Anno quarto

Georgii III. Regis.

An Act for amending and ſupplying the Deficiencies of an Act paſſed in the Second Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act to amend and render more effectual ſeveral Acts made for cleanſing and enlightening the Streets of the Town of* Kingſton upon Hull; *and for preventing Annoyances therein.*



WHEREAS by an Act of Parliament paſſed in the Second Year of the Reign of His preſent Majeſty King George the Third, intituled, An Act to amend and render more effectual ſeveral Acts made for cleanſing and enlightening the Streets of the Town of *Kingſton upon Hull*; and for preventing Annoyances therein, it was (amongſt other Things) enacted, 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, ſhould, 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 were thereby required, within Two Months next after Notice of ſuch Nomination, to make

Preamble, reciting Act 2 *Geo.* III.

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 and Sums of Money as the said Mayor and Aldermen should 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 were or should be in the same Year, or last were assessed to the publick Land Tax, to be allowed and confirmed, collected, levied, and raised, by such Person and Persons, and in such Manner, and with and under such Penalties and Provisoes, as in the said Act are directed, expressed, and contained; and it is thereby enacted, That the Money to be raised, levied, or collected, upon or by the Rates or Assessments aforesaid, should be paid and applied according to the Orders and Directions of the Mayor and Aldermen of the said Town for the time being, or the major Part of them, for and towards the Payment of the Wages of the Scavenger or Scavengers to be appointed as therein mentioned, for sweeping, cleaning, and carrying away, the Dirt of and from the Streets, Squares, Lanes, and Alleys, within the said Town and Liberties thereof, other than as therein is mentioned, and for and towards defraying the Expences of buying Lamps, and other Charges necessarily attending the setting up, lighting, and supplying the same with proper Materials for lighting and keeping them in constant Repair, and accounted for by such Person and Persons, and in such Manner, and under such Penalties, Provisoes, Conditions, and Restrictions, as in the said Act are mentioned, expressed, and contained: And whereas since the passing of the said Act, the Mayor and Aldermen of the said Town of Kingston upon Hull have caused a Calculation to be taken and made of the Charges and Expences of sweeping, cleansing, and keeping clean, and enlightening the Streets, Lanes, Squares, and Alleys, in the said Town and Liberties thereof, according to the Direction and Intent of the said Act, and of the Amount of the Sums of Money which can be yearly raised by or upon such Rates and Assessments as they are thereby empowered to order to be made, levied, and collected, and have found that the same will be greatly deficient to answer the Purposes aforesaid, by reason that many Houses and Tenements in the said Town, of considerable yearly Rent or Value,

are belonging to the Hospital of the Trinity House in the said Town, or appropriated to other charitable Uses, and have never been assessed to the Land Tax, and that many other Houses and Tenements in the said Town, of the yearly Rent or Value of Three Pounds and upwards a-piece, lately built by or belonging to some One Owner, and by him or her let to several Tenants, have never been separately assessed to the Land Tax, but such Owner hath always been assessed and paid the Land Tax for all his said Houses together, so that the several Tenants or Occupiers of such Houses, and of the Houses and Tenements belonging to the said Hospital, and appropriated to charitable Uses as aforesaid, cannot be assessed for the same as by the said Act is directed, although they will have equal Benefit with the other Inhabitants of the said Town of the cleansing and enlightening the Streets thereof; and further, by reason that the Inhabitants of the Houses in the Market Place in the said Town, which are numerous, and of very considerable yearly Rents or Value, are exempted by a Proviso in the said Act herein after mentioned and recited from being assessed towards the cleansing the Streets thereof: And whereas for the Reasons aforesaid, and by reason of the Doubts and Objections that have arisen and been made by the Occupiers of Meadow and Pasture Ground, lying within the Liberties of the said Town of Kingston upon Hull, and not adjoining to, or occupied with any Dwelling-house touching and against their being chargeable with the said Rates as they seem to be by the Words of the said Act, it is become necessary to make some Alteration in the Rates and Assessments directed by the said Act, and Manner of laying the same, and to apply the Money to arise therefrom to the Purpose of sweeping, cleansing, and enlightening the Streets, Squares, Lanes, and Alleys, within the Walls and Gates of the said Town of Kingston upon Hull only: 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 instead of the Rates and Assessments directed by the said Act to be made, levied, and raised, for the Purposes therein mentioned, there shall be, from and after the First Day of August, One thousand seven hundred and sixty four, annually raised within the said Town of Kingston upon Hull, by Assessments as herein after men-

Rates and Assessments.

tioned, such Sum and Sums of Money as shall be sufficient for the Purposes of lighting, sweeping, and cleansing the Streets, Squares, Lanes, and Alleys, within the Walls and Gates of the said Town of Kingston upon Hull, at, from, and during such Times, and in such Manner as herein after is mentioned and directed, so as the Money to be raised in any One Year for the Purposes aforesaid, shall not exceed the Sum of Eight Pence in the Pound of the yearly Rent or Value of the Houses, Grounds, and Tenements, to be charged with such Assessments as herein after is expressed.

Churchwardens to give Notice.

