



CHAPTER xlvii.

An Act for enabling the Justices of the Peace for the County Palatine of Lancaster to erect offices for the transaction of County Business, and to make a new road; and for other purposes. A.D. 1879.
[27th May 1879.]

WHEREAS under an Act of the thirty-eighth year of the reign of King George the Third, chapter fifty-eight, the public business (other than criminal business) of the county palatine of Lancaster (herein-after referred to as "county business") is conducted at annual general sessions of the Justices of the Peace of the said county (herein-after referred to as "the Justices"), held at Preston in the said county:

And whereas the court of annual general sessions has heretofore been held at the County Sessions Hall in Preston, and an office for the county treasurer, and an office for the chief constable of the said county, have been at different times built or acquired by the Justices in Preston:

And whereas the business of the clerk of the peace is at present transacted in private offices also situate in Preston, but on the occurrence of the next vacancy it will be necessary for the Justices to provide an office for the clerk of the peace:

And whereas the County Sessions Hall is distant nearly a mile from any of the said offices, and upwards of a mile from the railway station, and much inconvenience and delay in the conduct of county business is thereby occasioned:

And whereas the office of the county treasurer is inadequate for its purpose, and there is at present no proper and convenient place for the custody of the county records, but the same are kept partly at the County Sessions Hall and partly at the private offices of the clerk of the peace:

And whereas it would greatly facilitate the conduct of county business, and would be of local and public advantage, if county offices comprising convenient rooms for the use of the Justices, as

A.D. 1879. well as offices for the county treasurer and the clerk of the peace, and other county officers, with a proper room or place for the custody of the county records (herein-after referred to as a "record room"), were erected in Preston, on a site immediately adjoining the new office of the chief constable, which has been recently erected by the Justices close to the railway station :

35 & 36 Vict.
c. 68.
36 & 37 Vict.
c. 84.

And whereas under the provisions of the Military Forces Localization Act, 1872, and the Militia Pay and Storehouses Act, 1873, certain storehouses for arms or ammunition (herein-after referred to as "militia storehouses") have been or are likely to be certified by the Secretary of State for the War Department not to be required for the purposes of the first of those Acts, and have been or are about to be sold, and it is expedient that the Justices be empowered to apply part of the proceeds of such sale in the erection of county offices on the site aforesaid, and from time to time to apply the balance of such proceeds in manner provided by this Act :

And whereas additional accommodation for pauper lunatics of the said county is urgently required, and the Justices recently obtained the sanction of the Secretary of State for the Home Department and of the Commissioners in Lunacy to the purchase of a convenient site for an asylum in the township of Rainhill and parish of Prescot in the said county, conditionally on a certain footpath or highway which occupies a portion of such site being stopped up :

And whereas it is expedient that the Justices be authorised to stop up such footpath or highway, and in substitution therefor to make a new road in the said township and to widen and improve Two Butt Lane in the said township :

And whereas it is expedient that the Justices acting within the hundreds of Amounderness, Blackburn, and Leyland should be authorised at the general quarter sessions of the peace held at Preston to appoint a salaried chairman of the said sessions of the peace :

And whereas it is expedient that such borrowing and other powers be conferred on the Justices as in this Act mentioned :

And whereas plans and sections of the proposed new road and widened road, and a plan showing the footpath or highway which it is proposed to stop up, with books of reference to the said plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands in the line of the proposed works, or within the limits of deviation as defined on the plans, and describing such lands, have been duly deposited with the clerks of the peace for the county palatine of Lancaster and with the parish clerk of the parish of Prescot, and they are herein-

after referred to as the deposited plans, sections, and books of reference : A.D. 1879.

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may for all purposes be cited as the Lancashire County Justices Act, 1879. Short title.

2. In this Act the term "the county" means the county palatine of Lancaster, the term "county treasurer" means the treasurer of the county, the term "clerk of the peace" includes the deputy clerk of the peace or other person discharging the duties of clerk of the peace of the county, and the term "Asylum Acts" means the Lunatic Asylums Act, 1853, and any Act or Acts amending the same. Interpretation of terms.
16 & 17 Vict. c. 97.

3. The lands described in an indenture dated the twenty-first day of March one thousand eight hundred and seventy-eight, and made between Frederic Campbell Hulton of the one part, and Robert John Harper, the clerk of the peace for the county palatine of Lancaster, of the other part, shall continue vested or vest in and be held by the clerk of the peace and his successors on trust for the purposes in this Act expressed in relation to the same. Appropriation of certain lands to purposes of Act.

4. On the said lands or some of them, or on any lands which may be at any time acquired under and for the purposes of this Act, the Justices may cause to be erected county offices comprising convenient rooms for the holding of the court of annual general sessions, with committee and retiring rooms and all other conveniences, and a record room and proper offices for the accommodation of the county treasurer, the clerk of the peace, and the county auditor, and any other county officer, and their respective clerks and assistants. Power for Justices to erect county offices, &c.

