall be deemed and taken to be Records, to all Intents and Purposes whatsoever; and the same or true Copies thereof, shall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatsoever; and all Persons shall and may have Recourse to the same *gratis*, and to take Copies thereof, paying for every Copy not exceeding Two hundred Words Sixpence, and so proportionably for any greater Number of Words; and immediately after such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Justice and Juries, and Payment into the Bank as aforesaid, and after such Receipt or Receipts of the said Cashier or Cashiers shall be given as before mentioned, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons to whose Credit such Money shall be paid, into and out of the Houses, Buildings, Lands, Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall vest in the said Mayor and Burgeses, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Credit such Payment shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Application of
Compensation
where exceed-
ing 200*l*.

XV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity aforesaid, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Mayor and Burgeses, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or toward the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting other Houses, Buildings, Lands, Tenements, or Hereditaments standing settled therewith, to the same or to the like Uses, Intents, or Purposes; or where such Money shall not be

so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Houses, Buildings, Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

XVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid (at the like Option) to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Mayor and Burgeses (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money does not exceed 200 *l.* nor less than 20 *l.*

XVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used

Application where Money is less than 20 *l.*

used for the Purposes of this Act, in such Manner as the said Mayor and Burgeses shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Bargains and Sales to have the Force of Fines and Recoveries.

XVIII. And be it further enacted, That the Conveyances of any such Estate or Interest of any Feme Covert to the said Mayor and Burgeses, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert, in the Presence of and attested by Two credible Witnesses, and duly acknowledged, and enrolled at the Register Office in and for the East Riding of the County of York, and Town and County of the Town of Kingston-upon-Hull, within six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises, as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Houses, Buildings, Lands, Tenements, and Hereditaments as shall be purchased by the said Mayor and Burgeses by virtue of and for the Purposes of this Act, and enrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever would have had, if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seized of any Estate in the Premises in Trust for such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Mayor and Burgeses.

XIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expence as the said Court shall deem reasonable, to be paid by the said Mayor and Burgeses, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons having any Right, &c. to enter their Claims within a limited Time, or be barred.

XX. And be it further enacted, That all and every Person and Persons whomsoever having or claiming any Right, Title, Interest, Use, Property, Claim, and Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, into or out of any Houses, Buildings, Lands, Tenements, or Hereditaments, which by virtue and for the Purposes of this Act shall be purchased by, and conveyed or mentioned or intended to be conveyed to the said Mayor and Burgeses, or any Person or Persons in Trust for them, by any such Bargain and Sale as aforesaid, shall, within the Space of Five Years, to be computed from the Date of the Enrolment of such Bargain and Sale, enter a Memorial of such their Right, Title, Interest, Use, Property, Claim, and Demand, in a Book to be for that Purpose prepared and kept by the Town Clerk of the said Town of Kingston-upon-Hull, which Book the said Town Clerk is hereby required

to prepare and keep accordingly, and for which Entry he shall be entitled to such Fee, and no other, as the Register of the East Riding of the County of York is by Law entitled to for the Registry of a Memorial containing the same Number of Words; and all and every Person and Persons whomsoever, not entering such Right, Claim, and Demand within such Time and in such Manner as aforesaid, or having so entered the same, and not prosecuting such their Right, Claim, or Demand with Effect within the Space of Five Years, to be computed from the Time of such Entry, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, and Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, into, upon, or out of the said Premises, and every Part thereof, and the said Mayor and Burgeses, and those claiming by, from, or under them, shall be quieted in the Possession of all such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises; any Law, Statute, Usage, Matter, or Thing whatsoever to the contrary notwithstanding.