And be it further enacted by the Authority aforesaid, That the respective Churchwardens for the time being, of the several Parish Churches of the Holy Trinity and Saint Mary, in the said Town of Kingston upon Hull, shall, and they are hereby required on the Sunday next after the First Day of July, in the Year of our Lord One thousand seven hundred and sixty four, and in every succeeding Year, to give or cause to be given publick Notice in their said respective Parish Churches immediately after Morning or Evening Service, for the several Owners or Occupiers of Messuages, Lands, or Tenements, situate and being within the Walls and Gates of the said Town, of the yearly Rent or Value of Three Pounds or upwards, to assemble and meet together on the Thursday next following every such Notice, between the Hours of Eleven in the Morning and Two in the Afternoon, in the Vestry, or some other publick Place in the said Church of the Holy Trinity, then and there to choose and nominate, in Manner herein after mentioned, One or more Person or Persons who shall be an Inhabitant or Inhabitants, and an Householder or Householders within the Walls and Gates of the said Town, for each of the Seven Wards within the same Town (not exceeding Three for each Ward) to be Assessor or Assessors for the several Wards for which they shall respectively be chosen and nominated for the Purposes of executing the several Powers and Authorities by this Act herein after given to, and vested in them respectively for the Year then next ensuing, and until others shall be chosen in their Rooms; and that the Churchwardens for the time being of the said several Parish Churches, or Two or more of them, shall attend at the Time and Place aforesaid, pursuant to every such Notice; and that such of them as shall so attend shall immediately proceed to an Election of such Assessors as aforesaid, and take the Votes of the several Persons

Election of Assessors.

qualified

qualified to vote as aforesaid in Manner following; that is to say, Each Person so qualified who shall appear between the said Hours of Eleven and Two shall give in to the said Churchwardens then present the Name or Names, or a Note or List in Writing under his or her Hand, of One or more Person or Persons (not exceeding Three) being an Inhabitant or Inhabitants, an Householder or Householders as aforesaid, to be an Assessor or Assessors for the Ward in which such Voter lives; and the said Churchwardens or some of them, after they shall have taken the Votes or Lists of every Person qualified as aforesaid, who shall so appear as aforesaid, and offer to vote, shall immediately proceed to cast up the Numbers of Votes for each Person who shall be so voted for to be an Assessor for each respective Ward, and shall declare the Person or Persons (not exceeding Three) who shall have the Majority of Votes of the Inhabitants and Householders aforesaid, living in each respective Ward, to be the Assessor or Assessors for that Ward, from the First Day of August next ensuing for One whole Year, and until another or others shall be chosen in his or their Room or Rooms; and in case there shall be an Equality of Votes for any One or more Person or Persons (not exceeding Three) to be Assessor or Assessors for any of the said Wards, then the first in Rank of the Churchwardens of the said Church of the Holy Trinity, if present, or, if not, the other Churchwarden of the same Church, or in his Absence the first in Rank of the Churchwardens of the said Church of Saint Mary, shall have a casting Vote, and determine and declare which Person or which of the Persons so having an Equality of Votes, shall be Assessor or Assessors for that Ward.

Notice to be given by the Churchwardens to Assessors.

And be it further enacted by the Authority aforesaid, That the said Churchwardens of the said several Parish Churches, or such of them as shall be present at such Election, shall, within Six Days after the Day of the making thereof, by Writing under their Hands, to be delivered to or left at the Dwelling-house of each Person so chosen an Assessor for any of the said Wards, signify to every such Person such his Election, and require him to take upon him the said Office of an Assessor for the Ward for which he shall be so chosen; and an Entry shall be made in the Parish Books of each of the said Parish Churches, under the Hands of the respective Churchwardens, of the Names of all the Persons so chosen Assessors as aforesaid, distinguishing the Wards for which so chosen, and each of the Persons

sons so chosen an Assessor for any of the said Wards shall, on or before the First Day of August then next ensuing, signify his Acceptance of the said Office, in Writing under his Hand, in such Book of that Parish wherein he shall reside; and if any Person, so chosen an Assessor, shall neglect or refuse to accept of such Office in Manner as aforesaid, every Person so neglecting or refusing shall forfeit the Sum of Five Pounds, to be levied, recovered, paid, and applied, as herein after mentioned.

Assessors to meet in Vestry Room,

And be it further enacted by the Authority aforesaid, That the said Assessors so to be chosen for each and every of the said Wards, shall, on some Day within One Week next after the said First Day of August, meet together in the Vestry, or some other convenient Place in the said Church of the Holy Trinity, pursuant to Notice to be given by the Churchwardens of the same Church on the Sunday next before such Meeting, immediately after Morning or Evening Service (which Notice the said Churchwardens, or One of them, is and are hereby required to give, or cause to be given) and at the same Meeting, or at some other subsequent Meeting or Meetings to be by them, the said Assessors, held by Adjournment, at the same or some other convenient Place within the said Town, within Seven Days after their first Meeting (which Adjournment or Adjournments the major Part of them are hereby authorized and required to make) shall fix, settle, and determine, what gross Sum of Money shall be requisite and necessary to be raised within the said Town, for the Year next following the First Day of August in the same Year, for the Purposes of enlightening, sweeping, cleaning, and carrying off the Dirt from the Streets, Squares, Lanes, and Alleys, within the Walls and Gates of the said Town, in Manner as herein after is mentioned; and shall, within the same Seven Days, make and lay One general Rate and Assessment, in Writing under all their Hands, upon the Occupiers of all the Houses, Tenements, and Buildings, within the Walls and Gates of the said Town, having legal Settlements therein, and on all publick and private Buildings within the said Walls and Gates, except the Work-house commonly called Charity Hall, and Churches, and Chapels, appropriated to publick Worship, Meeting-houses, and Hospitals, which are or shall be of the yearly Rent or Value of Three Pounds and upwards, by an equal Pound Rate, for raising such gross Sum, so as the same shall not exceed in the Whole the Sum of Eight

