Anno ſecundo

Georgii III. Regis.

An Act to amend and render more effectual ſeveral Acts made for cleanſing and enlightening the Streets of the Town of *King ſton upon Hull*, and for preventing Annoyances therein.

Preamble, reciting Clauſes in Act 28 *Geo.* II.

WHereas by an Act of Parliament paſſed in the Twenty eighth Year of the Reign of his late Majeſty King George the Second, intituled, An Act for explaining, amending, and making more effectual ſeveral Acts of Parliament relating to the Maintenance and Employment of the Poor of the Town of *King ſton upon Hull*, and for better paving, preſerving, and cleanſing, the Streets, Squares, Lanes, and Alleys, in the ſaid Town, and preventing Obſtructions therein; and for preſerving the Lamps which ſhall be ſet up to enlighten the Streets of the ſaid Town, and ſecuring the Property of ſuch Lamps to the Owners; it was, amongſt other Things, enacted, That from and after the Firſt Day of May, One thouſand ſeven hundred and fifty five, if the Occupier of any Houſe or Houſes, Lands, or Tenements, within the ſaid Town and Liberties thereof therein called Trippet, ſhould refuſe or neglect to clean ſo much of the Streets, Squares, Lanes, or Alleys, within the ſaid Town and Liberties as

did or should lie contiguous to, fronting, and between his or her said House or Houses, Lands, or Tenements respectively, and the Middle of any of the said Streets, Squares, Lanes, or Alleys, or to carry off the Filth, Dirt, and Soil thereof, for the Space of Two Days next after publick Notice should be given by Order of the Mayor of the said Town, by the publick Bellman thereof, for the Inhabitants or Occupiers of Houses, Lands, or Tenements, within the said Town, to make clean the Streets, Squares, Lanes, and Alleys, then made, or thereafter to be made, before their respective Houses, Lands, and Tenements; then, and in every such Case, it should be lawful for any Person or Persons to be for that Purpose appointed by the Justices of the Peace of and for the said Town and County of the same Town, at any of their Quarter Sessions to be held for the said Town and County thereof, to clean and carry off the Filth, Dirt, and Soil, from so much of every of the said Streets, Squares, Lanes, or Alleys, as every such Occupier should refuse and neglect to make clean or carry off the Filth, Dirt, and Soil, from, as aforesaid; and if any such Occupier should refuse, after Demand made, to satisfy such Person or Persons to be appointed as aforesaid, for his or their Trouble and Charge in cleaning and carrying off the Dirt, Filth, and Soil, from such Part or Parts of any of the said Streets, Squares, Lanes, or Alleys, as such Occupiers should have neglected to clean or carry the Dirt from as aforesaid, then such Person or Persons so to be appointed as aforesaid, should and might, by Warrant under the Hand and Seal of the Mayor of the said Town for the time being, or under the Hands and Seals of any Two Justices of the Peace of and for the said Town and County of the same, levy by Distress and Sale of the Goods and Chattles of every such Offender, such Sum or Sums of Money as the said Mayor, or the said Two Justices, should assess and direct in such Warrant to be paid to such Person or Persons for his or their Trouble as aforesaid: And whereas in and by another Part of the said recited Act, Provision was made for preserving the Lamps, and the Posts, Irons, and other Furniture thereof, then proposed to be set up and maintained by many of the principal Inhabitants of the said Town, for enlightening the Streets, Squares, Lanes, and Alleys thereof, but no Provision being made in the said Act for setting up, maintaining, and lighting, any Lamps in the said Town, at the Publick Expence, the Method then proposed of enlightening the said Town at the private Expence of particular Inhabitants therein, hath proved ineffectual, and the Means prescribed by the above-mentioned Act for cleansing the Streets, Squares,

