ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XLVI.

An Act for laying out and making a new Street from *Whitefriar Gate* to the South End of *Quay Street*, within the Town and County of the Town of *Kingſton-upon-Hull*. [28th *April* 1795.]

WHEREAS the ſeveral Avenues to the South Side of the Dock or Baſon and legal Quay in *Kingſton-upon-Hull*, in the County of the ſame Town, are circuitous and inconvenient to many of the Merchants and other Perſons having Occaſion to reſort thereto; and many of the Houſes and Buildings in *Mughouſe Entry* and *White Dog Entry* in the ſaid Town, and certain Places contiguous thereto, are in a ruinous State and Condition, and the taking down of the ſaid Houſes and other Buildings in the ſaid Entries and Places contiguous thereto, and laying out and making a new Street from *Whitefriar Gate* to the South End of *Quay Street*, would not only be of great Convenience to the Inhabitants of the ſaid Town, but to the Publick in general: And whereas Sir *Henry Etherington* Baronet, *John Alderſon* M. D., *Anthony Atkinſon*, *William Bell*, *George Bielby*, *William Watſon Bolton*, *John Boyes*, *Robert Carlile Broadley*, *Thomas Clarke* Clerk, *Edward Foſter Coulſon*, *Thomas Dikes* Clerk, *Gardiner Egginton*, *Joſeph Egginton*, *James Green*, *John Green*, *Francis Hall*, *John Hammond*, *John Harneis*, *William Hornby*, *Simon Horner* junior, *George Jackſon*, *Hugh Ker*, *Mark Key*, *Robert Knowſley*, *Henry Maiſter*, *Samuel Mann*, *Robert Markland*, *Benjamin Metcalfe*, *Robert* Preamble.

Robert Oſborne, Thomas Outram, Joſeph Outram, Joſeph Parkinſon, Joſeph Robinſon Peaſe, Robert Coupland Peaſe, John Kirkby Picard, George Pycock, Thomas Riddell, Charles Roe, Thomas Saunderſon, Thomas Scatcherd, Robert Schonſwar, John Simpſon junior, *William Shackleton, Thomas Sherlock, Charles Shipman, Aiſtroppe Stovin, Cornelius Stovin, Joſeph Sykes, Thomas Taylor, Richard Terry, Richard Thompſon, Samuel Thornton, John Todd, Thomas Turner, William Wilberforce, John Wilſon,* and *John Young*, are willing and deſirous, at their own Coſts and Charges, to lay out and make ſuch new Street, and to erect or cauſe to be erected proper Houſes and Buildings on each Side thereof, and to make convenient and proper Paſſages thereto; but the ſame cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the 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 it ſhall and may be lawful for the ſaid Sir *Henry Etherington, John Alderſon, Anthony Atkinſon, William Bell, George Bielby, William Watſon Bolton, John Boyes, Robert Carlile Broadley, Thomas Clarke, Edward Foſter Coulſon, Thomas Dikes, Gardiner Egginton, Joſeph Egginton, James Green, John Green, Francis Hall, John Hammond, John Harneis, William Hornby, Simon Horner, George Jackſon, Hugh Ker, Mark Key, Robert Knowſley, Henry Maiſter, Samuel Mann, Robert Markland, Benjamin Metcalfe, Robert Oſborne, Thomas Outram, Joſeph Outram, Joſeph Parkinſon, Joſeph Robinſon Peaſe, Robert Coupland Peaſe, John Kirkby Picard, George Pycock, Thomas Riddell, Charles Roe, Thomas Saunderſon, Thomas Scatcherd, Robert Schonſwar, John Simpſon, William Shackleton, Thomas Sherlock, Charles Shipman, Aiſtroppe Stovin, Cornelius Stovin, Joſeph Sykes, Thomas Taylor, Richard Terry, Richard Thompſon, Samuel Thornton, John Todd, Thomas Turner, William Wilberforce, John Wilſon,* and *John Young*, and ſuch other Perſons as now are or hereafter ſhall become Subſcribers, and they are hereby fully authorized and empowered to lay out and make, or cauſe to be laid out and made, a new Street from *Whitefriar Gate*, oppoſite or nearly oppoſite to the large Building lately erected by the Guild or Brotherhood of Maſters and Pilots Seamen of the *Trinity Houſe* in *Kingſton-upon-Hull* aforeſaid, and intended for an Inn, to the South End of *Quay Street*, ſo as to open a Communication between the ſame Street and *Whitefriar Gate*, of the Breadth of not leſs than Thirty Feet, and to erect Houſes, with ſuitable Outhouſes and Buildings on each Side thereof; and when the ſaid new Street ſhall be ſo laid out and made, the ſame ſhall for ever afterwards be, and be deemed a publick or common Highway.

Certain Perſons empowered to make the new Street;

and to take down Buildings.

II. And whereas it will be neceſſary, in order to lay out and make ſuch new Street, and to erect Houſes and Buildings on each Side thereof, with ſuitable Outlets thereto, that ſeveral Houſes and other Buildings ſhould be taken down, and the Scites thereof, and other Lands, made uſe of for thoſe Purpoſes; be it therefore enacted, That it ſhall and may be lawful for the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons who are or ſhall be willing and deſirous to make the ſaid intended new Street, their Heirs, Executors, Adminiſtrators, and Aſſigns, or the Committee herein-after mentioned, and they are hereby reſpectively authorized and empowered to cauſe to be taken down the ſeveral Houſes

and Buildings ſtanding upon the Ground where the ſaid intended new Street is to be laid out and made, and the ſaid new Houſes and Buildings are to be erected, the ſame to be bounded by the Workhouſe, and the Wall, Ground, or Buildings, belonging to and in a Line with the ſame Workhouſe, including the Building now uſed as a Place of Confinement or Houſe of Correction for diſorderly Perſons, which will neceſſarily be wanted and required for making the ſaid Street and building the ſaid Houſes, and which is intended to be purchaſed for ſuch Purpoſes, on the Weſt, and to extend as far towards the Eaſt as the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing and deſirous to make the ſaid intended new Street, or the Committee herein-after mentioned, ſhall find and determine to be proper and neceſſary for making the ſaid intended new Street, and building a Row of Houſes on each Side thereof, with ſuitable Yards, Outhouſes, and Conveniencies, and to cauſe the Scites of the Houſes and other Buildings ſo to be taken down, or any Part thereof, and alſo any Lands or other Hereditaments within the Bounds and Limits aforeſaid, to be made uſe of for the Purpoſes of laying out and making ſuch new Street, and erecting ſuch Houſes and Buildings on each Side thereof as aforeſaid.