and to settle the Sums to be raised,

Pence

Pence in the Pound, of the yearly Rent or Value of the Houses, Tenements, and Buildings aforesaid, distinguishing in such Rate and Assessment the respective Wards in which such Houses, Buildings, and Tenements respectively lie; which Rate and Assessment, when so made in pursuance of this Act, shall be signed and confirmed by Two Justices of the Peace of and for the said Town; and being so signed, the Assessor or Assessors, to be chosen and appointed as aforesaid for each respective Ward, shall take an Extract from such general Rate and Assessment of so much thereof as concerns his or their particular Ward, and shall have the Receipt and Management of the Money assessed upon the same Ward, and, by Writing under his or their Hand or Hands, shall, within One Week next after such Assessment laid and signed as aforesaid, nominate and appoint some proper Person, who is or shall be an Householder within the same Ward, to be Collector of the Rates and Assessments aforesaid upon the same Ward for the same Year; and such Person being so nominated and appointed, is hereby required immediately to take upon him the said Office of Collector for the same Ward, without further Warrant, upon Pain of forfeiting the Sum of Five Pounds, to be levied, recovered, and applied, as hereafter is mentioned; and having received from the Assessor or Assessors (who so shall appoint him) a Duplicate of the Rates and Assessments laid upon the Houses, Tenements, and Buildings, in the same Ward as aforesaid (which such Assessor or Assessors is and are hereby required to make out and give to him, under the Hand or Hands of such Assessor or Assessors, without Delay), such Collector is also hereby required and authorized to demand, collect, and receive quarterly, without any other Warrant, the several Sums specified in such Duplicate, of and from the several Persons who ought to pay the same according thereto, and to give Receipts, in Writing under his Hand (if required) for what he shall so receive; and the same, when so received, shall pay over quarterly to the then Assessor or Assessors for the same Ward, who shall likewise give Receipts, in Writing under his or their Hand or Hands, to the said Collector for what he shall so pay to him or them.

And deliver Assessments to Collectors.

Provided always, That in case any Person so to be chosen or nominated an Assessor or Collector for any of the said Wards, shall happen to die or remove out of the said Town of Kingston upon Hull, or refuse to take upon him such Office, by which the same shall become

For Appointment of Assessors and Collectors in case of Death &c.

vacant; in any of those Cases, the Churchwardens of the Parish in which such Person so dying, removing, or refusing to act, did inhabit, shall, on the next Sunday after such Vacancy shall have happened, give or cause to be given such publick Notice as herein before mentioned of such Vacancy, and of some Day in the same Week for the Inhabitants of the Ward wherein such Vacancy shall be, to meet in the Vestry of the same Parish Church, between the Hours of Eleven in the Morning and Two in the Afternoon, to supply the same; and then and there the said Inhabitants, or the major Part of them, who shall appear at such Time and Place, shall, by the Ways and Means aforesaid, choose, nominate, and appoint, some other substantial Householder living in the same Ward, to supply such Vacancy of an Assessor or Collector (as the Case shall require) for the same Ward, till the annual Day of Election of Assessors as aforesaid then next ensuing, and to act in the mean Time with the same Power and Authority in all Respects as if such Person had been chosen an Assessor or nominated as Collector (as the Case may be) in Manner as herein before directed; and that every Person who shall be so chosen, nominated, or appointed, an Assessor or Collector upon any such Vacancy, shall within Ten Days after such Election, Nomination, or Appointment, accept of such Office or Employment to which he shall be so chosen, nominated, or appointed, and signify such his Acceptance, by Writing under his Hand in the Churchwardens Book of the same Parish: And if any Person so chosen, nominated, or appointed, shall neglect or refuse so to accept of, or to execute the said Office, he shall forfeit the Sum of Five Pounds, to be levied, recovered, paid, and applied, as hereafter mentioned.

For punishing Churchwardens and Assessors neglecting their Duty.

And be it further enacted by the Authority aforesaid, That if any of the Churchwardens for the time being of the said respective Parishes, or of the Assessors to be elected as aforesaid (and who shall take upon them the said Office) shall wilfully neglect or refuse to give, or cause to be given such Notices as they are herein before respectively required to give or cause to be given, for any of the said Notices, or wilfully neglect or refuse to do any such Act or Thing as they are herein before respectively required to do in the Execution of this Act, every such Churchwarden or Assessor, so wilfully neglecting or refusing as aforesaid, shall, for every such Offence, forfeit the Sum of Ten Pounds.