XXI. Provided nevertheless, and be it further enacted, That any Person or Persons barred of any Right, Title, Estate, Interest, Claim, or Demand whatsoever, into or out of the said Houses, Buildings, Lands, Tenements, or Hereditaments, by virtue of this Act, shall be at Liberty to bring any Action or Actions of Debt, or for Money had and received to his, her, or their Use, against any Person or Persons, or the legal Representatives of any Person or Persons who shall have received all or any Part of the Purchase Money arising from such Sale of the said Houses Buildings, Lands, Tenements, Hereditaments, and Premises aforesaid; and that in every such Case the respective Plaintiffs, on Proof of such Title as would enable them to recover such Houses, Buildings, Lands Tenements, or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase Money, or so much thereof as shall be equivalent to the Mesne Profits of the Premises which they would have been entitled to recover in case this Act had not been made.

But may recover the Purchase Money, &c. from Persons receiving the same.

XXII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, or any Part thereof, which shall be purchased by virtue of and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or as Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Mayor and Burgeses, or to such Person or Persons as the said Mayor and Burgeses in Common Council assembled shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the Mayor and Burgeses in Common Council assembled, or the Person or Persons so authorized by them; and such Person or Persons in Possession shall, at the End of the said Six Calendar Months, or so soon after as he or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Mayor and Burgeses, or the Person or Persons authorized by the said Mayor and Burgeses in Common Council assembled, to take Possession thereof; and that in case any such Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, then it shall be lawful for any Justice of the Peace for the said

Tenant at Will, &c. to deliver Possession on Six Months Notice.

Town and County of the said Town of ~~Kingston upon Hull~~, to issue his Precept or Precepts to the Sheriff of the said Town and County, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Mortgagees,
on Tender of
Principal and
Interest, to
convey.

XXIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Houses, Buildings, Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Mayor and Burgesses in Common Council assembled, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Mayor and Burgesses, or to such Person or Persons as they the said Mayor and Burgesses in Common Council shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Mayor and Burgesses in Common Council assembled, or such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, that then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Mayor and Burgesses, or such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine.

On Refusal
Interest to
cease.

Upon Pay-
ment of Prin-
cipal and
Interest into
the Bank.

XXIV. And be it further enacted, That upon Payment of the Principal Money, and Interest due on any Mortgage as aforesaid into the Bank, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagees, the Cashier or Cashiers shall give a Receipt or Receipts for the said Money, in like Manner as is herein before directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Mayor and Burgesses, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages to all Intents and Purposes whatsoever.

Monies to be
paid or ten-
dered before
any Use made
of the Pre-
mises.

XXV. And be it further enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be paid or made pursuant to any such Agreement or Verdict as aforesaid, or in Discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or paid into the Bank of *England* as aforesaid, be-
fore

fore the said Mayor and Burgeses in Common Council assembled, or any Person or Persons authorized by them, shall proceed to pull down any House or Houses, or other Erections or Buildings comprized in or affected by such Agreement, Verdict, or Mortgage respectively, or to use the Ground for any of the Purposes of this Act.

XXVI. And be it further enacted, That any Justice of the Peace for the said Riding shall have Power from Time to Time to impose a reasonable Fine, not exceeding the Sum of Ten Pounds, on such Sheriff or his Deputy, Bailiffs or Agents respectively, making Default in the Premises, and on any of the Persons who shall be summoned, and returned on any such Jury or Juries, or being so sworn shall not give his or their Verdicts, and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend (unless for some sufficient Excuse) or shall refuse to be sworn or to affirm, or who shall refuse to give his, her, or their Evidence, and on any other Person or Persons who shall in any other Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and from Time to Time to levy such Fine or Fines, by Order of the said Justice respectively, by Distress and Sale of the Offender's Goods and Chattels, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owner or Owners; and that a Copy of the Order of the said Justice, signed by the Clerk of the Peace of the said East Riding or his Deputy for the Time being, shall respectively be sufficient Authority to the Person or Persons therein to be appointed, and to every other Person or Persons acting, or aiding or assisting therein to make such Distress and Sale; and all such Fines shall be paid to the said Mayor and Burgeses in Common Council assembled, to be applied to the Purposes of this Act.

