



ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap. clxxxi.*

An Act for the Improvement of the Parish of  
*Chorley* in the County of *Lancaster*.

[4th August 1853.]

**W**HEREAS it is expedient that Provision should be made for the more efficient paving, sewerage, draining, lighting, cleansing, watching, and otherwise improving the Parish of *Chorley* in the County of *Lancaster*, and for regulating the Police therein, and for the Removal of a certain Toll Gate, the making of certain new Roads or Streets, and the Establishment and Regulation of Public Baths and Wash-houses therein, also that Provision should be made for the Prevention of Interments of the Dead in improper Places within the said Parish, and for the Regulation of Interments and Establishment of Burial Grounds, also with respect to the holding of Markets and Fairs, and for the Adoption and Construction of proper Means of crossing at various Places the Railway which traverses the said Parish, and for providing a Town Hall and Gaol or Lock-up: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present

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present

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present Parliament assembled, and by the Authority of the same, as follows :

Interpre-  
tation of  
Terms.

I. In construing this Act, and the several Sections of the General Acts incorporated herewith, the Words and Expressions following shall have the Meanings hereby assigned them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Special Act" in the Sections of the said General Acts incorporated herewith shall mean this Act:

The Word "Owner," used with reference to any Lands or Buildings in respect of which any Work is required to be done or any Rates to be paid, or with reference to the Right of voting at any Election, shall mean the Person for the Time being entitled to receive, or who, if such Lands or Buildings were let to a Tenant at Rackrent, would be entitled to receive, the Rackrent from the Occupier thereof, and when used in reference to the Purchase of any Lands or other Property shall include all Persons enabled to sell Lands under the Provisions of "The Lands Clauses Consolidation Act, 1845:"

The Word "Committee" shall mean any Committee to be appointed by the Commissioners:

To "pave" shall include the making or forming of a hard Surface to a Roadway, or generally repairing the same by broken Stone or other Material, as well as pitching:

All other Words and Expressions in the Sections of the said General Acts respectively incorporated herewith shall have the several Meanings assigned them in the General Act of which they form Part:

The Expression "the Commissioners" in this Act shall mean the *Chorley Commissioners*:

The Expression "the Limits" in this Act shall mean the Limits of this Act:

The Expression "Clerk of the Peace" in this Act shall mean the Clerk of the Peace of the County of *Lancaster*:

The Expression "Quarter Sessions" in this Act shall mean Quarter Sessions of the Peace for the County of *Lancaster* holden by Adjournment or otherwise at *Preston*:

The Word "County" in this Act shall mean County of *Lancaster*:

The Words "Person," "Justice," and "Two Justices," in this Act, shall have the several Meanings assigned them in the "Commissioners Clauses Act, 1847."

Commence-  
ment of Act.

II. This Act shall commence and take effect on and from the First Day of *November* One thousand eight hundred and fifty-three.

III. The



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III. The Limits of this Act shall (except as to the making of a new public Carriage Road or Street from and in continuation of *West Street* into and along *Ackhurst Lane* to the East End of *Balshaw Lane* in the Township of *Euxton* and Parish of *Leyland*, as herein-after mentioned,) be the Parish of *Chorley* in the County of *Lancaster*, and this Act may be put in force within the said Limits or any Part thereof.

Limits of Act.

IV. This Act shall be carried into execution by means of Twenty Commissioners, to be called the *Chorley Commissioners*, and such Commissioners shall be qualified and elected as herein-after mentioned; and such Commissioners shall be incorporated by the Name of the *Chorley Commissioners*, and shall have perpetual Succession, a Common Seal, Powers to sue and be sued, and such other Powers as are by this Act and the Acts incorporated herewith conferred upon them.

Act to be carried into execution by Commissioners.

V. The Sections of "The Commissioners Clauses Act, 1847," with respect to the Qualification of Commissioners, are hereby incorporated with and shall form Part of this Act.

Sections of 10 &amp; 11 Vict. c. 16. as to Qualification of Commissioners incorporated.

VI. No Person, being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, or under the Provisions of the Act Seventh and Eighth of *Victoria*, Chapter One hundred and ten, commonly known as "The Joint Stock Companies Registration Act," shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners; but no such Commissioner, being a Member of such Company, shall vote on any Question relating to the Execution of this Act in which such Company is interested.

Shareholders in Joint Stock Companies not disqualified by reason of Contracts.