And

And be it further enacted by the Authority aforesaid, That from and after the First Day of August, One thousand seven hundred and sixty four, such Number of Bell Lamps, Twelve Inches in Diameter, as shall be sufficient for enlightening the said Streets, Squares, Lanes, and Alleys, and all as near as possible of the same Kind and Goodness in all Respects, shall be provided with the first Money to arise from the said Rates and Assessments, and set up in the Streets, Squares, Lanes, and Alleys, within the Walls and Gates of the said Town, in such Parts thereof, and at such Distances One from another, as the said Assessors to be chosen for all the said Wards in Manner as aforesaid, or the major Part of them, shall, from time to time think fit; and such Lamps shall be either fixed with Irons against any Wall or Building in the said Streets, Squares, Lanes, and Alleys, or upon strong Posts, fit to support the same; and that from and after the First Day of October, One thousand seven hundred and sixty four, all such Lamps shall be lighted at Sun-set every Evening, and kept burning till Twilight every Morning, from the First Day of October to the First Day of May in every Year, and during the Time of any Assizes being held in the said Town. For providing Lamps.

And be it further enacted by the Authority aforesaid, That the Streets, Squares, Lanes, and Alleys, within the Walls and Gates of the said Town, shall, from and after the said First Day of August, in the Year One thousand seven hundred and sixty four, twice in every Week, between the First Day of October and the First Day of May, and Once in every Week, between the First Day of May, and the First Day of October in every Year, or oftener as Occasion shall require, be well and sufficiently swept and cleansed, and all the Dirt and Soil which shall be in the said Town before or against any Houses, Walls, Gardens, and Grounds, and before or against any Churches, Chapels, or other publick Buildings and Places in the said Streets, Squares, Lanes, and Alleys, or any of them, shall be carried away. Streets to be swept at certain Times.

And be it further enacted by the Authority aforesaid, That the Assessor or Assessors for the said several Wards, to be chosen and appointed as aforesaid, shall respectively provide and take Care that the Streets, Squares, Lanes, and Alleys, within their respective Wards, be from time to time lighted, swept, and cleansed, in Manner as aforesaid, and shall and may respectively apply and dispose of the Money which shall be raised by the Assessors to take Care that Streets be swept.

Rates and Assessments to be laid in his or their respective Wards as aforesaid, or so much thereof as shall be requisite, in buying such Number of such Sort of Lamps as aforesaid, as shall be set up within his or their respective Wards, according to such Regulations as the said Assessors, or the major Part of them, shall agree upon, and of the proper and necessary Materials for setting up the same, and for firing, supporting, and repairing the same, and for lighting, trimming, and keeping the said Lamps lighted at the Times and in Manner as herein before mentioned, and also in paying the Wages of Scavengers, Sweepers, and other Labourers and Servants for sweeping, cleansing, and carrying away the Dirt and Soil, from the Streets, Squares, Lanes, and Alleys, within his and their respective Wards (except such Parts thereof as are to be swept and cleansed at the Costs of the Mayor and Burgesses of the said Town, and of the Churchwardens of the said several Parish Churches, and of the respective Treasurers and Trustees of and for the several Chapels, Meeting-houses, and Hospitals, as hereafter mentioned) and shall and may, within and during the Time of his or their Continuance in the Office of Assessor or Assessors, enter into and make such Contracts and Agreements, by the Year or less Time, with such Person and Persons, and upon such reasonable Terms, for the undertaking and performing of all or any of the Matters and Things aforesaid, relating to the lighting, sweeping, cleaning, and carrying away the Dirt from off the said Streets, Squares, Lanes, and Alleys, in Manner aforesaid (except as aforesaid) as he or they shall think fit; which Persons, so to be contracted with, shall be subject and liable to such pecuniary Forfeitures and Penalties for Non-performance of their respective Contracts as the said Assessor or Assessors shall impose, and the said Contractors respectively agree to.

No Officer of the Corporation to be appointed an Assessor.

Provided always, and be it further enacted by the Authority aforesaid, That the Mayor, Recorder, and Aldermen of the said Town for the time being, or any of them, or any other Officer or Officers of the Corporation of Mayor and Burgesses of the same Town, or any Elder Brother or Assistant of the Corporation of the Trinity House in Kingston upon Hull, shall not be chosen or appointed an Assessor or Assessors, Collector or Collectors, or into any other Office for any of the Purposes aforesaid, but shall be wholly exempt from serving any of the said Offices.

Provided

Provided also, and be it further enacted by the Authority aforesaid, That if in any One Year, through the Neglect of the Churchwardens of the said respective Parishes, or any of them, or for or through any other Cause or Neglect, such Assessors as aforesaid shall not be chosen or appointed for the said respective Wards within the Time herein before limited and prescribed for that Purpose; or if such Assessor or Assessors shall neglect to settle or ascertain what gross Sum shall be raised for the Purposes aforesaid, or to make and settle such Rate and Assessment for the raising thereof, as herein before mentioned, within the Time for that Purpose herein before limited; then, and in either of the said Cases, the Mayor and Aldermen of the said Town of Kingston upon Hull for the time being, or the major Part of them, shall and may, and are hereby authorized and required to settle and determine what Sum of Money shall be requisite for the Purposes of this Act, and to be raised upon the several Occupiers of Houses and Tenements within the Walls and Gates of the said Town rateable as aforesaid, until the next annual Election of Assessors as herein before directed, and to appoint Two Assessors in and for each of the said Seven Wards, to rate and assess the same, and proportion out the same in and upon the said several Wards, in Manner as herein before is directed to be done by the Assessors to be elected, as first herein mentioned; and also to appoint Two substantial Inhabitants in each of the said Wards, being Housholders, to collect the Rates and Assessments in and for each of the said Wards; and such Assessors and Collectors so to be appointed by the said Mayor and Aldermen, or the major Part of them, as aforesaid, shall and are hereby required to take upon them the said Offices respectively, and execute the same in rating, assessing, proportioning, collecting, and levying, and applying, for the Purposes aforesaid, the Sum of Money so to be settled and determined to be raised in the same Year, by the said Mayor and Aldermen, or the major Part of them, at and within such Times, and in such Manner, as they shall, by Writing under their Hands, direct, and under such Penalties and Forfeitures for neglecting or refusing to execute their said respective Offices, as the Assessors and Collectors, herein before first directed to be elected and named, are hereby made subject and liable.

