



ANNO SEXTO

# VICTORIÆ REGINÆ.

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## *Cap. xv.*

An Act for providing additional Grounds to the Lunatic Asylum of the County Palatine of Lancaster. [11th April 1843.]

**W**HEREAS by an Act of Parliament passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics in England*, it was enacted, that certain Acts of Parliament therein recited, relating to the Care and Maintenance of Lunatics, being Paupers or Criminals, should be repealed, and that all Asylums erected or established under the said recited Acts should in future be regulated under the Directions of the said Act; and it was further enacted, that in every Case in which a County Lunatic Asylum should be provided under the Provisions of the said Act it should be lawful for the major Part of the Justices of the Peace of any County (such major Part not being less than Five) present at any Annual General or Quarter Sessions of the Peace, or any Adjournment thereof, to be held for such County, from Time to Time to fix and limit the Sums which might be expended on the Purchase of Lands or Houses, or in the Erection of new Buildings, or in the Extension or Alteration of existing Buildings, for the Purpose of such County Lunatic Asylum, or the Yards, Outlets, or Courts thereunto belonging, as well on the first Establishment of such County Lunatic Asylum as at any Time

9 G. 4. c. 40.

[Local.]

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during



5 & 6 Vict.  
c. 87.

Powers of  
recited Act  
extended to  
this Act.

during its Continuance; and it should not be lawful for the Committee of Visitors appointed for the building, Erection, and Management of such County Lunatic Asylum to enter into any Contract for the Purchase of Lands or Houses, for the Erection of new Buildings, or for the Extension or Alteration of existing Buildings, for the Purpose of such County Lunatic Asylum, or the Yards, Outlets, and Courts thereunto belonging, at a Sum or Sums which might in the whole exceed the Sum so from Time to Time limited and appointed by the Justices assembled in Sessions as aforesaid, and no Contract so entered into by such Visitors should be held to be valid or legal: And whereas the Commissioners in Lunacy appointed under the Act of Parliament passed in the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend and continue for Three Years, and from thence to the End of the next Session of Parliament, the Laws relating to Houses licensed by the Metropolitan Commissioners and Justices of the Peace for the Reception of Insane Persons, and for the Inspection of County Asylums and public Hospitals for the Reception of Insane Persons*, by their Report made at their first annual Visitation of the Lunatic Asylum for the County Palatine of *Lancaster*, in pursuance of the Provisions of the said Act, in the Month of *October* One thousand eight hundred and forty-two, certified, amongst other things, that they “deemed it indispensable to the Health and Comfort of the Patients in the said Asylum, and essential to the carrying out of the improved System of Treatment then in successful Operation, that at least Thirty or Forty Acres of Land should be added to the Asylum:” And whereas there is in the immediate Vicinity of and adjoining to the Asylum a certain Tract of Common or Waste Land called *Lancaster Moor*, of the Soil of which the Mayor, Aldermen, and Burgesses of the Borough of *Lancaster* claim to be the Owners, and upon which there exist certain commonable and other Rights, a Portion of which Common or Waste Land might be beneficially appropriated for the Use of the said Asylum: And whereas the said Asylum was erected before the passing of the said first-recited Act, and though the same is regulated under the Provisions of the said Act it is doubtful whether the said Asylum is within the Provision in the said Act contained authorizing the Purchase of Lands or Houses for the Erection of new Buildings, or for the Extension or Alteration of existing Buildings, or the Yards, Outlets, and Courts thereto belonging: And whereas it is expedient that the Justices of the Peace for the said County should be authorized to purchase any Quantity (not exceeding Fifty Acres) of the said Common or Waste Land, for the Purposes of providing additional Buildings, Airing Courts, Outlets, and Recreation Grounds, and such other Conveniences to the said County Asylum as the Visiting Justices acting under the Authority of the said first-recited Act should from Time to Time think fit; but such Purposes cannot be carried into effect without the Aid and 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, That all the Powers, Provisions, Matters, and Things contained in the said first-recited Act shall  
(except



(except so far as the same are hereby or have been heretofore varied or repealed, or are inconsistent with the Provisions of this Act,) be valid and effectual for carrying this Act into execution, as well with respect to the Purchase and Conveyance of the Land and Commonable Rights herein-after mentioned, and the Payment or Application of Compensation Monies, as in all other respects whatsoever, in as full a Manner as if the same were re-enacted in this Act with reference to the Purposes thereof.

II. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Visiting Justices, may be signed by any Two of such Visiting Justices or by their Clerk, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Authentica-  
tion of  
Notices.

III. And be it enacted, That, for the Purpose of enabling the Visiting Justices to carry into effect all or any of the Purposes afore-said, it shall be lawful for them, subject to the Provisions of the said recited Act and this Act, to agree with the said Mayor, Aldermen, and Burgesses for the absolute Purchase, for a Consideration in Money, of such Portion (not exceeding Fifty Acres) of the said Common or Waste Land as the Visiting Justices may from Time to Time think proper, and also to agree, in manner herein-after provided, with the several Parties claiming or entitled to commonable or other Rights over the said Common or Waste Land, for the Extinguishment thereof, so far as regards the Portion of the said Common or Waste Land so proposed to be purchased and taken.

Visiting  
Justices  
authorized to  
purchase  
Lands.

IV. And be it enacted, That the said Mayor, Aldermen, and Burgesses shall, if required so to do, sell and dispose of the said Portion of the said Common or Waste Land to the Visiting Justices, and shall convey and release the same to such Person or Persons as the said Visiting Justices shall think fit and direct, in Trust for the Uses and Purposes of the said recited Act and of this Act.

Corporation  
of Lancaster  
may sell.

V. And be it enacted, That nothing in this Act contained shall extend to enable the said Mayor, Aldermen, and Burgesses to sell or alienate for the Purposes of this Act, without the Approbation of the Lords Commissioners of Her Majesty's Treasury, or any Three of them, any Lands, Tenements, or Hereditaments which they could not have sold or alienated without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

Corporation  
not to sell  
without the  
Consent of  
the Trea-  
sury.

VI. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Land, or for the Extinguishment of any commonable or other Rights over the same, shall be in a gross Sum.

Considera-  
tion to be a  
gross Sum.

VII. And be it enacted, That the said Mayor, Aldermen, and Burgesses, and the several Parties herein-after empowered to treat with the Visiting Justices for the Extinguishment of commonable or other Rights over the said Common or Waste Land, may agree to accept,

Acceptance  
of Compen-  
sation for  
Price.



accept, and (subject to the Restrictions in the said recited Act and this Act contained as to the Payment thereof) may accept, Satisfaction for the Value of such Land, or of any commonable or other Rights over the same, to which they may respectively be entitled.

Amount of Compensation to be ascertained by Valuation, unless assessed by a Jury.

VIII. And with respect to the Consideration Money or Compensation to be paid for the said Portion of the said Common or Waste Land, or for the Extinguishment of any commonable or other Rights over the same, be it enacted, That such Consideration Money or Compensation shall not (except where the same shall have been determined by a Jury under the Provisions herein-after contained) be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Visiting Justices, or any Two of them, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as the said Two Surveyors shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by them, shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Land on Chief Rents.

IX. And be it enacted, That at the Option of all and every or any of the Parties entitled to receive Compensation Money as herein before mentioned, it shall be lawful to substitute for all or any of the gross Sums of Compensation Money aforesaid perpetual annual Rents or Payments in lieu thereof; and in case of any Difference as to the Amount thereof, the same shall be fixed and settled by a Jury as herein-after mentioned as to gross Sums.

Payment of Rents to be charged on County Rate.

X. And be it enacted, That the yearly Rents to be payable under or by virtue of any such Conveyance shall be charged on the County Rate to be raised and levied as herein-after mentioned, and shall be paid by the Treasurer of the County as such Rents become payable.

Form of Conveyance.

XI. And be it enacted, That the Conveyance of the said Portion of the said Common or Waste Land so to be purchased as aforesaid may be according to the Form in the Schedule to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and such Conveyance shall be effectual to vest the Land thereby conveyed in the Person or Persons to whom such Conveyance shall be expressed to be made.

Costs of Conveyance.