VII. The Qualification of a Commissioner shall be as follows: He shall be resident within the Limits, or within Seven Miles therefrom, and shall be seised or possessed in his own Right or in the Right of his Wife for any Estate not being less than an Estate from Year to Year of Lands, Tenements, or Hereditaments within the Limits which shall be rated to the Rate for the Relief of the Poor (so far as relates to the First Commissioners to be elected under this Act), or to some Rate made under the Provisions of this Act (so far as relates to Commissioners to be subsequently elected), in the annual Sum of Twenty Pounds at the least.

Qualification of a Commissioner.

VIII. The Sections of the "Commissioners Clauses Act, 1847," with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers or other

Certain Sections of 10 &amp; 11 Vict. c. 16. as to other

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Election and Rotation of Commissioners incorporated.

other like Class of Electors (except Sections Twenty-two, Twenty-five, and Thirty-two), are hereby incorporated with and shall form Part of this Act.

As to affixing Placards on Doors of Roman Catholic and Dissenting Chapels.

IX. The Placards required by Section Twenty-one of the "Commissioners Clauses Act, 1847," to be affixed on the principal Doors of the Parish Churches, shall also be affixed on the principal Doors of Chapels or Meeting Houses of Roman Catholics and Protestant Dissenters of every Denomination properly registered according to Law.

First Election of Commissioners.

X. The First Election of Commissioners shall take place at a Meeting of the Persons entitled to vote for such Commissioners to be holden at the Town Hall in *Chorley* on the Second *Thursday* after the Commencement of this Act at the Hour of Ten o'Clock in the Forenoon, and the Persons present at such Meeting, being duly qualified to vote at such Election, shall elect One of their own Body to be Chairman of such Meeting, who shall be the returning or presiding Officer of such First Election.

Qualification of Electors for First Election of Commissioners.

XI. Every Person who shall at the Time of the First Election of Commissioners be rated to the Rate for the Relief of the Poor in respect of any Property within the Limits of this Act, and who shall have been so rated for the Space of Twelve Months at least prior thereto, and who shall on or before the Day previous to the Day of the Election of the Commissioners have paid all the Rates for the Relief of the Poor which shall have become payable by him in respect of any Property within the said Limits at any Time previous to the Commencement of the Six Months next before such Election, and every Person, being Owner of the same Property, shall be entitled to vote at the First Election of Commissioners according to the Scale prescribed in Section Twenty-four of "The Commissioners Clauses Act, 1847," and if the same Person be both Owner and Occupier he shall be entitled to vote both as Owner and Occupier.

Overseers of the Poor to furnish Voting Papers to presiding Officers.

XII. The Overseers of the Poor for the Parish of *Chorley* shall cause to be printed a sufficient Number of Voting Papers in blank in the Form given in the Schedule (A.) to the said Commissioners Clauses Act annexed, or to the like Effect, and shall on the Day of the First Election, and on every subsequent Election on the Day previous to such Election, at the latest, furnish and deliver such Voting Papers to the presiding Officer.

Expense of First Election of Commissioners.

XIII. The Expense of printing such Voting Papers, and all other Expenses of the Overseers of the Poor or presiding Officer in providing Booths or otherwise relating to the First Election of Commissioners,



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missioners, shall in the first instance be paid out of the Rates for the Relief of the Poor for the Parish of *Chorley*, and the Amount thereof shall be repaid to such Rate out of any Rate to be levied under the Provisions of this Act.

XIV. Subject to the Provisions herein-before contained relating to the First Election of Commissioners, the lastly incorporated Sections of the said Commissioners Clauses Act shall apply as well to the First as to subsequent Elections of Commissioners.

Sections incorporated from 10 & 11 Vict. c. 16. to apply to all Elections.

XV. At all Elections of Commissioners after the first the Chairman for the Time being of the Commissioners shall be the returning or presiding Officer: Provided always, that when such Chairman shall go out of Office by Rotation, or when from any other Cause there shall be no Chairman of the Commissioners for the Time being, One of the Commissioners who shall have been longest in Office without going out of Office by Rotation, and who shall not then be going out by Rotation, to be nominated by the other Commissioners not then going out by Rotation, shall be the returning or presiding Officer at that Election; and for the Purpose of nominating such returning or presiding Officer, when from any Cause he shall not have been nominated at the last monthly or adjourned Meeting of the Commissioners before the Election, a Meeting of the Commissioners shall be convened by the Clerk, to be holden at the usual Place of Meeting, of which Meeting Seven Days or the longest practicable Notice the Circumstances admit of shall be given to the Commissioners.

Presiding Officer at all Elections after the First.