Justice for the East Riding may fine Sheriff, Juries, or Witnesses, for not attending, &c.

XXVII. And be it further enacted, That it shall be lawful for the said Mayor and Burgeses in Common Council assembled to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee, either for a Sum or Sums of Money in gross or for an annual Rent, or to mortgage or demise for a Term of Years, all such of the said Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be purchased by and conveyed to the said Mayor and Burgeses and their Successors, as shall not be wanted for the Purposes of the said intended new Street, or the said Dock or Landing Place, or any Part or Parts thereof, for such Sum or Sums of Money, or under such yearly Rents, and to be reserved or limited in such Manner, as the said Mayor and Burgeses in Common Council assembled shall from Time to Time judge proper; and that all such Grants, Conveyances, Mortgages and Demises shall be valid and effectual in the Law, any Thing herein contained, or any other Law, Statute, or Custom to the contrary notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales, Mortgage or Mortgages, of such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being of the said Mayor and Burgeses to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to the Purchaser or Purchasers, Mortgagee or Mortgagees, for the

Mayor, &c. empowered to re-sell Land, &c.

the Money for which such Premises shall be so sold or mortgaged, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication or Non-application, of such Purchase Money or any Part thereof: Provided always, That the said Mayor and Burgeses, before they shall sell and dispose of such Lands or Buildings, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Lands or Buildings; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Town and County of the Town of *Kingston-upon-Hull*, by some Person or Persons no way interested in the said Lands or Buildings, stating that such Offer was made by or on Behalf of the said Mayor and Burgeses, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom it was made, as the Case may be.

And to use
or sell old
Materials.

XXVIII. And be it further enacted, That the said Mayor and Burgeses in Common Council assembled, shall and may use or cause to be used such of the old Materials of Houses and other Buildings to be taken down, removed, or altered respectively pursuant to this Act, in or about the making and finishing of the aforesaid new Buildings and other Improvements, or any of them, or the same Materials, or any Part thereof, shall and may sell or cause to be sold as they shall think fit.

Monies arising
by Sales, &c.
to be appro-
priated to the
Purposes of
this Act.

XXIX. Provided always, and be it further enacted, That all Rents, and other Sum and Sums of Money to arise by the Sale or letting of the Houses, Buildings, Lands, Tenements, and Hereditaments to be let or sold, or by Sale of the Materials of Houses and Buildings to be purchased and pulled down as aforesaid, shall be applied and the same are hereby appropriated to the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Mayor, &c.
empowered to
appoint Com-
mittees.

XXX. And be it further enacted, That it shall be lawful for the said Mayor and Burgeses in Common Council assembled, from Time to Time to appoint One or more Committee or Committees to manage and transact all or any of the Matters or Purposes which they the said Mayor and Burgeses in Common Council assembled are hereby authorized and required to do, execute, or perform; which Committee or Committees so to be appointed, shall have such or so much of the Powers and Authorities by this Act given to the said Mayor and Burgeses in Common Council assembled as the said Mayor and Burgeses in Common Council assembled shall think fit or proper to delegate to such Committee or Committees.

Persons in-
terested not
eligible on
such Com-
mittee.

XXXI. Provided nevertheless, and be it further enacted, That if any Person, being a Member of any such Committee, shall be directly or indirectly interested or concerned in any Contract which shall be made or entered into by or on Behalf of such Committee, for or concerning any of the Works to be performed or done in pursuance of this Act,
or

or for or concerning any Materials to be used or employed therein, every such Contract shall be void; and the Person who, being a Member of such Committee, shall be so interested or concerned, shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, to be commenced within Six Calendar Months next after the Offence committed, in which Action or Suit respectively, no Protection, Essoign, or Wager of Law, or more than One Imparance shall be allowed.