In case of Neglect of choosing Assessors,

the Mayor and Aldermen to settle the Assessments.

Provided always, and be it further enacted by the Authority aforesaid, That the Street called the Market Place, the Fish Shambles, that Part of the Butchery or

Places to be cleaned at the Expence of the Corporation.

Street which lies under the Town Hall, and the Front of the said Fish Shambles, to the Middle of the said Street, all the Common Staiths and Breast-work thereof next the Haven, the Gate-ways of Hesle, Myton, Beverley, and North Gates, all the Grates and Grate Heads, and all other Places, as well within the Walls and Gates of the said Town, as without, which have usually been swept and cleansed at the Expence of the Mayor and Burgesses thereof, shall from henceforth be swept and cleansed at the sole Costs and Charges of the said Mayor and Burgesses, at such Times, and so often as herein before mentioned; 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.

Churchwardens of Churches, &c. to be deemed Occupiers.

Provided also, and be it further enacted and declared by the Authority aforesaid, That the respective Churchwardens of the said several Parish Churches, and the respective Treasurers and Trustees of and for the several Chapels, Meeting-houses, and Hospitals, within the said Town for the time being, and every of them, shall be respectively deemed Occupiers of the said respective Churches, Chapels, Meeting-houses, and Hospitals aforesaid, for the Purpose only of cleaning the Streets, Squares, Lanes, and Alleys, in or contiguous to which the said Churches and Church-yards, Chapels, Meeting-houses, and Hospitals, and the Grounds thereunto respectively belonging, are situate or being; and shall respectively sweep and clean, or cause to be swept and cleansed, and the Dirt and Soil to be carried off and from so much of the said Streets, Squares, Lanes, and Alleys, as lies contiguous to and fronting the said respective Churches, Church-yards, Chapels, Meeting-houses, and Hospitals, and the Grounds thereunto respectively belonging, and the Middle of the said Streets, Squares, Lanes, and Alleys, at their respective proper Costs and Charges, at such Times, and so often as the other Parts of the said respective Streets, Squares, Lanes, and Alleys, shall be swept and cleansed by, or by the Order of, the Assessors of the respective Wards wherein the same respectively lie; And in case the said respective Churchwardens, Treasurers, or Trustees, shall at any Time or Times neglect to sweep, cleanse, and carry off the Dirt and Soil from the respective Parts of the Streets, Squares, Lanes, and Alleys, which are respectively required to be swept and cleansed by them as aforesaid; then, and so often, the Assessors of the respective Wards wherein the said Parts respectively

lie, shall sweep and clean, and carry the Dirt and Soil off and from the same the next Day (unless it shall happen to be Sunday) before Noon; and on Default of Payment of the Charges and Expences thereof by the said respective Churchwardens, Treasurers, or Trustees, or any of them, on Demand by the said respective Assessors, they the said respective Assessors, or any Person by them respectively appointed, shall and may, by Warrant under the Hand and Seal of the Mayor, or any other Justice of the Peace of and for the said Town and County of the same (which Warrant the said Mayor, and every other such Justice, is hereby required to grant, on Proof, by Oath of any credible Witness, of such Neglect to sweep and cleanse as aforesaid, and Refusal to pay the said Charges and Expences on Demand as aforesaid) levy such respective Charges and Expences by Distress and Sale of the Goods and Chattles of such Churchwarden, Treasurer, or Trustee, so neglecting and refusing as aforesaid, rendering the Overplus (if any be) to the Owner of such Goods and Chattles, after deducting the reasonable Charges of such Warrant, and such Distress and Sale, when demanded.

Corporation to provide a Place to lay Dirt and Soil.

And be it further enacted by the Authority aforesaid, That the Mayor and Burgesses of the said Town, shall, at their own Expence, find and provide some proper Places without the Walls of the said Town, and as near as conveniently may be, whereon the Scavengers, Sweepers, and Cleansers, to be employed as aforesaid, may, if they shall think fit, lay the Filth, Dirt, and Soil, to be taken off and from the said Streets, Squares, Lanes, and Alleys, as aforesaid, or any Part or Parts thereof.

Provision for levying the Rates.

And be it further enacted by the Authority aforesaid, That 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, and they and every of them are and is hereby authorized and required, by Warrant under the Hand 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 shall be) after the necessary Charges of taking, keeping, and selling such Distress, shall be deducted; and in case the

Person

Person or Persons who ought to pay any such Rate or Assessment, shall not have or discover sufficient Goods or Chattles of his, her, or their own, so as a Distress may be made thereon as aforesaid, then or in either of the said Cases, it shall and may be lawful for the said Mayor or Two Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction in the said Town, there to remain without Bail or Mainprize, for any Time not exceeding One Month, or until the Payment of such Rate or Assessment.