XVI. Every Owner of a Tenement not exceeding the full net annual Value of Six Pounds, and every Occupier of a Tenement exceeding the net annual Value of Six Pounds, who shall be rated to any Rate under the Provisions of this Act, and who shall on or before the Day previous to the Day of Election of Commissioners have paid all the Rates which shall have become payable by him under the Provisions of this Act at any Time previous to the Commencement of the Six Months next before such Election, and every Owner of a Tenement exceeding the net annual Value of Six Pounds, shall be entitled to vote for Commissioners at such Election according to the Scale prescribed in the Section numbered Twenty-four of the said Commissioners Clauses Act, and if the same Person be both Owner and Occupier he shall be entitled to vote both as Owner and Occupier: Provided always, that no Person rated as an Occupier shall be entitled to vote as such in the Election for Commissioners in the Year One thousand eight hundred and fifty-four unless he shall have been rated under the Provisions of this Act, nor at any subsequent annual Election unless he shall have been rated for the

Qualification of Electors for subsequent Elections of Commissioners.

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Period of One whole Year immediately preceding the Day of Election in each Year, but nevertheless the Premises in respect of the Occupation of which any Person shall have been so rated need not be the same but may be different Premises.

Companies  
to vote by  
Proxy.

XVII. Every Corporation and Company shall for the Purpose of voting at Elections of Commissioners be respectively considered as One Owner, and shall vote by Proxy.

Sections of  
10 & 11 Vict.  
c. 16. (except  
46.) as to  
Meetings  
incor-  
porated.

Time and  
Place of  
holding  
Meetings.

XVIII. The Sections of "The Commissioners Clauses Act, 1847," with respect to the Meetings and other Proceedings of the Commissioners and their Liabilities, (except Section Forty-six,) are hereby incorporated with and shall form Part of this Act.

XIX. The Commissioners shall hold their Meetings as follows: The First Ordinary Meeting shall be held at the Town Hall in *Chorley* on the Fourth *Thursday* after this Act shall come into operation, the annual Meetings shall be held at the Town Hall, or at some other place to be appointed by the Commissioners, on the First *Thursday* of *July* in every Year, and the monthly Meetings shall be held on the last *Thursday* in every Month.

Quorum of  
Commis-  
sioners.

Certain  
Sections of  
10 & 11 Vict.  
c. 16. incor-  
porated with  
this Act.

XX. The Quorum of a Meeting of Commissioners shall be Five.

XXI. The Sections of the "Commissioners Clauses Act, 1847," with respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners, and with respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners, and with respect to the Appointment and Accountability of the Officers of the Commissioners, are hereby incorporated with and shall form Part of this Act.

Certain  
Sections of  
8 & 9 Vict.  
c. 18. incor-  
porated with  
this Act.

XXII. The Sections of the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title, and with respect to the Conveyance of Lands, and with respect to the Entry upon Lands by the Promoters of the Undertaking, and with respect to small Portions of intersected Land, and with respect to Copyhold Lands, and with respect to any such Lands being Common or Waste Lands, and with respect to Lands subject to Mortgage, and with respect to Lands charged with any Rent Service, Rentcharge, or Chief or other Rent, or other Payment or Incumbrance not therein-before provided for, and with respect to Lands subject to Leases, and with respect to Interests in Lands which have by Mistake been omitted to be purchased, and with respect to Lands  
acquired



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acquired by the Promoters of the Undertaking under the Provisions of that Act, or of the Special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, are hereby incorporated with and shall form Part of this Act, and shall apply to all Lands or Buildings which the Commissioners are empowered to purchase, whether under the Provisions of this Act, or of any Act Sections of which are incorporated with this Act.

XXIII. The Commissioners may from Time to Time purchase by Agreement with the Owners, Lessees, and Occupiers thereof any Lands which they may require for any of the Purposes of this Act, or of any of the Acts Sections of which are incorporated with this Act, and shall resell such Parts of the Lands so purchased as shall not be required for such Purposes.

Power to purchase Lands by Agreement.

XXIV. The Commissioners shall make good all Damage which may be done by them, their Officers, Agents, Servants, or Workmen, to any Lands or Buildings, in carrying into execution any of the Powers of this Act, and shall pay to the Owners, Lessees, and Occupiers of any such Lands or Buildings such Amount of Compensation for the Injury done as shall be agreed upon between them and such Owners, Lessees, and Occupiers respectively, and if they cannot agree as to the Amount of such Compensation, or the Proportions thereof to be paid to the Owners, Lessees, and Occupiers respectively, then the Amount of such Compensation, and also the Proportions which the Persons claiming the same are entitled to, shall be determined in manner provided by the said Lands Clauses Consolidation Act for determining Questions of Compensation with respect to Lands purchased or taken under the Provisions thereof.