XXXII. Provided always, and be it further enacted, That previous to the making of any such Contract, Notice shall be given in one of the *Hull* Newspapers, and by Handbills circulated in the said Town of *Kingston-upon-Hull*, that such Committee intend to make such Contract, and that all Persons willing to engage therein, may make Proposals to the said Committee, at a certain Time and Place in every such Notice to be specified; and all Contracts made or to be made in Consequence of such Notice, shall specify the several Works to be done, and the Price or Prices to be paid for the same, and the Time or Times when the said Works are to be completed, together with the Penalties to be incurred in case of the Non-performance thereof; and the same shall be signed by the Clerk for the Time being of such Committee, as also by the Person or Persons contracting to perform such Works respectively, and shall be entered in a Book or Books to be kept for that Purpose by such Committee.

Directions for giving Notice of Contracts.

XXXIII. Provided always, and be it further enacted, That it shall be lawful for the said Mayor and Burgeses in Common Council assembled, or such Committee or Committees as shall be appointed as herein-before is directed, and they are hereby authorized and empowered respectively, from Time to Time to nominate and appoint such and so many Clerks and other Officers under them, as shall be necessary to be employed in or about the Execution of all or any of the Purposes aforesaid, and to make such Allowances to the said Clerks and Officers respectively, for their Care and Pains in the Execution of their respective Offices, as they shall think reasonable; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Mayor, &c. to appoint Officers.

XXXIV. And be it further enacted, That all and every Officer and Officers, or other Person or Persons whomsoever concerned or to be concerned in the Receipt of any Money under or by virtue of this Act, before he or they shall be permitted to take upon him or them the Execution of any of the said Offices, shall be bound with sufficient Sureties to the said Mayor and Burgeses for the just and faithful Execution of such Office or Employment, in such reasonable Sum or Sums of Money as by the said Mayor and Burgeses in Common Council assembled shall be thought fit, having regard to the Trust reposed or to be reposed in such Officer or Officers.

Officers concerned in the Receipt of Money to give Security.

XXXV. And be it further enacted, That if any such Officer or Officers, or other Person or Persons as last above-mentioned, shall after Receipt of any of the Monies aforesaid, divert or misapply the same, or any

Penalty on Misapplication of Monies.

Part thereof, contrary to the true Intent and Meaning of this Act, then such Officer or Person respectively as aforesaid, so diverting or misapplying the said Money, shall forfeit treble the Sum so diverted or misapplied, with full Costs of Suit; which said Forfeitures shall be recovered by the said Mayor and Burgesses by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Ferry and Market Boats to land and deliver at the Wharf or Landing Place to be made as aforesaid, and not elsewhere.

XXXVI. Provided always, and be it further enacted, That when and so soon as the said Dock and Wharf or Landing Place shall be made, all the Ferry and Market Boats belonging or resorting to the said Town of *Kingston-upon-Hull*, shall proceed to the said Dock; and land and deliver their Passengers and Goods upon the said Wharf or Landing Place, and at no other Place within the Limits of the said Town, (except as hereafter mentioned); and that all such Ferry and Market Boats respectively shall take in and receive their Passengers and Goods, to be conveyed from the said Town of *Kingston-upon-Hull*, at the said Wharf or Landing Place, and at no other Place within the Limits of the said Town, (except also as hereafter mentioned).

Appointment of a Superintendent of the Dock.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Mayor and Burgesses in Common Council assembled, and they are hereby authorized, from Time to Time as Occasion shall require, to nominate and appoint a proper Person to be the Superintendent of the said Dock and Wharf or Landing Place, and to remove, suspend, or dismiss such Person so to be appointed at their free Will and Pleasure; which Superintendent of the said Dock shall have full Power and Authority to direct the mooring, unmooring, moving, or removing of all the Ferry and Market Boats coming into, lying, or being in the said Dock; also to appoint and direct the Time or Times and Manner of their Entrance into or going out of the same Dock, and the Situations and Birchs for such Boats to land or deliver, lade or take in, their respective Passengers and Goods, and the Time or Times of opening and shutting the Gates of the said Dock.