Way or Paſſage for Meſſrs. *Picard, Outram*, and *Smith*.

III. Provided always nevertheleſs, and be it enacted, That *John Picard*, *Joſeph Outram*, and *Joſeph Smith*, their Heirs and Aſſigns, Owners for the Time being of the Buildings and Grounds now uſed as a White Lead and Vinegar Manufactory, and in the Occupation of them the ſaid *John Picard*, *Joſeph Outram*, and *Joſeph Smith*, or ſome or One of them, or of any Part or Parts thereof, ſhall for ever hereafter have, hold, and enjoy, for themſelves and for all Perſons who ſhall have Occaſion to paſs or repaſs to or from the ſame Premiſes, or any Part or Parts thereof, a Way or Paſſage for Carriages, Horſes, and Perſons on Foot, of the Breadth of Twelve Feet at leaſt, acroſs the North End of the ſaid intended new Street, and acroſs ſuch Ground as ſhall be purchaſed for the Purpoſes aforeſaid on each Side of the North End of ſuch intended new Street, the ſame Way or Paſſage adjoining upon the South End of *Quay Street*.

Power to purchaſe Buildings and Grounds.

IV. And, for enabling the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing and deſirous to make the ſaid intended new Street to effect the Purpoſes aforeſaid; be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, (the Committee herein-after appointed), or any Five of them, as Truſtees for and on Behalf of the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing and deſirous to make the ſaid intended new Street, and they ſhall have full Power and Authority to treat and agree with the Owners and Proprietors of, and all other Perſons intereſted in ſuch Houſes, Buildings, Yards, Gardens, and Grounds, as ſhall be neceſſary to be purchaſed for the more effectual Performance of the ſaid Purpoſes, and to purchaſe the ſame; and upon Payment of ſuch Sum and Sums of Money as ſhall be agreed upon, to ſuch reſpective Owners or Proprietors, to cauſe ſuch Houſes and Buildings, or ſo much thereof as ſhall be neceſſary, to be pulled down, and ſuch Ground, or ſo much thereof, to be levelled and cleared, as ſhall be neceſſary for the Purpoſes of making and laying out the

ſaid intended new Street, and for erecting and building ſuch Houſes on each Side thereof as they ſhall deem neceſſary for the Purpoſes of this Act.

Corporations and incapacitated Perſons enabled to ſell and convey.

V. And be it further enacted, That it ſhall and may be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees, and all other Perſons, not only for and 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 any other Perſon or Perſons who are, is, or ſhall be ſeiſed, poſſeſſed of, intereſted in, or entitled unto any ſuch Houſes and other Buildings, Yards, Gardens, and other Grounds ſo to be taken down and made uſe of as aforeſaid, to treat, contract, and agree with the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, or any Five of them, on the Behalf of the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing and deſirous to make the ſaid intended new Street, for the Price or Satisfaction to be given and made for ſuch Houſes and other Buildings, Yards, Gardens, and other Grounds, and abſolutely to ſell and convey or ſurrender the ſame and their reſpective Eſtates and Intereſts therein, unto and to the Uſe of the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, and their Heirs, upon ſuch Truſts, and to and for ſuch Intents and Purpoſes, as a Majority in Number of them the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing and deſirous to make the ſaid intended new Street as aforeſaid, ſhall, by any Deed or Inſtrument in Writing under their reſpective Hands and Seals, direct or appoint; and all ſuch Contracts, Agreements, Sales, Conveyances, and Surrenders, ſhall be good and valid, both at Law and in Equity, to all Intents and Purpoſes, any Law, Uſage, or other Matter or Thing, to the contrary thereof notwithſtanding; and all 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 at *Beverley*, in the Eaſt Riding of the County of *York*, by an Act of Parliament paſſed in the Sixth Year of the Reign of Her late Majeſty Queen *Anne*, at the Expence of the Purchaſers; and that, from and immediately after the regiſtering of any ſuch Conveyance or Surrender, or a Memorial thereof, the Houſes, Buildings, Yards, Gardens, and other Grounds, therein mentioned to be thereby conveyed or ſurrendered, ſhall be, and are hereby veſted in the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, and their Heirs and Aſſigns for ever, abſolutely freed and diſcharged of and from all Right, Title, Eſtate, Claim, and Demand whatſoever, of any ſuch Body Politick or Corporate, Corporations Aggregate or Sole, Feoffees, Guardians, Committees, Truſtees, Heirs, Executors, Adminiſtrators, or other Perſon or Perſons making ſuch Conveyances or Surrenders reſpectively as aforeſaid, and of and from all Uſes, Truſts, Cuſtoms, Burthens, Duties, and Services, reſpecting the ſame; and all Bodies Politick or Corporate, Corporations Aggregate or Sole, Feoffees, Guardians, Committees, Truſtees, Heirs, Executors, and Adminiſtrators,

Conveyances to be regiſtered.