Commissioners to make Compensation for Damages.

XXV. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to the Officers to be appointed by the Commissioners, are hereby incorporated with and shall form Part of this Act.

Certain Sections of 10 & 11 Vict. c. 34. with respect to Officers to be appointed;

XXVI. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to Plans of the District within the Limits of the Special Act, and of the Works to be executed under the Powers of this and the Special Act, are hereby incorporated with and shall form Part of this Act.

with respect to Plans, and Works to be executed;

XXVII. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to making and maintaining the public Sewers, (except

and with respect to Sewers (ex-

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cept Sect.  
34.) incor-  
porated with  
this Act.

(except Section Thirty-four,) are hereby incorporated with and shall form Part of this Act.

Words  
public River  
in s. 24. to  
include cer-  
tain Brooks.

XXVIII. The Words "public River" in Section Twenty-four shall be construed to include any Brook which has been heretofore the Receptacle for the Sewage from any House or Place within the Limits.

Power to  
Commis-  
sioners to  
provide Re-  
ceptacles for  
depositing  
and Appa-  
ratus for  
collecting  
and distri-  
buting  
Sewage  
Water and  
Refuse.

XXIX. It shall be lawful for the Commissioners from Time to Time, as they may think fit, to construct and provide, upon any Land belonging to or to become vested in them by virtue of this Act, such Cesspools or other Receptacles as may be necessary for the Purpose of collecting and depositing the Sewage Water and Refuse from the Sewers and Drains and other Places within or without the Limits of this Act, and to provide and lay such Pumps, Pipes, and Apparatus in such Manner and in such Places as may be necessary for the collecting and distributing the same for Sale or otherwise, to any Persons who may from Time to Time agree with the Commissioners to take the same, and to make all such Roads or Approaches (not being public Carriage Roads) as may be necessary or convenient for the Purposes aforesaid.

Certain Sec-  
tions of 10 &  
11Vict. c. 34.  
as to Drain-  
age of  
Houses in-  
corporated  
with this  
Act.

XXX. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to the Drainage of Houses, are hereby incorporated with and shall form Part of this Act.

Power to  
Commis-  
sioners to  
require the  
Construction  
of Water-  
closets or  
Privies in  
Factories.

XXXI. If at any Time it appear to the Commissioners, upon the Report of the Surveyor, that any House is used or intended to be used as a Factory or Building in which Persons of both Sexes and above Twenty in Number are employed or intended to be employed at any One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think proper, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the separate Use of each Sex, and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Certain Sec-  
tions of 10 &  
11Vict. c. 34.  
as to paving  
and main-  
taining  
Streets in-  
corporated.

XXXII. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to paving and maintaining the Streets, (except Section Fifty,) are hereby incorporated with and shall form Part of this Act.

XXXIII. The



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XXXIII. The Word "Materials" in Section Fifty-six of the "Towns Improvement Clauses Act, 1847," shall be construed so as to include Post, Rail, or Fence. Extending sec. 56. to Fences, &c.

XXXIV. The Commissioners may, at any Time after this Act shall come into operation, and before the First Day of *January* One thousand eight hundred and fifty-six, at their own Costs and Charges, but with the Consent and under the Direction of the Trustees of the *Wigan and Preston Turnpike Road North of Yarrow* (which Consent such Trustees are hereby authorized and empowered to give), erect and set up a Toll House and Toll Gate, Weighing Machines, and Appurtenances on such Part of the same Road, not being more than Twenty-five Yards Southwards of the Junction of the Lane called *Euxton Lane* with the Turnpike Road leading from *Preston* to *Chorley*, as the Trustees of the said Road shall direct, in lieu of the existing Toll House and Toll Gate and Weighing Machine at *Hartwood Green*, and such Toll House, Toll Gate, Weighing Machine, and Appurtenances shall be erected and set up in a good and substantial Manner, and when the same shall have been so erected and set up the Estate and Interest of the said Trustees in and to the said Toll House, Toll Gate, Weighing Machine, and Appurtenances at *Hartwood Green*, and the Site and Materials thereof, shall vest in the Commissioners, subject nevertheless, as to the Sale and Disposal of the same, and otherwise, to the several Statutes now in force relating to Turnpike Roads in *England*; and it shall not be lawful for the said Trustees at any Time thereafter to collect any Toll or lay out any Money on any Part of the said Road within the Limits of this Act which shall be South of the Toll House so to be erected as aforesaid. Commissioners may remove Toll Gates, &c. at Hartwood Green, and rebuild the same in such Situation beyond as the Trustees shall direct.

