



ANNO QUINQUAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. lix.

An Act for granting further Powers for improving the Town of *Great Bolton* in the County of *Lancaster*. [27th June 1817.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His present Majesty, intituled *An Act for inclosing, dividing, and allotting a certain Common or Waste Ground called Bolton Moor, and other the Commons and Waste Grounds within the Township of Great Bolton in the County Palatine of Lancaster; and for widening, paving, lighting, watching, cleansing, and regulating the Streets, Lanes, Passages, and Places within the Towns of Great Bolton and Little Bolton, and for supplying the said Towns with Water, and for providing Fire Engines and Firemen; and for preventing Nuisances, Encroachments, and Annoyances; and for licensing and regulating Hackney Coaches and Chairs in the said Towns:* And whereas great Progress hath been made in inclosing the said Commons and Waste Grounds, and also in the widening and improving of the Streets, Lanes, Passages, and Places within the said Town of *Great Bolton*, and several Sums of Money have been borrowed for that Purpose on the Credit of the Rents accruing from the said Common or Waste Grounds, and a considerable Part of such Money still remains due and owing: And whereas the Commissioners and Trustees for executing the said Act have proceeded to carry the several Provisions thereof into Execution, by dividing and allotting the Common Land therein mentioned, and putting up the same to Sale in proper Proportions and Lots, at yearly Rents, for Terms of Five thousand Years; all which Lots were sold, and Leases thereof accordingly granted to the Parties, according to the Directions of the said

[Local.] 17 C recited

recited Act : And whereas, since the Execution of the said Leases, some of the Parties to whom such Leases were granted are dead, and others are become insolvent, and Ejectments have been brought, and Possession of the Lots so demised recovered by the said Trustees : And whereas the said Lots were resold, and the Purchasers thereof were let into Possession of the same, before the Execution of the Leases : And whereas the several Purchasers aforesaid have refused to execute the said Leases, or pay any Rent for the said Premises, alleging that the said Commissioners and Trustees had no Power under the said recited Act to resell such Lots : And whereas it is expedient that such Sales as aforesaid, and all other Sales which shall be made under and in pursuance of the Provisions of this Act, should be declared good and valid to the respective Purchasers thereof : And whereas the said Trustees named in the said Act have expended and laid out upon Part of the said Common or Waste Ground a considerable Sum of Money in erecting and building divers Dwelling Houses and other Buildings, upon an extended Scale, for the Use of the Poor of the said Town of *Great Bolton* : And whereas it would be for the Benefit of the Inhabitants of the said Town of *Great Bolton*, if the Trustees for executing the said Act were authorized to sell and dispose of by public Auction all the old Buildings and Premises belonging to the said Town of *Great Bolton* which have been lately used as a Poor House, and which have become unnecessary and of no Advantage to the said Town in consequence of the new Erections and Buildings which have been erected and built for the same Purposes in manner herein-before mentioned ; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Trustees, or any Five or more of them, at the Request of all or any of the respective Purchasers of the said Lots and Premises so resold as aforesaid, to convey or demise the same to them respectively, and from and after the Execution of such Conveyances or Demises, such Sales so made by the said Commissioners and Trustees respectively of the said several Lots and Premises, or any of them, shall be deemed and taken and are hereby declared to be good and valid Sales under and by virtue of the said recited Act, notwithstanding the said Commissioners and Trustees respectively had no Power to resell the same under or by virtue of the said recited Act ; and in case the said respective Purchasers, or any of them, shall refuse or neglect, for the Space of Six Calendar Months next after Notice in Writing shall have been given to him, her, or them, or left at his, her, or their respective Dwelling Houses or last Places of Abode by the Clerk for the Time being to the said Trustees, to accept of such Conveyances or Demises as aforesaid, and to execute a Counterpart or Counterparts thereof, then and in such Case it shall be lawful for the said Trustees, or any Five or more of them, to dispose of or resell such Lots and Premises not so accepted of as aforesaid, with the Appurtenances, in such and the same Manner as directed by the said recited Act, and to grant Leases thereof accordingly.

Empowering
the Trustees
to convey or
demise the
Lots and
Premises, &c.
so resold.

Power for
the Trustees
to resell
Lands which

II. And be it further enacted, That when and so often as the said Trustees for the Time being shall from Time to Time become entitled to and possessed of any Part or Parts of the said Lands, Grounds, and Premises

under or by virtue of this or the said recited Act, already sold or demised, or hereafter to be sold or demised, by Forfeiture, Surrender, or otherwise, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to dispose of or resell the same with the Appurtenances, as fully and effectually, and in such and the like Manner as the said Commissioners and Trustees were by the said recited Act empowered to sell any Lands, Grounds, or Premises.

may hereafter be surrendered or forfeited to them.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Time or Times after the passing of this Act, to sell and dispose of all their Estate, Right, Title, and Interest in the said old Buildings and Premises heretofore used as Poor Houses or Houses of Industry, and to apply the Money arising by such Sale for and towards the Purposes of the said recited Act and this Act, and to or for no other Use or Purpose whatsoever.

Power to sell old Poor Houses, &c.

IV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act or this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk not to act as Treasurer, and vice versa.

V. And be it further enacted, That the said Trustees shall and they are hereby required to order or direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received; paid, laid out, and expended under or by virtue of the said recited Act and this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors, or any Person who shall pay to any Rate or Assessment, Rates or Assessments, to be made under or by virtue of the said recited Act, without Fee or Reward; and the said Trustees, Creditors, and all such Persons aforesaid, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit the said Trustees, or such Creditors, or any such Person or Persons as aforesaid, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner directed by the said recited Act.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

VI. And

For prevent-
ing Annoy-
ances in the
Streets.