5. When the record room has been completed, the Justices may direct the removal of the county records from the places in which they are kept at the date of such order to such record room, and while the said records are being removed, and after their removal, they shall be deemed to be and shall be in the custody of the clerk of the peace, and he shall preserve the said records ; and shall (subject to such exceptions and regulations, and on payment of such reasonable fee, if any, as the Justices may from time to time prescribe,) allow any person to inspect the same. Removal of county records.

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Power to alter and furnish county offices.

Power to purchase lands by agreement.

8 & 9 Vict. c. 18.

23 & 24 Vict. c. 106.

32 & 33 Vict. c. 18.

6. The Justices may from time to time, as they think proper, enlarge, alter, or improve the county offices which they are by this Act authorised to erect, and may provide and renew all furniture and fittings necessary or convenient for the same.

7. The Justices are hereby empowered, for any of the purposes of this Act, to purchase by agreement any lands or buildings situate in the township and parish of Preston, or in the township of Rainhill and parish of Prescot; and in order to facilitate the acquirement by the Justices of lands or buildings the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except such of the said provisions as relate to the purchase of lands otherwise than by agreement, and as relate to affording access to the special Act,) are hereby incorporated with this Act; for the purposes of such incorporation this Act shall be deemed to be "the special Act," and the Justices shall be deemed to be "the promoters of the undertaking." Any lands acquired by the Justices under this section shall be conveyed to the clerk of the peace and his successors, on trust, for the purposes of this Act.

Application of part of proceeds of sale of militia storehouses.

8. Where any militia storehouse (or other building or land held for the public uses or purposes of the county) is sold by the Justices under the powers of the Militia Pay and Storehouses Act, 1873, it shall be lawful for the Justices from time to time to apply, out of the proceeds of such sale, a sum not exceeding twenty thousand pounds in or towards the erection of the county offices by this Act authorised to be erected, or in the purchase of lands for the purposes of this Act, and the balance of such proceeds shall be applied in or towards discharging any debt for the time being charged on the county stock or rate for moneys borrowed for the purposes of the Asylum Acts.

Power to make new road and improve Two Butt Lane.

9. The Justices may, in the lines and on the levels shown on the deposited plans and sections, make and shall for ever hereafter maintain as public highways, the new road and widening and improvement of Two Butt Lane herein-after mentioned, together with all necessary and convenient approaches, bridges, drains, sewers, works, and conveniences connected therewith; (that is to say,)

A new road wholly in the township of Rainhill, in the parish of Prescot in the county of Lancaster, commencing at a point called Hanging Bridge, on the high road leading from the Rainhill Railway Station to St. Helens in the said county, and terminating at a point where the highway or footway leading from Prescot to St. Helens, known as Two Butt Lane, intersects the brook or ditch forming the boundary between the townships of Eccleston and Rainhill aforesaid; and

A widening and improvement of so much of Two Butt Lane, in the said township of Rainhill and parish of Prescott, as extends from the termination of the said new road to the point where an occupation road leading from the high road from Prescott to Warrington, and which forms the boundary between the townships of Whiston and Rainhill, joins the said Two Butt Lane.

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10. In making the said new road and widening and improvement the Justices may deviate vertically from the levels thereof shown on the deposited plans and sections to any extent not exceeding two feet, and may deviate laterally to any extent within the limits of deviation shown on the deposited plans.

Limits of deviation.

11. The Justices may at any time after the new road authorised by this Act is completed and open for public traffic, and after Two Butt Lane has been widened and improved, cause the footpath or highway, situate in the township of Rainhill and parish of Prescott, leading from Longton Villa to Green's House, as the same is shown and described in the deposited plans and books of reference, to be stopped up and discontinued, and thereupon the soil of the said footpath or highway shall continue vested or vest in the clerk of the peace, to be held by him and his successors on trust for such purposes as the adjoining lands are held by him, and all rights of passing and repassing along the said footpath or highway, and all other rights (if any) in or over the same, shall be extinguished

Power to stop up certain foot-path.

12. All expenses incurred by the Justices in the repair and maintenance of the county offices erected in pursuance of this Act, and any other expenses incurred by the Justices in the execution of this Act which are not otherwise provided for, shall, subject to the provisions of this Act, be defrayed by the Justices out of the county stock or rate of the county.

Expenses of repair and maintenance of county offices.