XXXV. It shall be lawful for the Commissioners, if and when they shall think fit, by Writing under their Common Seal, to declare *West Street* and *Chapel Street* respectively, or either of them, to be public Highways or a public Highway, and thereupon the same shall become public Highways or a public Highway, and shall be thereafter repaired by the Commissioners in like Manner as other Highways within the Limits may be repaired by them; and such Declaration shall be entered among the Proceedings of the Commissioners, and Notice of such Declaration shall be put up in some conspicuous Place in or near the Street to which the same relates: Provided always, that before declaring either of such Streets to be a public Highway the Commissioners shall obtain the Consent in Writing of the Owner of the Ground or Soil of and in the Roadway of such Street to the same being made a Highway; and the Declaration of the Commissioners with reference to such Street shall state that such Consent has been given; and no Declaration of the Commissioners Power to declare West Street and Chapel Street public Highways.



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sioners with respect to making either of the said Streets a public Highway shall be of any Force or Validity with respect to such Street unless such Consent shall have been given, nor unless the Declaration shall state that such Consent has been given, anything herein-before contained to the contrary notwithstanding.

Certain Sections of 10 & 11 Vict. c. 34. as to new Streets incorporated, except when otherwise provided by Local Act.

XXXVI. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to laying out new Streets, are hereby incorporated with and shall form Part of this Act: Provided always, that where under any Local Act of Parliament the Expenses referred to in the Sixty-first Section of the "Towns Improvement Clauses Act, 1847," or any of them, are or may be directed to be borne by the Persons to whom the Pipes or Works therein mentioned belong, their Liability in that respect shall continue in the same Manner and under the same Conditions in all respects as if this Act had not passed.

Owners of Land on which new Streets formed to lay down Sewers.

XXXVII. If the Owner or Occupier of any Land within the Limits shall hereafter lay out any Street or Road over or across the same, he shall, at his own Expense, if and when so required by the Commissioners, lay down throughout the whole Length of such Street, or so far as his own Land extends, a proper Sewer, of such Depth, Dimensions, and Materials, and in such Manner as the Commissioners shall require; and in case he shall fail so to do, after Three Months Notice given to him by the Commissioners for that Purpose, it shall be lawful for the Commissioners to cause such Sewer to be laid down, and the Expenses which shall be incurred by them in respect thereof shall be recoverable by them from such Owner or Occupier as Damages, or, by Order of the Commissioners, may be declared to be Private Improvement Expenses, and be recoverable as such: Provided always, that if the Commissioners shall require such Sewer to be formed of a greater Diameter than Eighteen Inches, or at a greater Depth than Fourteen Feet from the Surface of the Road to the Bottom of the Sewer, or of any other Materials than those in ordinary Use for such Purpose, the Commissioners shall pay all Expenses attending the same, over and beyond the Cost of laying down a Sewer made of the ordinary Materials, and Eighteen Inches in Diameter, and at the Depth of Fourteen Feet from the Surface of the Road to the Bottom of the Sewer: Provided also, that, previous to any such Owner or Occupier beginning to lay down such Sewer as aforesaid, he shall give Twenty-eight Days Notice to the Surveyor of his Intention, and of the proposed Diameter, Depth, and Course of such Sewer; and if the said Surveyor shall not within the said Period of Twenty-eight Days give Notice to such Owner or Occupier that the Commissioners desire such Sewer to be laid down of any other Kind, or of any other Depth, or in any other Course than the

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One so proposed to be made, then such Owner or Occupier may proceed to make such Sewer as originally proposed; and if the Surveyor shall give Notice of any such Desire, and such Owner or Occupier shall not proceed to make a Sewer in accordance with such Notice, then the Commissioners, on the Payment by way of Deposit by such Owner or Occupier of One Half of the estimated Expense to the Treasurer, shall proceed within a reasonable Time to execute and finish such Sewer in accordance with such Notice.

XXXVIII. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to naming the Streets and numbering the Houses, and with respect to improving the Line of the Streets and removing Obstructions, are hereby incorporated with and shall form Part of this Act.