No Collector to serve longer than a certain Time.

Provided always, That no Assessor or Collector so to be appointed as aforesaid, shall be obliged to serve in such his Office for longer Time than One Year.

And whereas several Houses within the Walls and Gates of the said Town of Kingston upon Hull, of considerable yearly Value, are by the respective Owners thereof let out in divers small Tenements to several Tenants, whereby such Houses cannot be assessed for the Purposes of this Act, or the Rates and Assessments thereon cannot be recovered; For Remedy whereof be it further enacted by the Authority aforesaid, That the Owner or Owners of all such Houses or Tenements, above the yearly Value of Three Pounds in the Whole, which shall be so let to, or occupied by, Two or more Tenants or Inhabitants, shall and may be rated and assessed in or towards any annual Rate or Assessment to be made for the Purposes of this Act, and the Sum or Sums at which the respective Owners of such Houses or Tenements shall be so rated, shall be demanded of and be liable to be paid by any Two or more of the Occupiers of any Part or Parts of such Houses or Tenements; and in case any Occupier or Occupiers of any Part or Parts of such Houses or Tenements, shall refuse or neglect to pay the same Sum or Sums for the Space of Ten Days after the same shall be demanded, then the same, or so much thereof as shall not be so paid, shall be levied by Distress and Sale of the Goods and Chattles of him, her, or them, so refusing or neglecting, in like Manner as other like Rates and Assessments may be levied and recovered by virtue of this Act; and such Occupier or Occupiers of such Houses or Tenements is and are hereby required to pay the Sum or Sums of Money which shall be so rated and assessed on the Owner or Owners thereof in pursuance of this Act; and such Occupier or Occupiers is and are hereby authorized to deduct the same out of his, her, or their Rent (unless

Rates to be laid on Houses of a certain Value,

to be deducted out of Rent.

there

there shall be an actual Agreement between them and their respective Landlords to the contrary) and the said Landlords, both mediate and immediate, according to their respective Interests, are hereby required to allow such Deductions and Payments, upon Receipt of the Residue of their Rents; and every Tenant paying such Assessment or Assessments, shall be acquitted and discharged for so much Money as the said Assessment or Assessments shall amount unto, in the same Manner as if the same had been actually paid to such Person or Persons to whom his, her, or their Rent should have been due and payable, so as there be no such Agreement between such respective Tenants and their Landlords to the contrary.

Provision in case of Persons quitting Houses.

Provided always, and be it further enacted by the Authority aforesaid, That where 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 or occupy the same Messuage or Tenement which the other so quitted or removed from; 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.

And whereas by the said Act of the Second Year of his present Majesty's Reign, it is provided and enacted, That nothing therein contained should extend to charge the Inhabitants or Occupiers of any Houses or Tenements, situate in such Places 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 Rates and Assessments thereby directed to be assessed and collected, than by the said Mayor

and

and Aldermen, or the major Part of them, in any Common Council assembled, shall be adjudged a just Proportion for the Expence of putting the said Act in Execution, with respect to the providing, lighting, and maintaining Lamps within the said Town and Liberties thereof: And whereas the Inhabitants and Occupiers of Houses and Tenements in the Market Place of the said Town, who are almost the only Persons intended to be eased by the said recited Clause or Proviso, and they will have equal Benefit with the other Inhabitants of the said Town, by having the same, and the Streets, Squares, Lanes, and Alleys thereof, well swept and kept clean, as well as by the lighting thereof, and will not be so much burthened in Proportion by the Rates and Assessments aforesaid, as many other of the Inhabitants in the High Street, and other narrow Streets, in the said Town will be, as the Mayor and Burgesses of the said Town will at their own Expence sweep and cleanse the said Market Place, and other Places in the said recited Act mentioned to have been usually swept and cleansed by them, as they are thereby directed to do:

For repealing the Clause which exempts the Inhabitants of the Market Place.

Be it therefore enacted by the Authority aforesaid, That from and after the passing of this present Act, the said recited Proviso or Clause in the said Act of the Second Year of His present Majesty's Reign, shall be, and is hereby declared to be repealed.

Assessors to keep Books,

And be it further enacted by the Authority aforesaid, That the respective Assessor or Assessors for the said respective Wards, to be annually chosen by the Inhabitants thereof respectively as aforesaid, shall keep proper Books of Accounts, in which shall be duly and fairly entered, from time to time, all the Money by them respectively received, paid, and disbursed, under or in pursuance of this Act, distinguishing the Times when, and of whom, by whom, and to whom, and on what Account, such Money shall be so received, paid, and disbursed; which Books shall and may be produced to and inspected by the Inhabitants of the respective Wards rateable as aforesaid, and concerned therein, at any publick Meeting of them, to be held at some convenient Time and Place within each Ward, pursuant to Notice to be given for that Purpose by the Churchwardens of the Parish in which such Ward or the greater Part thereof lies (which Notice the said Churchwardens are hereby required to give, on some Sunday, in their Parish Church, immediately after Morning or Evening Service, at and pursuant to the Request of any Ten or more of the said Inhabitants rateable as aforesaid, by Writing under their Hands, to be delivered to the said