13. Whereas it may be desirable to postpone for a time the sale of the militia storehouses above mentioned, or some of them, and it is expedient that the erection of the county offices by this Act authorised be not delayed by reason of such postponement: Be it enacted, that for the purpose of more speedily raising a fund for the erection, furnishing, and fitting up of such county offices, the Justices may from time to time borrow and take up at interest, on the credit of the county stock or rate, such sums of money, not exceeding thirty thousand pounds, as may in their opinion be necessary for defraying the whole or a portion of the expenses of the erection, furnishing, and fitting up of such county offices; and for the purpose of securing the repayment of any sums so borrowed, together with interest, the Justices may assign to the person by or on behalf of whom such sums are advanced the county stock or

Power to borrow on mortgage.

A.D. 1879. rate. All sums borrowed by the Justices under the authority of this Act shall be repaid within thirty years of the time of borrowing the same. The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners (except section eighty-four) shall apply to any mortgage executed under the foregoing provisions of this section, and for the purposes of such application the said provisions shall be incorporated with this Act, and this Act shall be deemed to be the special Act, and the Justices to be the Commissioners.

Borrowing powers under 38 & 39 Vict. c. 83.

14. The Justices may, if they think fit, borrow by means of a loan or loans, under and subject to the provisions of the Local Loans Act, 1875, all or any sums which they are by this Act authorised to borrow, and may raise any such loan by the issue of debentures or debenture stock or annuity certificates to be charged on the county rates, or partly in one way and partly in another. Every such loan shall be discharged within thirty years from the date thereof.

Application and repayment of moneys borrowed.

15. All moneys borrowed by the Justices under this Act shall be applied in or towards the purchase of a site for or the erection, furnishing, and fitting up of the county offices authorised by this Act, and the Justices may from time to time apply any part of the proceeds of the sale of any of the militia storehouses in this Act mentioned in repayment of any moneys so borrowed, but so that not more than twenty thousand pounds in the aggregate be taken from such proceeds for any of the purposes mentioned in this section.

Exercise of powers by Justices.

16. All powers by this Act conferred on the Justices may be exercised by the Justices in annual general session or special session, or any adjournment thereof, assembled at Preston, and not otherwise: Provided that the Justices may delegate the exercise of any such powers (not being powers for the exercise of which a specified majority of the Justices is required) to a committee or committees of their number, and may make such regulations for the guidance of any such committee, and otherwise in relation to any such committee, as the Justices may think proper.

Boroughs having separate court of quarter sessions not liable to contribute towards expenses of county offices.

17. Any borough in the county having at the time of the passing of this Act a separate court of quarter sessions shall not be liable to contribute any sum or sums in respect of any expenses incurred or moneys borrowed, or of any interest on such moneys, for lands or buildings acquired or to be acquired for any county offices under this Act, or for the erection, maintenance, repair, or furnishing of any such offices, or otherwise in respect thereof.

Power to appoint salaried chairman of general

18. The Justices of the Peace of the county acting within the hundreds of Amounderness, Blackburn, and Leyland, or a majority of such Justices, may at the general quarter sessions of the peace held at Preston, or any adjournment thereof, from time to time

appoint any person, being a justice of the peace of the county and a barrister-at-law of knowledge and experience, to be salaried chairman of the said sessions of the peace, and from time to time may remove such person, and it shall be the duty of the person so appointed to officiate as such chairman whenever the said sessions are held accordingly.

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quarter ses-
sions held at
Preston.

19. There shall be paid to the person so appointed, so long as he remains in the commission of the peace for the county and continues to officiate as such chairman, by equal half-yearly or quarterly payments, a salary not exceeding in any one year the sum of eight hundred pounds; the amount of such salary shall be fixed and may be altered by a majority of the said Justices acting within the hundreds of Amounderness, Blackburn, and Leyland, assembled at any court of general quarter sessions of the peace or any adjournment thereof, and shall be raised by a special rate in the nature of a county rate to be made for the purpose by the Justices in annual general sessions assembled at Preston, or some adjournment thereof, on hereditaments in the hundreds of Amounderness, Blackburn, and Leyland, and to be levied on such hereditaments together with the county rates, and with the like powers, authorities, and remedies in all respects; and on and after the first appointment under this Act the said Justices shall from time to time take all necessary steps to raise such salary in manner hereby directed.

Provision
for payment,
&c. of
chairman's
salary.

20. The clerk of the peace shall within twenty-eight days of the occurrence of any vacancy in the office of any salaried chairman so appointed give notice thereof to the Justices of the Peace of the county acting within the said hundreds of Amounderness, Blackburn, and Leyland, by letters addressed to each such Justice at his usual place of abode or business, and by publication of a notice in one or more local newspapers circulating in the said hundreds, and a fresh appointment shall not be made till the expiration of at least twenty-eight days after the first publication of the newspaper notice hereby required.

As to va-
cancy in
office of
chairman.

21. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Justices out of the proceeds of the sale of the militia storehouses above mentioned, or out of the county rate or any moneys borrowed on the security thereof under this Act.

Expenses of
Act.