Lanes, and Alleys, in the said Town, have proved inconvenient and also ineffectual for the Purposes intended, by reason of the Number of empty Houses therein, and it is deemed necessary that One or more Assessment or Assessments should be laid on the Occupiers of Houses, Lands, and Tenements, in the said Town, for defraying the Expences of One or more publick Scavenger or Scavengers to be appointed for cleaning the said Streets, Squares, Lanes, and Alleys, and of some proper Person or Persons to be appointed for setting up, maintaining, and lighting, in the Night Time, a sufficient Number of Lamps therein, in such Places as shall be thought necessary and proper: 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 Aldermen of the said Town of Kingston upon Hull for the time being, or the major Part of them, within One Month next after the Twenty fourth Day of June in every Year, shall, by Writing under their Hands, nominate and appoint One or more Inhabitant or Inhabitants within the said Town to make and settle, and such Persons so to be nominated are hereby required, within Two Months after Notice of such Nomination, to make and settle, One or more Rate or Rates, Assessment or Assessments, according to a Pound Rate upon the several Inhabitants and Occupiers of Houses and Tenements within the said Town and Liberties thereof, of the yearly Rent or Value of Three Pounds, and upwards, for raising such Sum or Sums of Money as the said Mayor and Aldermen shall think necessary, and by such Writing direct, not exceeding, in any One Year, Eight Pence in the Pound, according to such Valuation as the said Houses or Tenements are or shall be in the same Year, or last were, assessed to the Publick Land Tax; which Rate or Rates, Assessment or Assessments, when made, shall be brought unto the Mayor of the said Town for the time being, and be allowed and confirmed by him and Two or more of the Justices of the Peace of and for the said Town, or by any Four or more of the said Justices without the Mayor; and after the Rate or Rates, Assessment or Assessments, are so made, allowed, and confirmed, the said Mayor and Two or more of the said Justices for the time being, or any Four or more of the said Justices without the Mayor, shall have Power, and are hereby authorized and required, to cause the same to be levied, and, by Writing under their

Assessor to be appointed annually.

Rates not to exceed 8 *d.* in the Pound, as rated to the Land Tax,

and to be allowed and confirmed by the Mayor and Justices.

Collectors to be appointed.

their Hands, to appoint One or more Collector or Collectors for collecting the same, by half-yearly or quarterly Payments, as the said Mayor and Aldermen, or major Part of them, shall think proper: And if any Person or Persons so to be appointed an Assessor or Assessors, Collector or Collectors, as aforesaid, shall wilfully and obstinately, after Notice of their Appointment, refuse or neglect to assess or collect such Rate or Rates, or Assessments, as aforesaid, every such Person shall forfeit the Sum of Five Pounds; and in case any Person or Persons shall refuse or neglect to pay the Rate or Assessment upon him, her, or them, respectively to be assessed as aforesaid, by the Space of Ten Days next after Demand thereof made, it shall and may be lawful to and for the said Collector or Collectors, or any of them, by Warrant under the Hand and Seal of the Mayor, or under the Hands and Seals of any other Two Justices of and for the said Town and County, to levy the same by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering to him, her, or them, the Overplus, if any be, after the necessary Charges of taking and selling such Distress shall be deducted.

Assessors and Collectors refusing to serve, forfeit 5 *l.*

Rates may be levied by Distress and Sale.

Assessor and Collector not to serve more than 1 Year.

Provided always, That no Assessor or Collector shall serve in the said Office for more than One Year.

Persons aggrieved by the Rates may appeal to the Quarter Sessions.

Provided always, and it is hereby declared and enacted, That if any Person or Persons shall find him, her, or themselves aggrieved by any Sum or Sums of Money to be charged upon him, her, or them, by any such Rate or Assessment as aforesaid, such Person or Persons so aggrieved may appeal to the First Quarter Sessions of the Peace to be held for the said Town and County, next after the same shall be demanded; provided he, she, or they, give Notice to the Person or Persons demanding the same, of his, her, or their intended Appeal, within Ten Days after such Demand; and the Justices present at such Quarter Sessions are hereby impowered and required to hear and finally determine the Matter of such Appeal.