tors, and other Perſon and Perſons, ſhall be, and are hereby indemnified for what they ſhall do therein by virtue and in purſuance of this Act; but if any ſuch Body Politick or Corporate, Corporation Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees, Heirs, Executors, or Adminiſtrators, or other Perſon or Perſons ſeiſed, poſſeſſed of, or intereſted in any ſuch Houſes and other Buildings, Yards, Gardens, and other Grounds as aforeſaid, or any Part thereof, ſhall, for the Space of Thirty Days next after Notice in Writing given or left at his, her, or their Dwelling Houſe or Houſes, or at the Dwelling Houſe or Houſes of the principal Officer of any ſuch Body Politick or Corporate, Corporation Aggregate or Sole, neglect or refuſe to treat or agree, or by Reaſon of Abſence or otherwiſe ſhall be prevented from treating or agreeing for the Sale and Conveyance, or Surrender of their reſpective Eſtates and Intereſts therein as aforeſaid, or ſhall not produce and evince a clear Title thereto, to the Satisfaction of the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs or Aſſigns, then and in every ſuch Caſe ſuch Price and Satisfaction ſhall be enquired into and aſcertained by a Jury of Twelve diſintereſted Men of the Town and County of the Town of *Kingſton-upon-Hull*; and in order thereto Two Juſtices of the ſaid Town and County, not being intereſted in the Iſſue of ſuch Verdict, are hereby empowered and required from Time to Time, as Occaſion ſhall require, to iſſue their Warrant or Warrants, directed to the Sheriff of the ſaid Town and County of the Town of *Kingſton-upon-Hull*, but if ſuch Sheriff or his Under-Sheriff ſhall be intereſted in the Iſſue of ſuch Verdict, then to iſſue their Warrant or Warrants to One of the Coroners for the ſaid Town and County, commanding ſuch Sheriff or Coroner reſpectively to empannel, ſummon, and return, a Jury of Twenty-four honeſt and indifferent Men of the ſaid Town and County, not being Juſtices of the Peace, qualified to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before them the ſaid Two Juſtices, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and the ſaid Sheriff or Coroner is hereby required to empannel, ſummon, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo empannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Two Juſtices ſhall, and they are hereby empowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or Coroner ſhall return other honeſt and diſintereſted Men, not being Juſtices of the Peace, either of the Standers-by, or that ſpeedily can be procured to attend that Service, being qualified as aforeſaid, to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Juſtices are hereby empowered and required, from Time to Time as Occaſion ſhall be, to ſummon and call before ſuch Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary or proper, by any of the Parties intereſted, to be examined concerning the Premiſes (which Oath the ſaid Two Juſtices are hereby empowered to adminiſter); and the ſaid Two Juſtices ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own Information as for that

If Proprietors of Grounds refuſe to treat, the Value to be aſcertained by a Jury.

How the Jury are to be convened.

How Witneſſes are to be ſummoned.

that of the Jury, in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Value and Recompence, they the ſaid Two Juſtices ſhall thereupon adjudge the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Perſon or Perſons according to the Verdict of ſuch Jury, which ſaid Verdict ſhall be final and concluſive, to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons whomſoever; and all reaſonable Charges and Expences of the Jury and Witneſſes, in aſcertaining or ſettling ſuch Price or Satisfaction, ſhall be borne and paid by the ſaid Sir *Henry Etherington* and the ſeveral other Perſons willing to make the ſaid intended new Street; and the ſaid Two Juſtices ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on the ſaid Sheriff, or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, or Coroner, making Default in the Premiſes, and on any Perſon or Perſons who ſhall be ſummoned and returned as a Juror or Jurors, and ſhall not appear, or who ſhall refuſe to be ſworn on the Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect his or their Duty, contrary to the true Intent and Meaning of this Act; and on any Perſon or Perſons who, being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be examined or to give Evidence, which Fine or Fines ſhall not exceed the Sum of Ten Pounds upon any One Perſon, and ſhall be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of the ſaid Two Juſtices, and ſhall be applied for the Purpoſes of this Act.

Sheriffs, &c. may be fined for Neglect of Duty.

VI. Provided always, That Twenty-one Days or more before the Meeting of the ſaid Two Juſtices, at which any ſuch Price or Satisfaction ſhall be aſcertained as aforeſaid, the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, or any Five of them, ſhall give, or cauſe to be given to or left at the uſual Place of Abode of the Perſon or Perſons who ſhall ſo refuſe or neglect to treat or agree as aforeſaid, Notice in Writing, that the Value of the Premiſes in Queſtion, which ſhall be deſcribed in ſuch Notice, will be aſcertained and ſettled by a Jury, to be empannelled and returned at a certain Time and Place to be mentioned in ſuch Notice, and the giving of ſuch Notice ſhall be proved before the ſaid Two Juſtices immediately before the taking of every ſuch Inquiſition as aforeſaid.

Notice to be given to Perſons intereſted when the Juries are to be empannelled.

VII. And be it further enacted, That upon Payment or Tender of any Money ſo to be adjudged, to the Perſon or Perſons to whom the ſame have been ſo adjudged as aforeſaid, ſuch Perſon or Perſons ſhall execute good, valid, and legal Conveyances, Aſſignments, and Aſſurances, in the Law, to be made and prepared at the Coſts and Charges of the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing to make the ſaid intended new Street, unto and to the Uſe of the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs and Aſſigns, upon ſuch Truſts, and for ſuch Intents and Purpoſes as aforeſaid, of the Premiſes for which ſuch Money ſhall have been ſo adjudged; and ſhall, at the Expence of the Purchaſers, cauſe

How Lands purchaſed are to be conveyed to and veſted in Truſtees.