VI. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements within the said Town of *Great Bolton*, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or carry any Sedan Chair (no Person being therein), or roll any Cask or Tub, other than for the necessary loading or unloading thereof, unto, upon, from, or out of any Carriage, or for any longer Space than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled; or if any Person shall drive any Cart or Carriage whatsoever, or shall ride, lead, drive, or permit any Horse or other Beast, or any Cattle whatever, on any of the said Footways or Foot Pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, so as in any ways to cause any Obstruction or Impediment in the Footway or on the Foot Pavement, or shall in any Market, Street, Square, Way, Lane, or other public Passage or Place within the said Town, hoop, fire, cleanse, wash, or scald any Cask or Tub; or hew or saw or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall place or hang out, or cause to be placed or hung out, any Linen or Cloth, or any Article of Wearing Apparel, or other Article, for the Purpose of Sale, or of drying or airing the same; upon or from any Door or Window within any Market, Street, Square, Way, Lane, public Passage or Place within the said Town, or fix or tie up on any Line, Rope, or Cord for any such Purpose; or if any Person shall in or upon any Market, Street, Square, Lane, public Passage or Place within the said Town, bleed, farry, or kill any Horse or other Beast or Cattle (except in case of Accident); or if any Person shall within any Market, Street, Square, Way, Lane, or other public Passage or Place within the said Town (except only in such Places as the said Trustees or any Five or more of them shall direct), show or expose any Stallion or Stonehorse, or expose to Sale any Horse or other Beast, or turn or drive loose any Horse, Mule, or Ass, or ride or lead any Horse, Mare, Mule, or Ass, for the Purpose of exercising or airing the same; or if any Person shall make or assist in making any Fire commonly called Bonfire, or let off or fire any Gun, Pistol, Blunderbuss, or other Fire Arms, or any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or play at Football or Bat, or flying Kites, or any other Game or Games whatsoever; or if any Person shall kill or slaughter, or shall scald, singe, dress, cut up, or expose to Sale any Animal, either wholly or in part, in any of such Markets, Streets, Lanes, public Passages or Places, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop, or Shambles, into the same or any of them, or shall slack, water, or mix any Lime Mortar or Cement, or shall hang or place or expose to Sale any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, Pastry, Confectionary, or other Matter or Thing, in any such Markets, Streets, Ways, Lanes, public Passages or Places, except in such Places as shall from Time to Time be appointed by the said Trustees, or any Five or more of them, for those Purposes; or shall cause any Privy, Necessary House, or Middingstead within the said Town to be emptied, except between the Hours
of

of Eleven of the Clock at Night, and Six of the Clock in the Morning, or shall at any Time throw out of any Door or Window upon any such Carriageway or Footway any Water or Filth, or the Contents of any Utensil or Vessel whatsoever, or shall lay or deposit, or shall cause or permit to be laid or deposited, the Contents of any such Privy, Necessary House, or Middingstead, or any Part thereof, upon any Carriageway or Footway within the said Town; or shall, for the Purpose of obtaining or collecting Manure, or for any other Purpose, stop up or impede the Passage of any Common Sewer, Ditch, Drain, or Watercourse; or if any Person or Persons shall permit or suffer his, her, or their Mastiff or Bulldog, or any other dangerous Animal, to go at large without being safely or sufficiently muzzled, or shall suffer any Horses, Mules, Asses, Pigs, or Swine, or any other Cattle, to go in any of the said Streets, Lanes, Passages, or Places, or shall commit or permit any other Kind of Obstruction or Annoyance in or upon any such Street, Way, Lane, public Passage or Place within the said Town; then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, paid, and applied in such and the same Manner as any Penalty is by the said recited Act directed to be levied, recovered, paid, and applied; and in case any Person or Persons shall think himself, herself, or themselves aggrieved by such Penalty, then and in such Case the Person or Persons so aggrieved may appeal to the General Quarter Sessions of the Peace for the said County, in the Manner directed by the said recited Act; provided nevertheless, that nothing herein contained shall extend or be construed to extend so as to prevent or hinder any Person or Persons from placing, with the Consent of the said Trustees, or any Five or more of them, any Stall, Booth, Bench, or Form, for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing, in any Market Place or Street within the said Town, and in such Place and on such Day or Days as shall hereafter be permitted and allowed by the said Trustees, or any Five or more of them, so as such Stall, Booth, Stool, Bench, or Form be not placed upon any Footpath within the said Town, and so as there may be free Access to and from the Houses, Shops, and other Buildings in the said Market Place or Streets; any thing in the said recited Act contained to the contrary thereof notwithstanding.

VII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the said recited Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or other Hereditaments are limited in strict or other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing the said recited Act and this Act; to the Intent that such Money shall

Application
of Compen-
sation Money
if amounting
to 200*l.*

be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to and for and upon such and the like Uses, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchases shall be made, the said Money shall, by Order of the said Court, upon such Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compensation Money
when less
than 200*l.*

VIII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall not amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees for executing the said recited Act and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or

being required to obtain the Direction or Approbation of the Court of Chancery.

IX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application for Compensation when less than 20*l.*

X. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, and Hereditaments be not known and discovered; then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money to be awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Title, or if Persons cannot be found, Purchase Money to be paid into the Bank.

XI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such

Persons in Possession to be deemed presumptively entitled, &c.

Bank

Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of
Chancery
may order
Expences
of Purchase
to be paid by
Trustees.

XII. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of the said Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases to be from Time to Time made in pursuance of the said Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Justices out of the Monies to be received by virtue of the said Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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