Occupier to pay to the Rates in proportion to the Time he shall occupy the Messuage, &c.

Provided always, and be it enacted, That when any Person who shall be assessed pursuant to this Act, shall remove from, or quit, any Messuage or Tenement, before the Rate assessed on him or her, in respect of such Messuage or Tenement, or any Part thereof, shall become due and payable, and where any other Person or Persons shall come into, and occupy, the same Messuage or Tenement from which the other so removed; then, and in every such Case, every such Occupier shall be liable to pay his or her Proportion of the said Rate, or Part of the said Rate,

when the same shall become due and payable, according to the Time he or she shall have occupied the said Messuage or Tenement; and every Person coming into, or occupying, any Messuage or Tenement which was empty or unoccupied at the Time of any General Rate or Assessment laid, shall be assessed, and pay a proportionable Rate for the same Messuage or Tenement from the Time of such his Entry thereinto; and all such Proportions shall be settled and ascertained, in case of any Dispute, by the Mayor of the said Town for the time being, and be levied and recovered in Manner as aforesaid.

Inhabitants of such Parts as the Law directs to be swept and cleansed at the Expence of the Mayor and Burgesses, are to pay only towards the Lamps.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend to charge the Inhabitants or Occupiers of any Houses or Tenements situate in such Place and Parts of the said Town or County which are by Law directed to be swept and cleansed at the Costs and Charges of the Mayor and Burgesses of the said Town, out of their Common Stock, with the Payment of any greater Share or Proportion of the said Rates or Assessments, than by the said Mayor and Aldermen, or the major Part of them, in any Common Council assembled, shall be adjudged a just Proportion for the Expence of putting this Act in Execution, with respect to the providing, lighting, and maintaining, Lamps within the said Town and Liberties thereof.

None to gain a Settlement by paying to the said Rates, or serving as Scavenger, or Keeper of the Lamps.

Provided also, and it is hereby enacted, That no Person or Persons who shall be charged with, or pay, any Rate or Assessment for the Purposes aforesaid, or any of them, or who shall be employed as Scavenger, Raker, or Cleanser, or as Keeper or Lighter of any Lamps, by virtue or in pursuance of this Act, shall gain, or thereby be deemed or construed to gain, any Settlement in any Parish or Place within the said Town.

Rates to be applied in cleansing and lighting the Streets;

And be it further enacted by the Authority aforesaid, That such Sum and Sums of Money as shall be raised, levied, or collected, upon or by the Rates or Assessments aforesaid, shall be paid and applied according to the Orders and Directions of the Mayor and Aldermen of the said Town for the time being, or major Part of them, for and towards the Payment of the Wages of the Scavenger or Scavengers, to be appointed as hereafter mentioned, for sweeping, cleaning, and carrying away, the Dirt off and from the Streets, Squares, Lanes, and Alleys, within the said Town and Liberties thereof, other than such Streets and Places as are to be swept and cleansed at the particular Charge of the Mayor and Burgesses out of their Publick Stock, as hereafter mentioned;