and procure all neceſſary Parties to join in and execute ſuch Conveyances, Aſſignments, and Aſſurances, and ſhall do all other Acts, Matters, and Things, requiſite to make out a good, clear, and perfect Title thereto; and in caſe the Perſon or Perſons to whom any ſuch Money ſhall have been ſo adjudged, and ſhall be tendered as aforeſaid, ſhall refuſe to accept the ſame, and, on Requeſt to execute, or procure to be executed, ſuch Conveyances, Aſſignments, and Aſſurances, of the Premiſes in Queſtion as aforeſaid, ſhall neglect or refuſe ſo to do for the Space of One Calendar Month after ſuch Requeſt, or if ſuch Perſon or Perſons cannot be found, or by reaſon of any Diſpute depending in any Court of Law or Equity, or otherwiſe, it ſhall not appear to the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, or any Five of them, or to their Counſel learned in the Law, 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 Sir *Henry Etherington*, and the ſeveral other Perſons willing to make the ſaid intended new Street as aforeſaid, to pay or cauſe to be paid the Money ſo adjudged as aforeſaid, unto ſuch Perſon or Perſons as the Juſtices at any General Quarter Seſſion of the Peace for the ſaid Town and County of *Kingſton-upon-Hull*, ſhall, by any Writing under their Hands, appoint for the Uſe of the Perſon or Perſons to whom the ſame ſhall have been ſo adjudged, to be paid over to him or them upon Demand, which ſaid Appointment the Juſtices at any ſuch Seſſion are hereby required to make upon Application to them for that Purpoſe, by or on the Behalf of the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing to make the ſaid intended new Street as aforeſaid; and the Perſon or Perſons to whom any ſuch Money ſhall be paid, ſhall, and is and are hereby required, upon receiving ſuch Money, to give a Receipt for the ſame to the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing to make the ſaid intended new Street as aforeſaid, and therein to mention and ſpecify for what Premiſes ſuch Money is received; and every ſuch Receipt, and alſo the Appointment to be made by the ſaid Juſtices in Seſſion as aforeſaid, ſhall be entered on Record, and regiſtered amongſt the Records of the General Quarter Seſſions of the Peace for the ſaid Town and County, and immediately on the entering and regiſtering of any ſuch Receipt and Appointment as aforeſaid all the Eſtate, Right, Title, Uſe, Truſt, Intereſt, Property, Claim, and Demand, both at Law and in Equity, of the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall have been adjudged, and for whoſe Uſe the ſame ſhall have been paid as aforeſaid, of, in, or to the Premiſes mentioned in ſuch Receipt, ſhall veſt in the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs and Aſſigns, upon the Truſts and for the Intents and Purpoſes aforeſaid, and they ſhall be deemed in Law to be in the actual Poſſeſſion and Seiſin thereof in Fee-Simple as fully and effectually, to all Intents and Purpoſes, as if all Perſons having any Eſtate, Right, Intereſt, Equity of Redemption, Property, Claim, or Demand of, in, or to the Premiſes, had actually conveyed the ſame by Feoffment with Livery of Seiſin, Fine or Recovery, Leaſe and Releaſe, Bargain and Sale enrolled, Surrender, or any other Mode of Conveyance or Aſſurance whatſoever; and ſuch Payment and Receipt ſhall alſo bar the Dower, and Right and Title of Dower, of the Wife of every Perſon for

whoſe Uſe ſuch Payment ſhall have been ſo made, and likewiſe all Eſtates Tail, and all Remainders and Reverſions thereupon expectant or depending, as fully and effectually to all Intents and Purpoſes whatſoever, as a Fine, Recovery, or Surrender, would have done, if levied, ſuffered, or made, by all proper Parties in due Form of Law.

Money belonging to Corporations, &c. to be reinveſted in Land;

VIII. And be it further enacted, That all Money to be paid to or for the Uſe of any Body Politick or Corporate, Corporation Aggregate or Sole, Feoffees, Guardians, Committees, or other Truſtees whatſoever in purſuance of this Act, which ſhall exceed the Sum of Twenty Pounds, ſhall be by them reſpectively, as ſoon as conveniently may be, laid out in the Purchaſe of other Meſſuages, Lands, or Hereditaments, in Fee-Simple, to be conveyed unto and veſted in them, or ſuch other Perſon or Perſons as they, in that Behalf, ſhall direct and appoint; and the ſame ſhall be ſettled and aſſured for, upon, and ſubject and liable to, ſuch Eſtates, Uſes, Truſts, Powers, Remainders, and Purpoſes, as the Houſes or Buildings, Yards, Gardens, or other Grounds to be purchaſed and taken in purſuance of this Act as aforeſaid, were reſpectively ſubject or liable to, or ſettled or aſſured upon at the Time of purchaſing or taking the ſame reſpectively, or as near thereto as the Circumſtances attending the ſame will admit of; and the Money ſo paid which ſhall not exceed the Sum of Twenty Pounds, and alſo the Money ſo paid which ſhall exceed the Sum of Twenty Pounds, in the mean Time, and until ſuch new Purchaſe ſhall be made, ſhall be laid out in the Purchaſe of Stock in ſome of the Publick Funds, or on Government or Real Securities, at Intereſt, in the Names of Two or more Perſons to be nominated by the Party or Parties intereſted therein, and to be approved of by the Committee herein-after mentioned, and the Intereſt, Produce, or Dividends, ariſing therefrom, ſhall be paid to the Perſon or Perſons, and applied and diſpoſed of for ſuch Uſes and Purpoſes, as the Rents and Profits of the Meſſuages, Lands, or Hereditaments, from the Sale of which ſuch Money ſhall be produced, reſpectively would, for the Time being, have been applied, in caſe ſuch Sale had not been made.

for paying off Mortgages.

IX. And be it further enacted, That every Mortgagee of any of the Houſes, Buildings, Yards, Gardens, or other Grounds which ſhall be purchaſed or acquired in purſuance of this Act, and the Heirs, Executors, Adminiſtrators, and Aſſigns, of every ſuch Mortgagee, on receiving Six Calendar Months Notice in Writing, ſigned by the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, or any Five of them, or the Clerk or Secretary to the ſaid Subſcribers, of their Intention to pay off the Principal Money and Intereſt which ſhall be due on any ſuch Mortgage, ſhall, at the End of the ſaid Six Calendar Months after ſuch Notice, on Payment or Tender of the Principal Money and Intereſt which ſhall be then due on ſuch Mortgage, convey and aſſign his, her, and their reſpective Eſtates and Intereſts of, in, and to, the ſaid mortgaged Premiſes, to the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs and Aſſigns, upon ſuch Truſts, and for ſuch Intents and Purpoſes as aforeſaid; and if any ſuch Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do, then, from and after

after ſuch Refuſal, no further Intereſt for ſuch Mortgage Money, or any Part thereof, ſhall accrue or grow due, but the ſame ſhall thenceforth ceaſe and determine.