The Sections of 10 & 11 Vict. c. 34. as to naming and improving Line of Streets;

XXXIX. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to ruinous or dangerous Buildings, and with respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses, and with respect to Objections to the Works to be constructed by or subject to the Approval of the Commissioners, are hereby incorporated with and shall form Part of this Act.

as to ruinous Buildings, Precautions during Repairs, and Objections to Works.

XL. The Power of Appeal granted by Section Eighty-six of "The Towns Improvement Clauses Act, 1847," shall be held to apply to all Cases in which any Person liable to pay or contribute towards the Expense of any of the Works by this Act authorized shall consider himself aggrieved by any Order of the Commissioners in relation thereto.

Appeal granted by Section 86. of 10 & 11 Vict. c. 34. extended to other Works.

XLI. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to cleansing the Streets, are hereby incorporated with and shall form Part of this Act.

The Sections of 10 & 11 Vict. c. 34. as to cleansing Streets incorporated.

XLII. Section Ninety-three of "The Towns Improvement Clauses Act, 1847," shall extend to enable the Commissioners to erect and maintain public Privies within the Limits, as well as public Urinals.

Power to erect public Privies and Urinals.

XLIII. The Commissioners may require any Person, being a Licensed Publican or Victualler, or being a Dealer in Beer, Ale, Cider, or other strong Liquor, to provide an Urinal adjoining or near his Public House or other Place of Business; and if such Person shall not, within Twenty-eight Days after Notice from the Commissioners requiring him to make such Urinal, construct the same with proper Materials, to the Satisfaction of the Commissioners Surveyor,

Publicans to provide Urinals, when required by Commissioners.

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Surveyor, and in some convenient Situation as little exposed as practicable, to be approved of by such Surveyor, with proper Drains therefrom, or who shall not every Day before Eight of the Clock in the Forenoon thoroughly cleanse such Drains, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Nightsoil in Factories may be collected and removed by Occupiers.

XLIV. Nothing in "The Towns Improvement Clauses Act, 1847," or in this Act, contained, shall extend to empower the Commissioners to take or remove or dispose of the Nightsoil from any Factory, Mill, Weaving Shed, Print Works, Bleach Works, or other Works or Buildings for carrying on any Trade in which Twenty Persons or more are employed, where the same Nightsoil shall be collected on the Premises by the Occupier for Sale or for Manure, in case the same Nightsoil be collected or accumulated in some Place on the Premises covered in, and so as that the same be not noisome or offensive, and so as that the same be removed and carried away only in Carts so closed or covered in as to prevent any Stench or offensive Exhalation from issuing therefrom, and within such Hours as may be fixed by the Commissioners, and be not conveyed through any Street within the Limits, except within such Hours; and that in case the Occupier of any such Factory or other Buildings as are herein-before mentioned shall suffer any Nightsoil so collected or accumulated, or the Receptacle or Place in which the same is or shall have been so collected or accumulated, to be noisome or offensive, or shall remove or carry away such Nightsoil or permit the same to be removed or carried away in Carts not so closed or covered in as aforesaid, either from such Factory or other Buildings as herein-before are mentioned, or along any such Street as aforesaid, or at any other Time than within such Hours as shall be fixed as before is mentioned, the Occupier of such Factory or other Building shall for every such Offence forfeit a Sum not exceeding Five Pounds.

The Sections of 10 & 11 Vict. c. 34. as to Nuisances incorporated.

Power to enforce the Removal or Alteration of Urinals.

XLV. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to the Prevention of Nuisances, are hereby incorporated with and shall form Part of this Act.

XLVI. If the Commissioners shall consider that any Urinal now or hereafter to be erected in or near any Street within the Limits is so erected in an improper Place or in an improper Manner, and so as to be offensive to any of the Inhabitants of or Persons passing along such Street, it shall be lawful for them to give Notice in Writing to the Person to whom such Urinal shall belong, or in whose Occupation the same or the Premises to which the same shall belong or be appurtenant shall be, requiring such Person to remove or alter the same, in such Manner as shall be specified in such Notice, before a Day to be mentioned in such Notice, not being earlier than Twenty-eight Days from



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from the Day of Service of such Notice; and if the Urinal to which such Notice relates shall not be removed or shall not be altered in manner aforesaid to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners and they are hereby authorized and empowered forthwith to remove the same in manner aforesaid; and all Expenses which the Commissioners shall incur thereby shall be a Debt due to them from such Person, and shall be recoverable in like Manner as any Penalty of the like Amount is recoverable under this Act, or by Action or Plaint in any Court of competent Jurisdiction.