100 ed; and for and towards defraying the Expences of buying Lamps, and other Charges necessarily attending the setting up, lighting, maintaining, and supplying the same with proper Materials for lighting and keeping them in constant Repair; and shall be accounted for accordingly by the Collector or Collectors thereof for the time being, to such Person or Persons as the Mayor and Aldermen of the said Town for the time being, or major Part of them in Common Council assembled, shall order and direct; and such Collector and Collectors, and all and every Person and Persons who shall collect or receive any Money by virtue of this Act, for the Purposes aforesaid, shall from time to time, and as often as the Mayor and Aldermen for the time being, or major Part of them assembled as aforesaid, shall require, make and render to them, or unto such Person or Persons as they shall appoint, a true and perfect Account, upon Oath (which said Oath may be taken in Writing, without any Stamp thereupon, before the Mayor or any other Justice of the Peace of or for the said Town and County, who are hereby respectively impowered and required to administer the same) of all such Sums of Money by such Person or Persons collected or received, or which shall have been rated or assessed as aforesaid, and not received, and all other Matters and Things committed to his or their Charge; and pay and deliver unto such Person or Persons, as the said Mayor and Aldermen for the time being, or major Part of them, shall direct and appoint, all and every such Sum and Sums of Money as shall be or remain in his or their hands at the Time of such Account; and if such Collector or Collectors, or other Person or Persons, who shall receive any Money as aforesaid, shall refuse or neglect to account for and pay such Money being or remaining in his Hands as aforesaid accordingly, the Mayor, or any Two Justices of the Peace of and for the said Town and County, shall and may, by Warrant under his or their Hands and Seals, cause the same to be levied by Distress and Sale of the Goods and Chattles of such Collector or Collectors, or Person receiving as aforesaid, rendering the Overplus to the Owner, if any be, after the Charges of such Distress and Sale are deducted, if the same is demanded; and in case a sufficient Distress cannot be found, then the Mayor of the said Town, and any Two or more of the Justices of the Peace of and for the said Town and County, shall and may, by Authority of this Act, by Warrant under their Hands and Seals, commit such Collector or Collectors, Person or Persons, so refusing or neglecting

and to be accounted for by the Collector,

upon Oath, when required;

and paid over according to Order;

On Refusal to account, &c. to make Payment, the Balance may be levied by Distress and Sale;

and for want of Distress, the Party to be committed.

to account and pay as aforeſaid, to the Common Gaol of the ſaid Town, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account, and paid ſo much as, upon the ſaid Account, ſhall appear to be or be remaining in his or their hands, to ſuch Perſon or Perſons as aforeſaid.

Mayor and Aldermen to appoint a Scavenger,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Mayor and Aldermen of the ſaid Town for the time being, or the major Part of them, in Common Council aſſembled, from time to time, to nominate and appoint ſuch Perſon or Perſons as they ſhall think fit, to be publick Scavenger or Scavengers for the ſaid Town and Liberties thereof, for ſweeping, cleanſing, and carrying away from off the Streets, Squares, Lanes, and Alleys, within the ſaid Town and Liberties thereof (other than as aforeſaid) the Dirt, Duſt, Filth, and Soil thereof, at ſuch Times and in ſuch Manner as hereafter mentioned; and to contract with ſuch Scavenger or Scavengers for the ſame, and for providing ſuch a Number of Servants or Men, Carts and Carriages, as ſhall be deemed requiſite and neceſſary for thoſe Purpoſes; and to order and direct on what Days or at what Times in each and every Week the particular Streets, Squares, Lanes, and Alleys, in each Ward within the ſaid Town and Liberties thereof, ſhall be ſo ſwept and cleanſed, and the Duſt, Dirt, Filth, and Soil, be carried off from; and alſo to order and direct what Proportion or Proportions of the Money to be raiſed by ſuch Aſſeſſment or Aſſeſſments as aforeſaid, and at what Time or Times ſhall be paid, and by whom, to ſuch Scavenger or Scavengers, for his or their Trouble, Charge, and Expences, in and about the Matters aforeſaid; and to make ſuch Rules, Orders, and Directions (not inconſiſtent with any thing in this Act contained) to be obſerved and kept by ſuch Scavenger or Scavengers, from time to time, and with and under ſuch reaſonable Penalties and Forfeitures as they ſhall think fit.

and contract with him for cleanſing the Streets;

and ſettle the Proportion of the Rates to be paid on the Account,

and make Orders to be obſerved by ſuch Scavengers.

Scavenger's Duty in cleanſing the Streets, and carrying away the Dirt and Soil.