For determining Leaſes.

X. And be it further enacted, That in caſe the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, or any Five of them, or the Clerk or Secretary to the ſaid Subſcribers, ſhall, after any Houſes or other Buildings, Yards, Gardens, or other Grounds, ſhall be conveyed to or veſted in them by virtue of this Act, give or cauſe to be given Six Calendar Months Notice in Writing to any Tenant or Occupier thereof to quit or deliver up the Poſſeſſion thereof, then every ſuch Tenant or Occupier ſhall, at the End of the ſaid Six Calendar Months, peaceably and quietly deliver and yield up the Poſſeſſion of the ſaid Premiſes ſo by him or her held or occupied, to the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs or Aſſigns, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion thereof; and all Leaſes, Demiſes, and Agreements thentofore made for renting or holding the ſame, or any Part thereof, ſhall, from the End of the ſaid Six Calendar Months, be abſolutely void and of none Effect; and if any ſuch Tenant or Occupier ſhall, after the Expiration of the ſaid Six Calendar Months, refuſe to give up the Poſſeſſion thereof, it ſhall be lawful for any Juſtice of the Peace for the ſaid Town and County of *Kingſton-upon-Hull* to iſſue his Precept to any Conſtable of the ſaid Town, to cauſe Poſſeſſion of ſuch Premiſes to be delivered to the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs or Aſſigns, or to ſuch other Perſon or Perſons as in ſuch Precept ſhall be nominated to take Poſſeſſion thereof, and every ſuch Conſtable is hereby required, with ſuch Aſſiſtance as ſhall be neceſſary, to enter the ſaid Premiſes in the Day Time, and to remove the Perſon or Perſons who ſhall be found in Poſſeſſion thereof, together with his, her, or their Goods out of the ſame, and to put the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs or Aſſigns, or ſuch other Perſon or Perſons as ſhall in ſuch Precept be nominated as aforeſaid, into the Poſſeſſion thereof, and to levy ſuch Coſts as ſhall accrue or be occaſioned by Means of the iſſuing and executing of every ſuch Precept, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall have refuſed to give up ſuch Poſſeſſion as aforeſaid, and ſhall, upon Demand, neglect or refuſe to pay ſuch Coſts as aforeſaid.

No Houſes, &c. to be taken without Conſent of the Owners, unleſs Notice be given within a limited Time.

XI. Provided always, That nothing in this Act contained ſhall authorize or empower the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing and deſirous to make the ſaid intended new Street as aforeſaid, or the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs or Aſſigns, to take down, become poſſeſſed of, or entitled to any Houſes, Buildings, Yards, Gardens, or other Grounds, without the Conſent of the Owner or Owners thereof, unleſs Notice in Writing for that Purpoſe ſhall be given, or left in Manner

ner herein-before for that Purpoſe directed, on or before the Firſt Day of *June* One thouſand ſeven hundred and ninety-ſeven; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

The Truſtees, when reduced to Three, ſhall convey to the Committee for the Time being, upon ſame Truſts.

XII. Provided always nevertheleſs, and be it further enacted, That whenever the Truſtees for the Time being, in whom the ſaid Truſt Eſtates and Premiſes ſhall be veſted, ſhall, by Death or otherwiſe, be reduced to the Number of Three before the ſaid Truſts ſhall be fully executed, then and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, ſuch Truſt Eſtates and Premiſes ſhall thereupon, with all convenient Speed, be conveyed in ſuch Manner and Form as that the ſame ſhall and may be legally and effectually veſted in all the Perſons who ſhall then be Members of the Committee herein-after mentioned, on the ſame Truſts as the ſame were originally holden, or upon ſuch Truſts as a Majority in Number of the Subſcribers for making the ſaid intended new Street ſhall appoint.

Committee appointed.

XIII. And be it further enacted, That the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, ſhall be a Committee for managing, directing, and carrying on, the Affairs and Buſineſs of the ſaid Subſcribers, and for laying out and making the ſaid new Street, and for building, or cauſing to be built, the ſaid intended Houſes; and that any Five of them the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, ſhall, when acting in Conjunction and unanimous, be capable of executing all or any of the Powers given to or veſted in the ſaid Committee.

Members of the Committee incapable of acting in certain Caſes.

XIV. Provided nevertheleſs, and be it further enacted, That no Perſon concerned in any Building to be pulled down or erected, or in any Work to be performed in purſuance of this Act, ſhall be capable of acting as a Member of the ſaid Committee, or intruſted to manage or conduct the Execution of the Purpoſes aforeſaid; neither ſhall any Perſon be eligible or capable of acting as a Member of ſuch Committee, during ſuch Time as he ſhall have or execute any Office or Place of Profit by or under the Authority of this Act, or during ſuch Time as he ſhall have any Share or Intereſt in any Contract or Agreement for effecting the Purpoſes aforeſaid.

How Vacancies in the Committee ſhall be filled up.