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Churchwardens in the Week next preceeding); and the said respective Assessor or Assessors, and also the respective Collectors of the said Rates and Assessments, shall from time to time, and as often as the Inhabitants rateable as aforesaid of the said respective Wards, assembled at any such publick Meeting, or the major Part of them, shall require, or at least Once in the Year, and within Ten Days after new Assessors shall be chosen, or make and render to such respective Inhabitants, assembled pursuant to such Notice as aforesaid, a true and perfect Account of all Sums of Money by such Person or Persons collected or received, or which shall have come to their Hands respectively, or which shall have been rated and assessed as aforesaid, and not received, and all other Matters and Things committed to their Charge by virtue or under the Authority of this Act; and shall pay and deliver all the Money which shall remain in their Hands respectively to the Time of such Accounts, to the acting Assessor or Assessors then appointed by virtue of this Act, and acting for the Ward to whose Use such Money ought to be applied; and in case any such Assessor or Assessors, or Collector, shall refuse or neglect to account for and pay all such Money accordingly, every such Assessor or Assessors, or Collector, shall, for every such Offence, Refusal, or Neglect, forfeit and pay any Sum not exceeding Forty Pounds; and any Two or more Justices of the Peace of and for the said Town and County, shall and may cause all and every such Sum and Sums of Money as shall so remain in the Hands of any such Assessor or Collector, at the Time of such Account as aforesaid, and also the said Penalty, to be from time to time levied by Distress and Sale of the Goods and Chattles of each such Assessor or Assessors, or Collector respectively, rendering to the Owner the Overplus (if any) after the Charges of such Distress and Sale deducted; and in case no sufficient Distress can be found, then such Justices shall and may commit each such Assessor or Assessors, or Collector respectively, to the common Gaol of the said Town and County, there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account and Satisfaction, or shall have compounded and agreed to and with the Inhabitants of the Ward concerned in such Account assembled as aforesaid, or the major Part of them (who are hereby authorized to compound for the same) for so much as upon the said Account shall appear to be remaining in their Hands respectively, and until he or they shall have delivered up, to the then acting Assessors of the same Ward, all the Books of Accounts

and render Accounts.

and

and Vouchers relating to the Premisses; which said Penalty or Forfeiture, when recovered, and also the Sum and Sums of Money so unaccounted for and levied as aforesaid, or compounded and agreed for as aforesaid, shall be paid to the acting Assessor or Assessors for the Ward concerned in such Account, to go and be applied for and towards the Expence of lighting, sweeping, and cleansing, the Streets, Squares, Lanes, and Alleys, in the same Ward.

Justices of Peace to determine Differences in a summary Way.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Mayor of the said Town of Kingston upon Hull, or any Two Justices of the Peace of and for the said Town and County of the same for the time being, to hear and determine, in a summary Way, any of the Offences which are made subject to, and punishable by, any Penalties or Forfeitures by virtue of this Act; and such Mayor and Justices respectively is and are hereby authorized and required, upon Information or Complaint, within One Month after such Offence committed, to summon the Party or Parties accused, and after Oath made of the Commission of any of the Offences abovementioned, by One or more credible Witness or Witnesses, to issue a Warrant or Warrants for apprehending the Party or Parties so offending, and upon the Appearance, or Contempt of the Party accused in not appearing, to proceed to the Examination of the Witness or Witnesses upon such Oath as aforesaid (which Oath such Mayor and Justices respectively are hereby impowered to administer) and to proceed to give such Judgement or Determination as shall be just and conformable to the true Meaning of this Act; and where the Party accused shall be convicted of such Offence upon such Examination, or upon his or her own Confession, and shall not, within Ten Days after such Conviction, give Notice in Writing to the said Mayor or Justices respectively, of his or her Intention to appeal from such Sentence or Determination, according to the Proviso herein after contained, such Mayor and Justices respectively shall and may, and are hereby required to levy the Penalty or Penalties inflicted for such Offence or Offences in the Manner directed by this Act; and all Constables and other Peace Officers within the said Town are hereby required duly to obey and execute, within their Jurisdictions, all Warrants of such Mayor and Justices respectively, from time to time, to be granted and delivered to them for the Purposes aforesaid.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed,

or incurred by reason thereof, the Manner of recovering and levying whereof is not otherwise hereby particularly directed, shall be levied and recovered by Distress and Sale of the Goods and Chattles of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of the Mayor of the said Town for the time being, or any Two other Justices of the Peace of and for the same Town and County of the same; and that all Costs and Charges of such Distress and Sale shall in like Manner be raised and levied, together with such Penalties and Forfeitures, and the Overplus (if any) of the Money to be raised by the Sale of such Goods and Chattles, shall be returned to the Owner thereof; and such Penalties and Forfeitures, when recovered or levied (the Application whereof is not before particularly directed) shall be paid and applied as follows; that is to say, One Moiety thereof to the Informer, and the other Moiety thereof to the acting Assessor or Assessors of the Ward wherein such Offences shall be committed, to be applied towards the Charges of lighting, sweeping, and cleansing the Streets, Squares, Lanes, and Alleys, in the same Ward: And in case any Person or Persons, who shall be convicted of any of the Offences prohibited or mentioned in this Act, shall not have or discover sufficient Goods or Chattles of his, her, or their own, so as a Distress may be made thereon as aforesaid, then or in either of the said Cases, it shall and may be lawful for the said Mayor or Two Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction in the said Town, there to remain without Bail or Mainprize for any Space of Time not exceeding Three Months, in case such Penalty or Forfeiture shall not be sooner paid.