XLVII. Any Person who shall keep any Pig within any Dwelling House within the Limits so as to be a Nuisance shall incur the Penalties and be subject to the Powers imposed by and contained in Section Ninety-nine of "The Towns Improvement Clauses Act, 1847."

Penalties for keeping Pigs in Dwelling House so as to be a Nuisance.

XLVIII. The Section of "The Towns Improvement Clauses Act, 1847," with respect to the Prevention of Smoke, is hereby incorporated with and shall form Part of this Act; but the Justice or Justices before whom any Person may be summoned may remit the Penalties enacted by such Section if he or they shall be of Opinion that such Person has so constructed or altered his Fireplace, Furnace, or Chimney as to consume as far as possible all the Smoke arising from such Fireplace, Furnace, or Chimney, and has carefully attended to the same, and consumed as far as possible the Smoke arising from such Fireplace, Furnace, or Chimney.

The Section of 10 & 11 Vict. c. 34. as to Smoke incorporated.

XLIX. Every Fire casting up large Quantities of Smoke or Flame or noxious or noisome Vapour within the Limits shall be a Nuisance within the Meaning of the One hundred and fourth Section of "The Towns Improvement Clauses Act, 1847," and shall be dealt with as other Nuisances in that Section are by such Act directed to be dealt with.

Regulating Height of Chimnies.

L. The Section of "The Towns Improvement Clauses Act, 1847," with respect to the Construction of Houses for the Prevention of Fire, is hereby incorporated with and shall form Part of this Act.

The Section of 10 & 11 Vict. c. 34. as to Fire Prevention incorporated.

LI. Provided always, and be it enacted, That the several Sections of "The Towns Improvement Clauses Acts, 1847," numbered respectively LXXXVII., LXXXVIII., LXXXIX., XC., XCII., XCV., XCVI., XCVII., XCVIII., C., and CIX. shall not extend to any Lands used as Arable, Meadow, or Pasture Ground only, or to Woodlands, or Market Gardens, Garden Allotments, or Nursery

Sections 87, 88, 89, 90, 92, 95, 96, 97, 98, 100, and 109. of 10 & 11 Vict. c. 34. not to extend to Lands, &c.

[Local.]

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Grounds,

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Grounds, or to any Buildings or Deposit on such Lands, or to any Roads or Footways intersecting the same respectively.

The Sections of 10 & 11 Vict. c. 34. as to Ventilation incorporated.

LII. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to supplying Buildings with fresh Air, are hereby incorporated with and shall form Part of this Act.

Sleeping Rooms not to be over Cesspools.

LIII. It shall not be lawful to let or occupy or suffer to be occupied as a Dwelling or Sleeping Room any Room within the Limits, whether built before or after the passing of this Act, which extends or is erected over and above any Privy or Cesspool; and whosoever lets, occupies, or knowingly suffers to be occupied as a Dwelling or Sleeping Room any such Room shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied after Notice in Writing from the Commissioners in this Behalf; provided that the Provisions of this Act with respect to the letting and Occupation of Rooms over and above Privies and Cesspools shall not come into force or Operation until the Expiration of Three Months from the Commencement of this Act.

The Sections of 10 & 11 Vict. c. 34. as to Lodging Houses, lighting, &c. incorporated.

LIV. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to Lodging Houses, and with respect to lighting the Town or District, and with respect to the Supply of Water, (except the Proviso to Section CXXI.,) are hereby incorporated with and shall form Part of this Act.

Where House is without a proper Supply of Water, Commissioners may provide the same, and charge Expenses.

LV. If upon the Report of the Officer of Health it shall appear to the Commissioners that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding Twopence *per* Week, the Commissioners shall give Notice in Writing to the Occupier, requiring him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with, the Commissioners may, if they shall think fit, do such Works and obtain such Supply accordingly, and make and levy Water Rates upon such House and the Premises connected therewith, not exceeding in the whole the Rate of Twopence *per* Week, in manner herein-after mentioned, and the Expenses incurred by them in doing such Works shall be Private Improvement Expenses, and be recoverable as such.

Certain Sections of 10 & 11 Vict. c. 34. as to Slaughterhouses, &c.

LVI. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to Slaughterhouses, and with respect to Things to be done by the Commissioners by Special Order only, and with respect to Clocks, and with respect to Entry by the Commissioners

or



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or their Officers in execution of that or the Special Act, and with respect to ensuring the Execution of Works by that or the Special Act required to be done by the Owners or Occupiers of Houses or Lands, are hereby incorporated with and shall form Part of this Act. incorporated with this Act.