His Power.

Penalty for disobeying his Orders.

XXXVIII. Provided also, and be it further enacted, That after the said Dock and Wharf or Landing Place shall be made, if any Master, Servant, or other Person having the Charge or Direction of any Ferry or Market Boat, shall proceed to any other Place within the Limits of the said Town of *Kingston-upon-Hull*, except the said Dock, to receive and take in or land or unload any Passengers or Goods (but in Cases of Necessity, to be allowed by the Superintendent of the said Dock for the Time being), or if any such Master, Servant, or other Person as aforesaid shall disobey the Orders or Directions of the said Superintendent with respect to the lading or delivering, mooring or unmooring any Ferry or Market Boat, every such Master, Servant, or other Person so offending, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, to be recovered and applied as herein-after mentioned.

For keeping the Entrance to the Dock clear.

XXXIX. And for the better making and preserving a free and clear Passage and Entrance from the River *Humber* into and out of the said Dock,

Dock, for the said Ferry and Market Boats; be it further enacted, That no Ship, Vessel, Lighter, Barge, Craft, or Boat of any Description whatever, shall lie across in or in any way obstruct the Entrance into or from the said Dock, under a Penalty not exceeding Five Pounds for every such Offence, to be paid by the Master, Servant, or other Person having the Charge of every such Ship, Vessel, Lighter, Barge, Craft, or Boat as aforesaid, and to be recovered and applied as hereafter mentioned.

XL. And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or put any Ballast, Earth, Dust, Ashes, Stones; or other Things into the said Dock, or upon the said Wharf or Landing Place, to be made in pursuance of this Act, to the Prejudice thereof, or do any other Annoyance to the same or any Part thereof, and Complaint thereof shall be made upon Oath by the said Superintendant, or any other Person or Persons, the same shall be examined into and determined by Two or more of His Majesty's Justices of the Peace for the said Town of *Kingston-upon-Hull*, and they are hereby authorized to impose upon the Offender or Offenders such Fine or Fines, not exceeding Five Pounds for each Offence, as the said Justices shall think reasonable.

To prevent Nuisances in the Dock.

XLI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, concerning which no particular Direction hath been already given, shall, (if not paid within Fourteen Days after the same shall be demanded) be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said Town and County of the Town of *Kingston upon-Hull*; which Warrant they are hereby empowered and required to grant, upon the Information of One or more credible Witness or Witnesses, upon Oath before them made, which Oath they are hereby empowered to administer; and that all such Penalties and Forfeitures (after deducting all Damages, Rewards for the Detection of Offenders; and the Costs and Charges of Suit, and rendering the Overplus (if any) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Costs and Charges of such Distress and Sale being first deducted) shall be paid to the Common Officer of the said Town of *Kingston-upon-Hull* for the Time being, and be applied One Half to the Informer, and the other Half to the Purposes of this Act; and in case no such Distress as aforesaid can be had, then it shall and may be lawful for the said Two or more Justices, by like Warrant or Warrants, to commit the Party or Parties offending to the Common Gaol or House of Correction of the said Town and County of the Town of *Kingston-upon-Hull*, for the Space of Ten Days, without Bail or Mainprize, or for any less Time, at the Discretion of such Justices, unless the said Penalty and Charges shall be sooner paid and satisfied.

Recovery and Application of Penalties.

On Nonpayment of Penalties, liable to Commitment.

XLII. Provided always, and be it further enacted, That it shall and may be lawful for the said Justices of the Peace, or any Two of them, by whom any Judgement, Sentence, or Determination shall be given, pronounced, or made, from Time to Time, where they see Cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures aforesaid,

Penalties may be mitigated.

said, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every such Mitigation or Composition shall be a sufficient Discharge for the Persons offending respectively, for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted.

Form of Conviction.

XLIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form (*videlicet*):

‘ BE it remembered, That on the _____ Day of _____
 ‘ in the _____ Year of our Lord _____
 ‘ _____ A. B. is convicted before us, Two of His
 ‘ Majesty’s Justices of the Peace for the Town and County of the Town
 ‘ of Kingston-upon-Hull [specifying the Offence, and the Time and Place when
 ‘ and where committed, as the Case may be]

‘ Given under our Hands and Seals the Day and Year first above-
 ‘ mentioned.’

Appeal.

XLIV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by the Order or Determination of any Justice or Justices of the Peace, with respect to any Penalty to be imposed by Virtue of this Act, may, within Three Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held for the said East Riding of the County of York, first giving Ten Days Notice at the least in Writing of such Intention to appeal, to the Parties interested in such Complaint; and the said Justices shall in a summary Way hear and determine the said Appeal at such Session, or, if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said Riding; and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned, which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured, as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgement shall think just and reasonable.

Distress not to be deemed unlawful for Want of Form.

XLV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect, Default, or Want of Form in any Proceeding relating thereto; nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity, which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage by Action on the Case.

XLVI. And

XLVI. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

XLVII. And be it further enacted, That the Statute made in the Twenty-fourth Year of the Reign of His late Majesty *George the Second*, intituled, *An Act for rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in Obedience to their Warrants*, so far as the same relates to rendering Justices of the Peace more safe in the Execution of their Office, shall extend and be construed to extend to the Justices respectively acting under the Authority of this Act; and no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance or under Colour of this Act, until Twenty Days Notice shall be thereof given in Writing to or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved; or Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried in the County of *York*, being the next adjoining County to the Town and County of the Town of *Kingston-upon-Hull*, and not elsewhere; and that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Twenty Days Notice given as aforesaid, and that a sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance thereof, or if Judgement shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs in other Cases by Law.

Act of 24 Geo. II, for rendering Justices of the Peace more safe in the Execution of their Office; extended to this Act.

Limitations of Action:

General Issue.

Treble Costs.

XLVIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act; and all Judges, Justices, and other Persons are hereby required to take Notice thereof as such, without the same being specially pleaded.

Publick Act.

The SCHEDULE

To which this Act refers.

In the Fish Shamble Alleys :

- A Dwelling House in the Occupation of *William Thorley*.
- A Dwelling House in the Occupation of *Robert Stoakes*.
- A Dwelling House in the Occupation of *William Middleton*.
- A Dwelling House in the Occupation of *Frances Peat*.
- A Dwelling House in the Occupation of *John Daggitt*.
- Three small Tenements or Dwelling Houses, in the several Occupations of *John Bean, William Brigham, William Petre*.
- A Dwelling House, in the several Occupations of *Elizabeth Forth, Christopher Smith, Daniel Foley, Matthew Solomon, and Miller*.
- Two small Tenements or Dwelling Houses, in the several Occupations of *Jonathan Ackrell, Alexander Wright, Susannah Myers, and Kirby*.
- A Dwelling House in the Occupation of *Peter Watson*.
- Two small Tenements or Dwelling Houses, and several Out Offices, in the several Occupations of *Thomas Dunn, Mary Daniel, and others*.

In the Butchery :

- A Shop, in the Occupation of *William Barrow*.
- A Dwelling House and Shop, in the Occupation of *Edward Stonist*.
- A Dwelling House and Shop, in the Occupation of *George Wilson*.
- A Dwelling House and Shop, in the Occupation of *John Ferraby*.
- A Dwelling House and Shop, in the Occupation of *David Mills*.
- Several small Tenements or Dwelling Houses, and a Warehouse, behind the Hereditaments and Premises occupied by the said *Peter Watson, George Wilson, John Ferraby, and David Mills*, in the several Occupations of the said *David Mills* and his Undertenants, *Widow Ellis, Ann Taylor, Henry Burrell, Widow Gillard, John Redmare, John McRay, William Leak, John Savage, John Moody, and Robert Brady*.
- A Dwelling House in the Occupation of *Matthew Weylandt*, and a small Tenement behind the same, in the Occupation of *John Robinson*.
- Three Dwelling Houses or Tenements, in the several Occupations of *Thomas Peck, Alexander Mills, Matthew Aby, John Walker, George Askew, and Robert Blake*.
- A Dwelling House in the Occupation of the said *John Walker*.
- A Dwelling House and Shop, partly in the *Butchery* and partly in the *Blackfriar Gate*, in the Occupation of *Edward Chapman*.