And be it further enacted by the Authority aforeſaid, That the Scavenger or Scavengers to be appointed as aforeſaid, ſhall, from and after the Firſt Day of Auguſt, in the ſaid Year One thouſand ſeven hundred and ſixty two, Once in every Week, ſweep and cleanſe and carry away, the Dirt, Duſt, Filth, and Soil, from all and every the Streets, Squares, Lanes, and Alleys, within the ſaid Town and Liberties thereof (other than as aforeſaid) obſerving the Orders and Directions of the ſaid Mayor and Aldermen, or major Part of them, with re-

gard to the Days on which the Streets in each Ward are to be swept and cleansed as aforesaid; and provide and bring such Number of Shovels, Besoms, and other Materials, Carts, Carriages, Servants, and Men, for those Purposes, as shall be sufficient, or as by the said Mayor and Aldermen, or major Part of them, shall be directed or agreed upon; and on the same Day carry away all the Dust, Dirt, Filth, and Soil, to be swept and taken from off the said Streets, Squares, Lanes, and Alleys, to some proper Place out of the said Town; and in case the said Scavenger or Scavengers shall, at any Time or Times from and after the said First Day of August last mentioned, and during his or their Continuance in such Office, omit or neglect well and sufficiently to sweep or cleanse any of the Streets, Squares, Lanes, or Alleys, or any Part of them, on the Days the same shall be appointed to be swept as aforesaid, then the said Scavenger or Scavengers shall, for every such Neglect or Omission, forfeit the Sum of Ten Shillings, to be levied, recovered, and applied, as pecuniary Forfeitures are by the said recited Act directed to be levied, recovered, and applied.

Penalty on any Neglect or Omission of his Duty.

Provided always, and be it enacted, That the said Scavenger or Scavengers shall not be obliged to take or carry away, any Dung, Ashes, Filth, Rubbish, Dust, or Dirt, to be brought out of any House, Stable, Yard, Garth, or Backside, of any of the Inhabitants in the said Town, and laid in the said Streets, Squares, Lanes, or Alleys, or any of them; but that every Person who shall throw, cast, set, or lay, or cause to be thrown, cast, set, or laid, any Dung, Ashes, Filth, Rubbish, Dust, or Dirt, into any of the said Streets, Squares, Lanes, or Alleys, within the said Town or Liberties thereof, before the Houses, Buildings, Stables, or Walls, in his or their own Occupation, or in the Occupation of any other Person or Persons, and shall not take or carry away the same, or cause the same to be taken or carried away, at his or their own particular Expence, on the same Day before it shall be dark, shall be liable to the Penalty inflicted in such Case by the said recited Act, and be liable to be prosecuted for a Nuisance for all such Time after, as he or they shall permit such Dung, Ashes, Filth, Rubbish, Dust, or Dirt, or any Part thereof, to remain or continue to lie in any of the said Streets, Squares, Lanes, or Alleys; save as in the said recited Act is provided, with respect to Rubbish occasioned by pulling down, building, rebuilding, or repairing, any House or Tenement; any thing herein contained to the contrary notwithstanding.

Rubbish or Dust, &c. brought out of Houses, and laid in the Streets, not to be taken away by the Scavengers, but by the Persons laying the same; and to be removed before Night;

on Penalty mentioned in the recited Act,

and being liable to Prosecution for a Nuisance.

Exception.

Market Place, &c. to be ſwept weekly, at leaſt, at the Expence of the Mayor and Burgeſſes.

Provided alſo, and be it further enacted, That the Street called the Market Place, and all other Places and Things in the ſaid recited Act particularly mentioned to have been uſually cleanſed by the ſaid Mayor and Burgeſſes of the ſaid Town of Kingſton upon Hull, ſhall from henceforth be ſwept and cleanſed at the Sole Coſts and Charges of the Mayor and Burgeſſes of the ſaid Town, Once a Week at leaſt, and at ſuch other Times, and ſo often as the Mayor of the ſaid Town for the time being ſhall think fit and neceſſary; and no Part of the Aſſeſſments to be laid and collected as aforeſaid, ſhall be applied for the ſweeping or cleanſing the ſame; any thing herein contained to the contrary notwithſtanding.