XII. And with respect to the Costs of the Conveyance of any Portion of the said Common or Waste Land purchased or taken by the Visiting Justices, be it enacted, That all such Costs shall be paid by the Visiting Justices out of the Sum or Sums of Money ordered by the major Part of the Justices to be expended for the Purposes for which such Lands shall be purchased; and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of deducing, evidencing, and verifying the Title to such Lands, and of making out and furnishing such Abstracts and attested Copies as the Visiting Justices may require, and all other Expences  
incident



incident to the Investigation, Deduction, and Verification of such Title; and before the Visiting Justices enter into the Possession of the Land so purchased or taken, they shall pay the Amount of such Costs, and if there be any Dispute about the same, they shall obtain an Order for the Taxation thereof; nevertheless, if within Seven Days after Notice in Writing from the Visiting Justices the said Mayor, Aldermen, and Burgesses do not deliver a Bill of their Costs to the Visiting Justices, then the Visiting Justices shall not be prevented from entering into the Possession of such Land, by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

XIII. And be it enacted, That the Compensation in respect of the Right of the said Mayor, Aldermen, and Burgesses in the Soil of the said Portion of the said Common or Waste Land shall be paid to the Treasurer of the said Borough, to the Credit of the Borough Fund of the Borough, and shall be applicable to any Purposes to which such Fund may by Law be applied, and the Receipt of such Treasurer shall be a sufficient Discharge for such Purchase Money or Compensation; and the Compensation in respect of any Commonable Rights to which the Freemen or Burgesses of the said Borough may be entitled in or over the said Portion of the said Common or Waste Land shall be paid to the Mayor for the Time being of the said Borough, and shall be by him applied to such public Purpose, for the Benefit of the said Freemen or Burgesses, as the said Freemen or Burgesses for the Time being, or the major Part of them, assembled at any public Meeting to be called by the said Mayor for the Time being (by Advertisement inserted Three Times in some Newspaper usually circulated in the said Borough), shall direct; and in regard to the Adjustment of such Compensation, the said Mayor shall be dealt with by the Visiting Justices in all respects as being the absolute Owner of such Commonable Rights.

Compensation Money to be paid to Treasurer of Borough and Mayor.

XIV. And be it enacted, That the Compensation in respect of all other Commonable Rights in or over the said Portion of the said Common or Waste Land shall be paid to the Churchwardens or Overseers of the Poor for the Time being of the respective Townships, Districts, or Places wherein the Land in respect of which such Commonable Rights are claimed shall be situate, and shall be by them applied to such general or public Purposes within such Townships, Districts, or Places respectively as a Vestry or public Meeting thereof, to be convened by such Churchwardens or Overseers for that Purpose, shall direct; and in regard to the Adjustment of such Compensation such Churchwardens and Overseers respectively shall be dealt with by the Visiting Justices in all respects as being the absolute Owners of such Commonable Rights.

Compensation Money to be paid to Churchwardens or Overseers of Townships, &c.

XV. And be it enacted, That upon Payment or Tender to the said Mayor, and to such Churchwardens and Overseers respectively, of such Compensation as aforesaid, all Commonable Rights in or over the said Portion of the said Common or Waste Land shall thenceforth cease and be extinguished.

Commonable Rights to be extinguished.

[Local.]

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XVI. And



Payment of Price to be made previous to Entry, except to Survey.

XVI. And be it enacted, That the Visiting Justices shall not (except by Consent of the said Mayor, Aldermen, and Burgesses) enter upon such Portion of the said Common or Waste Land as shall be required to be purchased or permanently used for the Purposes of this Act, until they shall have paid to the said Treasurer of the said Borough, and to the said Mayor, Churchwardens, and Overseers respectively, or have deposited in the Bank of *England* in the Manner provided by the said recited Act of the Ninth Year of the Reign of King *George* the Fourth, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying such Lands it shall be lawful for the Visiting Justices or their Surveyor to enter upon the same without such previous Consent, making Compensation for any Damage thereby occasioned to the said Parties respectively.

Penalty on Visiting Justices entering upon Lands without Consent before Payment of Purchase Money.

XVII. And be it enacted, That if the Visiting Justices shall (except as aforesaid) wilfully enter upon and take possession of any Portion of the said Common or Waste Land which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Visiting Justices shall forfeit to the Party in Possession of such Land the Sum of Ten Pounds, over and above the Amount of any Damage done to such Land by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Visiting Justices shall after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession of such Land, continue in unlawful Possession of any such Land, the Visiting Justices shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they shall so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession of such Land, with full Costs of Suit, in any of the Superior Courts.

Disputes as to Compensation to be settled by a Jury.