XV. And be it further enacted, That when and as often as any of the Committee herein-before named and appointed ſhall die, or remove to the Diſtance of Five Miles from the ſaid Town of *Kingſton-upon-Hull*, or refuſe or become diſqualified to act in the Execution of this Act, the remaining Members of the Committee, or their Clerk or Secretary, ſhall, within One Calendar Month after ſuch Death, Removal, Refuſal, or Diſqualification to act, call a Meeting of the Subſcribers for making the ſaid new Street, by a Notice to be inſerted in One of the *Hull* Newſpapers, or ſome other Newſpaper circulated there, Ten Days at leaſt before ſuch Meeting ſhall be holden, and which Notice ſhall ſpecify the Reaſon why ſuch Meeting is called; and the Majority of the Subſcribers at ſuch Meeting, not fewer than Fifteen of them being preſent, ſhall elect and appoint a fit Perſon or Perſons to be a Member or Members of the Committee in the Room of ſuch Perſon or Perſons ſo dying, removing, refuſing,

refuſing, or becoming diſqualified to act, it being the true Intent and Meaning of this Act, that all Vacancies in the ſaid Committee ſhall from Time to Time be filled up within One Calendar Month after the ſame ſhall happen; and all and every ſuch Perſon or Perſons who ſhall be ſo elected a Member or Members of the Committee by virtue of this Act, ſhall be, and is and are hereby joined with the ſurviving or remaining Members of the ſaid Committee, and veſted with the ſame Powers and Authorities to act in the Execution of this Act, to all Intents and Purpoſes, as if ſuch Perſon or Perſons had been particularly named and appointed a Member or Members of the Committee in and by this Act.

Committee to make Calls for Money from the Subſcribers.

XVI. And be it further enacted, That the ſaid Committee ſhall have Power from Time to Time to make ſuch Call or Calls for Money from the ſaid Subſcribers, for the Purpoſe of making the ſaid intended new Street, and building a Row of Houſes on each Side thereof, as they from Time to Time ſhall find neceſſary, ſo that the Money to be called for do not exceed the Money which hath or ſhall be ſubſcribed, and ſo that every Subſcriber ſhall have at leaſt Thirty Days Notice of every ſuch Call, and ſo that no Calls be made at leſs than the Diſtance of Fourteen Days from each other, which Money ſo called for ſhall be paid into the Hands of the Treaſurer or Treaſurers to the ſaid Subſcribers, to be paid and applied in ſuch Manner as the Committee ſhall from Time to Time direct and appoint, in purchaſing Houſes, Buildings, Yards, Gardens, or other Grounds, and for laying out, making, and building, the ſaid intended new Street and Houſes; and every Subſcriber ſhall pay his or her Share or Proportion of the Monies to be called for, into the Hands of the Treaſurer or Treaſurers, on receiving Thirty Days Notice in Writing from the Clerk or Secretary to be appointed by the ſaid Committee; and if any Subſcriber or Subſcribers ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the Money to be called for, for the Space of Twenty-one Days after the Time to be appointed for Payment thereof as aforeſaid, he, ſhe, or they, ſhall, on Proof of ſuch Refuſal or Neglect, forfeit and pay the Sum of Ten Pounds *per Centum* upon the Money called for; and if any Subſcriber or Subſcribers ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the Money to be called for as aforeſaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforeſaid, then and in ſuch Caſe he, ſhe, or they, ſhall, on Proof of ſuch Refuſal or Neglect, forfeit and pay the Sum of Ten Pounds for each Share in the ſaid Subſcription, and ſhall alſo forfeit his, her, and their, reſpective Share and Shares, Intereſt and Intereſts, in the ſaid Subſcription, and in the ſaid Ground, Street, and Houſes, and all the Profit and Benefit thereof; all which Penalties it ſhall be lawful for the Subſcribers to ſue for in the Name of either their Treaſurer, or Clerk, or Secretary, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; all which Forfeitures and Penalties ſhall go to the Reſt of the ſaid Subſcribers, in Truſt for, and for the Benefit of themſelves, in Proportion to their reſpective Intereſts, or another Perſon ſhall and may be admitted in the Place of ſuch Perſon ſo forfeiting as aforeſaid, at the Election of the Committee; and all which Forfeitures and Proviſions ſhall extend to all ſuch Perſons who may become Subſcribers or Proprietors of new or further Shares in the ſaid Subſcription.

Committee may admit new Subſcribers.

XVII. And be it further enacted, That it ſhall be lawful for the Committee at any Time or Times to admit any new Subſcriber or Subſcribers for building the ſaid intended Street, upon ſuch Terms as they ſhall think proper, not being more advantageous to ſuch new Subſcriber or Subſcribers than to thoſe who have already ſubſcribed; and every ſuch new Subſcriber or Subſcribers ſhall thereupon become entitled to ſuch Intereſt in the Houſes, Grounds, and Premiſes, to be purchaſed, and of the Street and Houſes to be made and built as aforeſaid, and in the ſame Manner, to all Intents and Purpoſes, as if he, ſhe, or they, had originally ſubſcribed and been named in this Act.

Power to grant Leaſes under certain Reſtrictions.

XVIII. Provided always, and be it further enacted and declared, That, for and notwithſtanding any Thing herein contained, it ſhall and may be lawful to and for the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, or any Five of them, on ſuch Terms as ſhall be approved by a General Meeting of the Subſcribers, by any Deed or Deeds, to demiſe, leaſe, or grant, all or any Part of the Grounds and Hereditaments to be purchaſed by virtue of this Act (except ſuch Part or Parts thereof as ſhall be requiſite or neceſſary for making the ſaid intended new Street or Highway) to any Perſon or Perſons for any Term or Number of Years abſolute, not exceeding Ninety-nine Years, to take Effect in Poſſeſſion and not in Reverſion, or by way of future Intereſt, and ſo as the Leſſee or Leſſees do covenant that he, ſhe, or they, or his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall and will erect, or cauſe to be erected, One or more Houſe or Houſes thereupon, all the Length of the Ground ſo to be demiſed to him, her, or them, fronting the ſaid intended new Street, to be uniform in Height and external Appearance with the other Houſes erected, or to be erected, adjoining to or fronting ſuch intended new Street, and ſo as there be reſerved in every ſuch Demiſe, Leaſe, or Grant, the beſt Yearly Rent that can reaſonably be had or obtained, without taking any Fine, Premium, or Foregift, for the making thereof, and ſo as the Leſſee or Leſſees do execute a Counterpart or Counterparts of every ſuch Leaſe or Leaſes, and do covenant for the due Payment of the Rent or Rents to be reſerved.