Mayor and Aldermen to direct the Number and Sorts of Lamps, and where to be ſet up; and the Time the ſame are to be kept lighted;

and to contract for the ſame;

and ſettle the Proportion of the Rates for defraying the Expence thereof.

And be it further enacted by the Authority aforeſaid, That the Mayor and Aldermen of the ſaid Town of Kingſton upon Hull for the time being, or the major Part of them when in Common Council aſſembled, ſhall and may, and they are hereby authorized and required to order and direct what Number of Lamps, and of what Sorts, ſhall be from time to time provided and ſet up in the ſaid Town and Liberties thereof, for enlightning the ſaid Streets, Squares, Lanes, and Alleys, and in what Place or Places, and againſt what Houſes or Walls therein the ſame ſhall be fixed, or where the ſame ſhall be placed, and from and to what Time or Times in each Year the ſame ſhall be and continue lighted, and to and from what Time in each Night; and alſo to nominate and appoint from time to time, or contract with One or more proper Perſon or Perſons to find and provide ſuch Number of Lamps as aforeſaid, and all proper Materials for ſetting up, fixing, and enlighting, the ſame, and to fix and light the ſame from time to time according to ſuch Orders and Directions as aforeſaid; and to order and direct what Proportion or Proportions of the Money to be raiſed by ſuch Aſſeſſment or Aſſeſſments as aforeſaid, ſhall be from time to time, and by and to whom paid and applied towards defraying the Charges of providing, fixing, and lighting the ſaid Lamps.

Deficiency of the Rates in any Year, to be made good out of the next Year's Aſſeſſment.

Provided always, and be it enacted by the Authority aforeſaid, That in caſe the Money to be aſſeſſed and collected in any One Year, by virtue of this Act, ſhall not be ſufficient to anſwer the Purpoſes for which the ſame were ſo aſſeſſed and collected, ſuch Deficiency ſhall be ſupplied by the Aſſeſſment for the next enſuing Year; and in caſe at the End of any One Year, and the cloſing the Accounts of the ſaid Year, any Surplus of the Money to be raiſed for that Year by ſuch Aſſeſſment or Aſſeſſments to be made by virtue and under the Authority of this Act, ſhall remain over and above what ſhall have been iſſued and

Surplus Monies to go in Aid of the ſucceeding Year's Expence.

and applied for the Purpoſes of the ſame Act, ſuch Surplus ſhall from time to time as the ſame ſhall happen and ariſe, be paid and applied in Aid of the ſucceeding Year's Expence, for the Purpoſes before mentioned.

Former Lamps and Poſts, &c. to be applied as far as they will go;

and the new Ones to be veſted in the Mayor and Burgeſſes.

And be it further enacted by the Authority aforeſaid, That the Lamps, Poſts, Irons, and Furniture thereof, provided purſuant to the ſaid recited Act, and now veſted in the Mayor and Burgeſſes of the ſaid Town, ſhall be applied as far as they will go for the Purpoſes of this Act; and that the Property of all the Lamps and Furniture thereof, which ſhall be bought purſuant thereto, ſhall be alſo veſted in the ſaid Mayor and Burgeſſes; and

Penalties in the recited Act for damaging, &c. the ſame, extended to this Act.

that the Penalties and Forfeitures inflicted by the ſaid recited Act, for wilfully or otherwiſe taking away, breaking, throwing down, damaging, or extinguiſhing, the Lamps to be ſet up as therein mentioned, and the Poſts, Irons, and Furniture belonging thereto, ſhall be extended to, and inflicted on, ſuch Perſons who ſhall in like Manner take away, break, throw down, damage, or extinguiſh, any of the Lamps to be ſet up purſuant to this Act, or of the Poſts, Irons, and Furniture thereof; and ſhall be levied, recovered, mitigated, and applied, in ſuch Manner as the like Penalties and Forfeitures are in and by the ſaid recited Act directed to be levied, recovered, mitigated, and applied.