XVIII. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Visiting Justices and the said Mayor, Aldermen, and Burgesses, as to the Compensation to be paid to them for their Right in the Soil of the said Portion of the said Common or Waste Land, or between the Visiting Justices and the said Mayor and the said Churchwardens and Overseers respectively, as to the Compensation to be paid for the Extinguishment of the Commonable Rights in or over the same, the Amount of the Compensation to be paid by the Visiting Justices in every such Case shall be settled by the Verdict of a Jury, or by Arbitration, in manner herein-after mentioned.

Notice by Visiting Justices of Intention to have a Jury summoned.

XIX. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Calendar Month at the least before issuing a Warrant for summoning a Jury as herein-after provided, the Visiting Justices shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention



tion to cause such Jury to be summoned ; and in such Notice the Visiting Justices shall state what Sum of Money they are willing to give such Party for his Right or Interest in or over such Land.

XX. And be it enacted, That if the said Mayor, Aldermen, and Burgesses, or the said Mayor and the said Churchwardens and Overseers respectively, shall desire the Amount of the Compensation to be paid to them to be determined by a Jury, it shall be lawful for such Parties respectively to give Notice in Writing to the Visiting Justices of such their Desire, and they shall in such Notice state the Nature of the Right and Interest claimed by them in such Land, and the Amount of the Compensation claimed by them in respect thereof ; and unless the Visiting Justices be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, the said Visiting Justices, or any Two of them, shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Requisition by Party claiming Compensation that a Jury be summoned.

XXI. And be it enacted, That in every Case in which such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the Visiting Justices, or any Two of them, shall issue their Warrant to the Sheriff under their Hands, requiring him to summon a Jury for that Purpose ; and if such Sheriff be interested in the Matter in dispute, by having or being entitled to any Estate, Right, or Interest in or over such Land or otherwise, such Application shall be made to the Coroner of the County ; and if the Coroner of the County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner of the County, and who shall be then living there, and who shall not be interested in the Matter in dispute ; and with respect to the Persons last mentioned, Preference shall be given to one who shall have most recently served either of the said Offices : Provided nevertheless, that no such Sheriff or Coroner, and no Jurymen to be summoned as herein-after mentioned, shall, for the Purposes of this Act, be deemed to be an interested Person by reason only of his contributing to the County Rate of the said County.

Warrant for summoning a Jury to be addressed to the Sheriff.

XXII. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place ; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall immediately on receiving Notice of the Delivery of the Warrant deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County.

Provisions applicable to Sheriff to apply to Coroner.

XXIII. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons,

Summoning of Jurymen.



Persons, duly qualified to act as common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling  
of Jury.

XXIV. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Jurors for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of  
Inquiry.

XXV. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Visiting Justices to the other Party.

Sheriff to  
preside.

Witnesses to  
be sum-  
moned.

XXVI. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trials of Actions at Law; and if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had on the Trial of Actions in the Superior Courts.

Oath of  
Jurymen.

XXVII. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage, and the Sheriff shall administer such Oath, as well as the Oaths of all Persons called upon to give Evidence.

Verdict to  
be for the  
Purchase  
of Land  
or Extin-  
guishment of  
Common  
Rights.

XXVIII. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the said Portion of the said Common or Waste Land, or the Extinguishment of any Commonable Rights in or over the same, belonging to the Party with whom such Question of disputed Compensation shall so have arisen.

Verdict and  
Judgment to  
be recorded.

XXIX. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County; and such Verdicts and Judgments shall be deemed Records, and the same or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof,



thereof, or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

XXX. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Visiting Justices, all the Costs of such Inquiry shall be paid by the Visiting Justices out of the Sum or Sums of Money ordered by the major Part of the Justices to be expended for the Purposes for which such Lands shall be purchased; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Visiting Justices, one Half of the Costs shall be defrayed by the Party with whom such Question of disputed Compensation shall have arisen, and the other Half by the Visiting Justices in the Manner aforesaid: Provided always, that in every Case where by reason of any Disability any such Party shall have been prevented from treating with the Visiting Justices, all the Costs shall be paid by the Visiting Justices in the Manner aforesaid.

Costs of Inquiry.

XXXI. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry; and with respect to any such Costs payable by the Visiting Justices, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, any Two Justices of the Peace, upon Application being made to them for that Purpose by the Party entitled to such Costs, may by Order in Writing under their Hands direct the Treasurer of the County to pay the same to such Party out of the County Rate; and with respect to any such Costs payable by the Party with whom any such Question of disputed Compensation shall have arisen, the same may be deducted out of any Money awarded by the Jury to be paid to such Party as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Particulars of the Costs.