How the Rents ſhall be applied.

XIX. And be it further enacted, That the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs and Aſſigns, ſhall ſtand poſſeſſed of the Rents to be reſerved as aforeſaid, upon ſuch Truſts, and for ſuch Intents and Purpoſes, as a Majority in Number of them the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing and deſirous to make the ſaid intended new Street as aforeſaid, ſhall, by any Deed or Inſtrument in Writing under their reſpective Hands and Seals, direct or appoint.

Power to ſell Lands purchaſed,

XX. Provided alſo, and be it further enacted and declared, That, for and notwithſtanding any Thing herein contained, it ſhall and may be lawful to and for the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, or any Five of them, at any Time or Times after

after any Houſes or other Buildings, Yards, Gardens, or other Grounds ſhall be conveyed to or veſted in them by virtue of this Act, abſolutely to ſell and convey, on ſuch Terms as ſhall be approved of by a General Meeting of the Subſcribers, either by publick Sale or private Contract, together or in Parcels, and at once or at ſeveral Times, all or any Part of ſuch Houſes or other Buildings, Yards, Gardens, or other Grounds to be purchaſed as aforeſaid, or the Scite or Scites thereof, (except ſuch Part or Parts thereof as ſhall be requiſite and neceſſary for making the ſaid intended new Street or Highway), and alſo the Materials of any ſuch Houſes or other Buildings which may have been pulled down, unto any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money as can fairly and reaſonably be obtained for the ſame; and upon Payment of the Money ariſing by Sale of the ſaid Premiſes, or any Part or Parts thereof, to give and ſign a Receipt or Receipts for the Money for which the ſame ſhall be ſold, which Receipt or Receipts ſhall be a ſufficient Diſcharge or Diſcharges to any Purchaſer or Purchaſers for the Purchaſe Money for which the ſame ſhall be ſold, or for ſo much thereof as in ſuch Receipt or Receipts ſhall be acknowledged or expreſſed to be received, and ſuch Purchaſer or Purchaſers, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall not afterwards be anſwerable or accountable for any Loſs, Miſapplication, or Non-application, of ſuch Purchaſe Money.

Purchaſers under certain Reſtrictions.

XXI. And be it further enacted, That the Purchaſer or Purchaſers of any Ground to be ſold as aforeſaid (except any Part or Parts thereof upon the Building of which it ſhall not be deemed eſſential to the uniform and regular Appearance of the ſaid intended new Street) ſhall covenant and agree that he, ſhe, or they, or his, her, or their Heirs or Aſſigns, ſhall and will erect, or cauſe to be erected, One or more Houſe or Houſes thereupon, all the Length of the Ground to be purchaſed by him, her, or them, fronting the ſaid intended new Street, to be uniform in Height and external Appearance with the other Houſes erected, or to be erected, adjoining to or fronting ſuch intended new Street.

How the Money raiſed by ſuch Sales ſhall be applied.

XXII. And be it further enacted, That the Money to ariſe from the Sale of the ſaid Houſes or other Buildings, Yards, Gardens, or other Grounds, or the Scite or Scites thereof, and Materials, ſhall be upon ſuch Truſts, and for ſuch Intents and Purpoſes, as a Majority in Number of them the ſaid Sir *Henry Etherington*, and the ſeveral other Perſons willing and deſirous to make the ſaid intended new Street as aforeſaid, ſhall, by any Inſtrument in Writing under their reſpective Hands and Seals, direct or appoint.

The Committee to be chargeable only for the Monies they receive.

XXIII. And be it further enacted and declared, That the ſaid *John Boyes*, *Hugh Ker*, *Joſeph Egginton*, *Simon Horner*, *Benjamin Metcalfe*, *Anthony Atkinſon*, *John Todd*, *Thomas Riddell*, and *George Jackſon*, their Heirs, Executors, Adminiſtrators, and Aſſigns, ſhall be charged and chargeable only for ſuch Monies as they reſpectively ſhall actually receive by virtue of the Truſts aforeſaid, and that they ſhall not be anſwerable or accountable the one for the others or other of them, or for the Acts, Receipts, Neglects, or Defaults, of the others or other of them, but each of them only for his own Acts, Receipts, Neglects, or Defaults; nor ſhall they, or any of them, be anſwerable or accountable for the Treaſurer

ſurer or Treaſurers, or for any Banker or Bankers with whom or in whoſe Hands all or any Part of the Truſt Monies ſhall, by any Rule or Order of the Subſcribers, be depoſited or lodged for ſafe Cuſtody.

How Officers ſhall be appointed.

XXIV. And be it further enacted, That the Committee ſhall, at their Firſt Meeting after the paſſing of this Act, or at ſome ſubſequent Meeting, and from Time to Time, as Occaſion ſhall require, chooſe and appoint a Treaſurer or Treaſurers, and alſo a Clerk or Secretary to attend the ſeveral Meetings of the Committee, and the General and Special Meetings of the Subſcribers, and make Entries of the Proceedings in a proper Book to be kept for that Purpoſe, and do whatſoever ſhall be ordered at ſuch Meetings reſpectively for the Purpoſes of this Act, and ſuch Treaſurer or Treaſurers, and Clerk or Secretary, ſhall be liable to be removed or diſplaced at any General or Special Meeting of the Subſcribers.

Meetings of the Subſcribers.