Powers, &c. of this Act not to alter or vacate thoſe granted by the recited Act.

Provided always, and be it enacted, That any Thing herein contained ſhall not be conſtrued, deemed, or taken, to repeal, alter, prejudice, or make void, any of the Clauſes, Powers, Proviſoes, Directions, and Authorities, made, given, or contained, in and by the ſaid recited Act relating to the Maintenance and Employment of the Poor of the ſaid Town of Kingſton upon Hull, or to the better paving and preſerving the Pavements of the Streets, Squares, Lanes, and Alleys therein, or preventing Obſtructions therein, but all ſuch Clauſes, Powers, Proviſoes, Directions, and Authorities, ſhall remain, continue, and be in force, as if this Act had not been made.

Previous Notice to be given, before any Perſon be ſued for doing any Thing in purſuance of this Act.

And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons whatſoever, for any Matter or Thing by him or them done in purſuance of this Act, until Notice in Writing of ſuch intended Action or Suit ſhall have been delivered to him or them, or left at his or their uſual Place of Abode, by the Party intending to commence ſuch Action or Suit, or his or her Attorney or Agent, at leaſt One Calendar Month before ſuch Action

or

or Suit shall be commenced; in which Notice shall be clearly and explicitly contained the Cause of Action which such Person hath, or claimeth to have, against such Person or Persons; and on the Back of which Notice shall be indorsed the Name of such Plaintiff, his Attorney, or Agent; and that no such Plaintiff shall recover in any such Case where the Action shall be grounded on any Act or Acts of any Defendant or Defendants done in pursuance of this Act, unless it be proved upon Trial to be had thereupon that such Notice was given as aforesaid; but in Default thereof, such Defendant or Defendants shall recover a Verdict, together with his or their Full Costs of Suit.

Defendant thereupon may make Tender of Amends,

And be it further enacted, That it shall and may be lawful to and for any such Defendant or Defendants, within One Calendar Month next after such Notice given as aforesaid, to tender Amends to the Party complaining, or to his or her Agent or Attorney; and in case the same is not accepted, to plead such Tender in Bar to any Action to be brought against him, together with the Plea of Not Guilty, and any other Plea, with Leave of the Court; and if upon Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant or Defendants; and in such Case, or in case the Plaintiff shall become nonsuit, or shall discontinue his or her Action, or in case Judgement shall be given for such Defendant or Defendants, upon Demurrer, such Defendant or Defendants shall be intitled to the like Costs as he or they would have been intitled to in case he or they had pleaded the General Issue only; and if upon Issue joined, the Jury shall find that no Amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants, or such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, which he shall recover, together with his or her Costs of Suit.

and plead the same, &c.

and on a Verdict given for him intitled to Costs.

Plaintiff recovering intitled to Costs of Suit.

And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff on the Trial of any such Action as aforesaid, of any Cause of Action, except such as is contained in the Notice hereby directed to be given.

No Evidence to be given on the Trial but what is contained in the Notice.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Matter or Thing done in pursuance of this Act, in every such Case, the Action or Suit shall be brought within Six Calendar Months next after the Cause of Action shall arise, and not afterwards, and shall be laid and brought in the

Limitation of Actions.

Town or County of the Town of Kingston upon Hull, or in the County of York, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall
General Issue. and may plead the General Issue, and give this Act and the Special Matter in Evidence, on any Trial to be had thereupon; and if it shall appear to be done in pursuance of this Act, or that such Action or Suit shall be brought after the Time herein before limited in that Behalf, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the
Treble Costs. Defendant or Defendants shall recover Treble Costs of Suit, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act. And it is hereby further enacted and declared, That this Act shall be taken and allowed, in all Courts of Justice in this Kingdom, as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.