In

In and on the North Side of *Blackfriar Gate* :

- A Dwelling House and Shop, in the Occupation of *John Drew*.
- A Dwelling House and Shop, in the Occupation of *George Watson*.
- A Dwelling House and Shop, in the Occupation of *John Walker*.
- A Dwelling House and Brewery, lately occupied by *James Hopwood*, but now untenanted.

Three small Tenements or Dwelling Houses behind the last-mentioned Premises, in the several Occupations of *James Warren*, *Elizabeth Hall*, *Richard Bailey*, *George Dinsdill*, *John Harpon*, and *Richard Hutchinson*.

In and on the South Side of *Blackfriar Gate* :

- A Dwelling House and Shop, in the Occupation of *Ambrose Metcalf*.
- A Dwelling House and Shop, in the Occupation of *William Siffson*.
- A Dwelling House and Shop, in the Occupation of *John Hodgson*.
- A Dwelling House and Shop, in the several Occupations of *Walter Lockbart* and *Robert Porter*.
- A Shop or Warehouse, in the Occupation of *George Watson*.
- A Dwelling House and Shop, in the Occupation of *Joseph Shiner*.
- A Dwelling House and Shop, in the Occupation of *James Hatfield*.
- A Dwelling House and Shop, partly in *Blackfriar Gate* and partly in *Queen Street*, in the Occupation of *Richard Parker*.

In *Queen Street* :

- A Workshop, Buildings, and Ground adjoining, in the Occupation of the said *Richard Parker*.
- A Dwelling House and Bakehouse, in the Occupation of *Ambrose Fox*.
- A Dwelling House in the Occupation of *Christopher Wadsworth*.
- A Dwelling House and Tenement, in the several Occupations of *Roger Banks*, *Thomas Wray*, and *John Hardcastle*.

In and on the North Side of *Fore Ropery* :

Six Small Tenements or Dwelling Houses, in the several Occupations of *Elizabeth Waite*, *William Johnson*, *Edward Whitehouse*, *John Mills*, *Nelly Godfrey*, *John Ward*, *William Dick*, *Cornelius Ripley*, *John Graham*, *John Sugden*, and *William Chapman*.

A Dwelling House, in the Occupation of *Elizabeth Linroth* Widow.

Six small Tenements or Dwelling Houses, in the several Occupations of *John Long*, *William Berridge*, *William Gumston*, *Francis Reast*, *John Batchelor*, *Widow Sugden*, and *Ann Lented*.

A Dwelling House, in the several Occupations of *Robert Watson*, *Alexander Ramsay*, and *Thomas Tennott*.

In and on the South Side of Fore Ropery.

- A Dwelling House, in the Occupation of Francis Carter and Elizabeth Lewis.
- A Dwelling House, partly in Fore Ropery and partly in Back Ropery, or Humber Street, in the Occupation of John Ward.
- A Dwelling House, partly in Fore Ropery and partly in Back Ropery, or Humber Street, in the Occupation of John Ward.
- Two Dwelling Houses or Tenements, in the several Occupations of Duncan Ferguson and John Ward.

In the Back Ropery, or Humber Street.

- A Dwelling House, in the several Occupations of John Graburn and John Donaldson.
- A Dwelling House and Shop, in the Occupation of John Ward.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty, 1801.