XXXII. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed, every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Sheriff and Jury for Default.

[*Local.*]

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XXXIII. And



Penalty on  
Witnesses  
making de-  
fault.

XXXIII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Parties may  
refer to Arbi-  
tration to fix  
Compensa-  
tion.

XXXIV. Provided always, and be it enacted, That if any of the Parties claiming Compensation under this Act do not agree with the said Visiting Justices as to the Amount of Compensation to be paid to them respectively, such Parties respectively may, if they shall think fit, agree with the said Justices, or their Clerk, to refer to any Person or Persons to ascertain the Amount of Compensation to be paid to such Parties respectively; and if the several Parties entitled to receive Compensation for the Extinguishment of Commonable Rights in or over the said Common or Waste Land shall have agreed with the said Visiting Justices as to the Amount of Compensation to be paid in full for the Extinguishment of the whole of the Commonable Rights in or over the Portion of the said Common or Waste Land purchased or taken by virtue of this Act, but cannot agree amongst themselves as to the Apportionment of the Compensation Money so agreed to be paid as aforesaid, such Parties may, if they shall think fit, refer it to any Person or Persons to settle and determine the Apportionment of such Compensation Money; and every such Agreement between the said Visiting Justices and any of the said Parties, or between the several Parties entitled to receive Compensation in respect of Commonable Rights as aforesaid, and the Award of every Person or Persons appointed in pursuance of any such Agreement, shall be binding and conclusive.

Costs of Im-  
provements  
and of obtain-  
ing Act to be  
paid out of  
County Rate.

XXXV. And be it enacted, That all and every Sum and Sums of Money which shall be laid out in the Purchase of Land, or otherwise expended under and for the Purposes of this Act, and also the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act, shall be defrayed and paid by and out of the Monies to be raised by the general Rates and Assessments made and to be assessed in the said County Palatine of *Lancaster* by virtue of the several Statutes for the Time being in force for the assessing, collecting, and levying of County Rates; and the Treasurer of the said County shall pay the same Sum and Sums of Money, Costs, Charges, and Expences, and such Treasurer shall be allowed such Payments in his Accounts.

Interpreta-  
tion Clause.

XXXVI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The



The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*, and shall include Her Majesty's Court of Common Pleas at *Lancaster* :

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath :

The Word "County" shall mean the County Palatine of *Lancaster* :

The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy; and where any Matter is required to be done by the Sheriff, or by any Clerk of the Peace, the Expression "the Sheriff" or the Expression "the Clerk of the Peace" shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the said County :

The Expression "County Rate" shall include any Funds assessed upon or raised in or belonging to the said County in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable :

The Expression "the major Part of the Justices" shall mean the major Part of the Justices of the Peace of the said County (such major Part not being less than Five) present at any General or Quarter Sessions of the Peace, or any Adjournment thereof, to be held for the County :

The Expression "Visiting Justices" shall mean the Visiting Justices for the Time being of the Asylum, duly appointed according to the Provisions of the said first-recited Act to superintend the Management of the Asylum, or the major Part of such Justices assembled at any Meeting held in pursuance of the said Act :

The Word "Justice" shall mean Justice of the Peace for the County, or any Liberty or Place therein, where the Matter requiring the Cognizance of any Justices shall arise :

The Word "Asylum" shall mean the Lunatic Asylum for the said County :

The Expression "Overseers of the Poor" and the Word "Churchwardens" shall respectively each include the Persons or Person for the Time being acting as such.

XXXVII. And be it enacted, That this Act shall be a Public Act, Public Act and shall be judicially taken notice of as such.



The SCHEDULE to which the foregoing Act refers.

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*Form of Conveyance.*

WE in consideration of the Sum  
of paid to us pursuant to an Act passed, &c. intituled  
&c., by do hereby convey to all  
[*describing the Premises to be conveyed*], together with all Ways,  
Rights, and Appurtenances thereto belonging, and all such Estate,  
Right, Title, and Interest in and to the same as we are or shall  
become seised or possessed of, or are by the said Act empowered  
to convey, to hold the Premises to the said  
for ever, according to the true Intent and Meaning of the said Act.  
In witness, &c.

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