Penalties and Forfeitures how to be recovered and applied.

For want of Distress, the Offender to be committed.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall find him, her, or themselves aggrieved by or remain unsatisfied in the Judgement of the said Justice or Justices, by any Rate or Assessment made in pursuance of this Act, then such Person and Persons shall and may, by virtue of this Act, complain or appeal to the Justices of the Peace at the next Quarter Session to be held for the said Town and County of the Town of Kingston upon Hull; which Justices at their said Sessions are hereby impowered to summon and examine Witnesses upon Oath, and finally to hear and determine the Matter of such Complaint or Appeal.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That the Scavenger or Scavengers, or other Persons to be employed in sweeping, cleansing, and carrying away the Dirt from the said Streets, Squares, Lanes, and Alleys, within the said Town, in pursuance of this Act, or any of them, 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, or Backside, of any of the Inhabitants in the said Town,

Scavengers obliged to take away Dirt, &c.

and laid in the said Streets, Squares, Lanes, or Alleys, or any of them; and that the several Clauses, Powers, Provisions, and Directions, contained in, and the Penalties and Forfeitures inflicted by, the said Act of the Twenty eighth Year of the Reign of His late Majesty, recited in the said Act of the Second Year of His present Majesty, for preventing, punishing, or remedying Annoyances and Obstructions in the said Streets, Squares, Lanes, and Alleys, in the same Act of the Twenty eighth Year of His said late Majesty particularly mentioned, or in any wise relating thereto, or to the Application or Mitigation of such Penalties and Forfeitures, shall from henceforth continue, remain, and be in full Force and Virtue; any thing herein or in the said Act of the Second Year of His present Majesty contained to the contrary notwithstanding.

Nothing in this Act to extend to the Powers of an Act of 28th Geo. II. relating to the Poor of *Hull*.

Provided also, and be it further enacted by the Authority aforesaid, That nothing herein or in the said recited Act of the Second Year of His present Majesty contained, shall 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 the said Act of the Twenty eighth Year of the Reign of His said late Majesty, 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; but all such Clauses, Powers, Provisoes, Directions, and Authorities, shall remain, continue, and be in full Force, as if this Act, or the said recited Act of the Second Year of His present Majesty, had not been made.

Property of Lamps, &c. vested in the Corporation.

And be it further enacted by the Authority aforesaid, That the Lamps, Posts, Irons, and Furniture thereof, which were provided pursuant to the said recited Act of the Twenty eighth Year of His said late Majesty, and are 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 thereof, and of such other Lamps, Posts, Irons, and Furniture, which shall be provided and respectively set up in the said respective Parishes pursuant to this Act, shall, from and after the said First Day of August, One thousand seven hundred and sixty four, be vested in the respective Churchwardens of the said respective Parishes, for the Use of the Inhabitants of the several Wards within the said respective Parishes, to be continued, set up, and inlightened therein respectively, in Manner and at such Times, and subject to such Orders and Directions as are herein before mentioned and expressed: And that the Penalties and Forfeitures inflicted by the said Act of the Twenty eighth Year of His said late Majesty, 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

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ner take away, break, throw down, damage, or extinguish any of the Lamps to be set up pursuant to this Act, and shall be levied, recovered, mitigated, and applied in such Manner, as the like Penalties and Forfeitures are in and by the said Act of the Twenty eighth Year of his said late Majesty directed to be levied, recovered, mitigated, and applied.

Provided always, That if any such Lamp or Lamps, or the Posts, Irons, or Furniture thereof, shall be so fixed or set up as to be deemed a publick Inconvenience or Nuisance by the Mayor and Aldermen of the said Town for the time being, or the major Part of them, then the fixing the same shall be altered and regulated as they shall approve of, at the Costs and Charges of the Assessor or Assessors who fixed or ordered the same to be so fixed, or the same shall be taken down. Proviso.

And be it further enacted by the Authority aforesaid, That in all Actions, Suits, Trials, and other Proceedings in pursuance of this Act, or in relation to any Matter or Thing herein contained, any Inhabitant of either of the said Parishes of the Holy Trinity and Saint Mary shall be admitted to give Evidence, and shall be deemed a competent Witness, notwithstanding his, her, or their being charged or liable to be charged with the Rates and Assessments hereby enacted to be made, or any of them. Inhabitants competent Witnesses.

Provided also, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, impeach, or lessen, the legal Rights of the Mayor and Burgesses of the said Town of Kingston upon Hull, or of the Justices of the Peace of and for the said Town and County thereof. Proviso.

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, her, 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 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 Plaintiffs 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. Notice to be given of Actions brought.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any such Defendant or Defendants, within One Calendar Month next after such Tender of Amends may be made.

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.

Proviso. And be it further enacted by the Authority aforesaid, 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.

Limitation of Actions. And be it further enacted by the Authority aforesaid, 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 Months next after the Cause of Action shall arise, and not afterwards, and shall be laid and brought in the 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

General Issue. or Suit shall 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 De-

Treble Costs. fendant 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 be it further enacted by the Authority aforesaid, 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.