XXV. And be it further enacted, That until the Committee ſhall have executed all the Powers given to and veſted in them by virtue of this Act, and all the Accounts reſpecting the making and building of the ſaid intended new Street ſhall have been finally ſtated, ſettled, and adjuſted, a General Meeting of the Subſcribers for making the ſaid intended new Street ſhall be holden in the Grand Jury Room in the Guild-hall in *Kingſton-upon-Hull*, or at any other Place in the ſaid Town which the Subſcribers, or the major Part of them, ſhall at any Publick or Special Meeting appoint, on the Firſt Day of *Auguſt* in every Year, between the Hours of Ten of the Clock in the Forenoon and Twelve of the Clock at Noon, except when ſuch Day ſhall fall on a *Sunday*, and then on the following Day; but if at any Time it ſhall appear to any Five or more of ſuch Subſcribers, that a Special Meeting of the Subſcribers is neceſſary to be holden, it ſhall be lawful for ſuch Five or more of them to cauſe Notice to be given thereof in One of the *Hull* Newſpapers, or in ſome other Newſpaper circulated there, declaring in ſuch Notice the Place where and the Time when ſuch Special Meeting is to be holden, the ſame not being leſs then Ten Days after ſuch Notice given, and likewiſe ſpecifying in every ſuch Notice the Reaſon for and Intention of ſuch Meetings reſpectively, and the ſaid Subſcribers are hereby authorized to meet purſuant to any ſuch Notice, and proceed to the Execution of the Powers by this Act given them with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Subſcribers at ſuch Special Meetings aſſembled, ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at any General Meeting.

Subſcribers may make Orders.

XXVI. And be it further enacted, That at ſuch General Annual Meetings, or Special Meetings as aforeſaid, the Subſcribers ſhall make and lay down ſuch Rules and Orders reſpecting the making of the ſaid intended new Street, and ſuch Regulations for the Conduct of the Committee as ſhall be thought proper and neceſſary, and ſhall call for, audit, and ſettle, all Accounts of Money received, laid out, and diſburſed, in the preceding Year by virtue and for the Purpoſes of this Act: Provided nevertheleſs, that no Rule, Order, or Regulation, to be made or laid down at any General or Special Meeting ſhall be valid unleſs Fifteen Subſcribers ſhall be preſent, and the ſame ſhall be ſigned by a Majority in Number of the Subſcribers ſo preſent.

XXVII. Pro-

XXVII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, (except in ſuch Caſes as are herein directed to be final), ſuch Perſon may appeal to the Juſtices at any General or Quarter Seſſion of the Peace which ſhall be holden for the Town and County of the Town of *Kingſton-upon-Hull*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, the Appellant firſt giving or cauſing to be given Fourteen Days Notice in Writing of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Treaſurer or Clerk to the ſaid Subſcribers, and within Seven Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace of the ſame Town and County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſion, and the Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Matter of every ſuch Appeal, and ſhall award ſuch Coſts to the Party appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination at ſuch Seſſion ſhall be binding and concluſive to all Intents and Purpoſes whatſoever.

Appeal to the Quarter Seſſions.

XXVIII. Provided always, and be it further enacted, That no Proceedings of any ſuch Seſſion ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*.

Proceedings not to be quaſhed for Want of Form, or removeable by *Certiorari*.

XXIX. And be it further enacted, That the Subſcribers for making the ſaid intended new Street, and their Committee for the Time being, may ſue and be ſued, for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Treaſurers, or Clerk or Secretary, for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Subſcribers, or their Committee, by virtue of this Act, in the Name of their Treaſurer or Treaſurers, or Clerk or Secretary, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Treaſurers, or Clerk or Secretary, or by the Act of ſuch Treaſurer or Treaſurers, or Clerk or Secretary, without the Conſent of the ſaid Subſcribers or their Committee; but that the Treaſurer or Treaſurers, or Clerk or Secretary for the Time being to the ſaid Subſcribers, ſhall be deemed the Plaintiff or Plaintiffs, or Defendant or Defendants, as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Treaſurer or Treaſurers, or Clerk or Secretary, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid by the ſaid Subſcribers all ſuch Coſts, Charges, Damages, and Expences, as by the Event, or in conſequence of any ſuch Action or Suit, he or they ſhall bear, pay, expend, or be put unto, or become chargeable with, by reaſon of his or their being made Plaintiff or Plaintiffs, or Defendant or Defendants as aforeſaid.

Subſcribers may ſue and be ſued in the Name of their Treaſurer, or Clerk or Secretary.

XXX. And be it further enacted, That no Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing to be done by virtue or in purſuance of this Act, until after Twenty-one

Limitation of Actions.

Days Notice in Writing ſhall have been given to or left at the uſual Place of Abode of the Perſon or Perſons againſt whom ſuch Action is intended to be brought, ſetting forth the Cauſe of ſuch Action, or after Tender of ſufficient Amends hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact for which the ſame ſhall be brought ſhall have been committed; and every ſuch Action ſhall be laid or brought in the County of the Town of *Kingſton-upon-Hull*, or in the County of *York*, at the Option of the Plaintiff or Plaintiffs, and not elſewhere; and the Defendant or Defendants ſhall and may in ſuch Action or Suit plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue ſuch Action or Suit, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and ſhall have ſuch Remedy for the ſame as any other Defendant or Defendants hath or have for Coſts of Suit in any other Caſe by Law.

General Iſſue.

Treble Coſts.

Saving of the Privileges of *Hull*.

XXXI. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impeach, leſſen, defeat, or in anywiſe affect, any Liberties, Juriſdictions, Privileges, Exemptions, Immunities, or Advantages heretofore granted, or in any Manner belonging to the ſaid Town or Borough or County of the Town of *Kingſton-upon-Hull*, (except as the ſame are herein-before expreſsly taken away), but that the ſame, and every Part thereof reſpectively, may be held, exerciſed, and enjoyed, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, (except as herein-before is excepted), as if this Act had not been made.

Publick Act.

XXXII. And be it further enacted, That this Act ſhall be deemed a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without the ſame being ſpecially pleaded or ſet forth.

9

FINIS.