LVII. It shall be lawful for the Commissioners, at any Time after this Act shall come into operation, to make a new public Carriage Road or Street from and in continuation of *West Street* into and along *Ackhurst Lane* to the East End of *Balshaw Lane* in the Township of *Euxton* and Parish of *Leyland*, and to make another new public Carriage Road or Street from and in continuation of *Chapel Street* through and to the End of *Steeley Lane* in the Parish of *Chorley*, and to make another new Carriage Road or Street from at or near *Park Road* at or near the Junction therewith of *Queen Street West* to *Ackhurst Lane* opposite a Field occupied by *Michael King*: Provided nevertheless, that the said Commissioners, previously to the opening of the said new public Carriage Road or Street from and in continuation of *West Street* into and along *Ackhurst Lane*, and also previously to the making of the said new Carriage Road or Street from at or near *Park Road* at or near the Junction therewith of *Queen Street West* to *Ackhurst Lane* aforesaid, or either of them, shall, at their own Costs and Charges, but under the Direction of the before-mentioned Trustees of the *Wigan* and *Preston* Turnpike Roads North of *Yarrow*, erect and build and set up a Toll House and Toll Gate and Appurtenances on and across the End of the said Lane called *Balshaw Lane* where the same joins to or comes into the said Turnpike Roads North of *Yarrow* in the Township of *Euxton*; and such Toll House, Toll Gate, and Appurtenances shall be erected and set up in a good and substantial Manner, and the same, when so set up and completed, shall become the Property of and be absolutely vested in the said Trustees of the said Turnpike Roads North of *Yarrow*, as completely and effectually, to all Intents and Purposes, as if the same had been erected and set up by and at the Expense of the said Trustees under their Local Act. Power to make certain new Streets.

LVIII. And whereas Plans and Sections of the proposed new Roads or Streets, and Books of Reference to such Plans, containing the Names of the Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the County of *Lancaster*: Be it enacted, That, subject to the Provisions and Powers of Deviation in this Act contained, it shall be lawful for the Commissioners to make the said Roads or Streets in the Line or Course and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and not otherwise; and it shall be lawful for the Commissioners to Power to make new Streets according to deposited Plan.

to



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to purchase such of the said Lands as shall be necessary for the said Purposes, and after they shall have purchased them to enter upon and use the same: Provided always, that in making the said Streets or Roads the Commissioners may deviate from the Line and Levels defined in the said Plans and Sections, not exceeding the Limit of lateral Deviation defined in the said Plans, nor Two Feet from the Levels defined on the said Sections; provided also, that it shall not be lawful for the Commissioners to take or use any Land for the Purposes of the said intended public Carriage Roads or Streets, without the Consent of the Owners for the Time being of such Land first had and obtained.

Errors and Omissions in Books of Reference may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

LIX. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described in the said Plans or Books of Reference, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply to Two Justices for the Correction thereof; and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited with the said Clerk of the Peace, and also with the Parish Clerk of the Parish of *Chorley*, and also (if the Error shall relate to Lands in the Parish of *Leyland*) with the Parish Clerk of the Parish of *Leyland*, and such Certificate shall be kept by such Clerk of the Peace and Parish Clerks with the other Documents to which it relates; and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate; and the Commissioners may take any Lands, in accordance with such Certificate, as if such Omission, Mis-statement, or wrong Description had not been made.

Copies of Plans, &c. to be Evidence.

LX. True Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by the said Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Commissioners to remove Lodge to Astley Hall, and make good Carriageway.

LXI. And whereas, in exercise of the Powers of this Act for the Construction of the proposed new Street or public Carriage Road along *Ackhurst Lane*, the Commissioners may raise or enlarge the Crown or Width of the Bridge over the River *Chor*, and the Effect of such Enlargement or widening might be to render less commodious  
as



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as a Dwelling House the present Lodge to *Astley Hall*, whereof *Robert Townley Parker* Esquire is or claims to be Owner: Be it enacted, That if for the Purposes of the said proposed new Street or Road the Commissioners shall in any way raise or enlarge the Crown or Width of the said Bridge, they shall, at their own Expense, if and when required by the said *Robert Townley Parker*, his Heirs or Assigns, take down the said Lodge, and rebuild the same on Land to be provided for that Purpose by the said *Robert Townley Parker*, his Heirs or Assigns, within One hundred Yards of the present Site of such Lodge, and shall have and use for or towards the rebuilding of such Lodge such of the Materials of the existing Lodge as shall be fit and proper for the Purpose, and shall also, at their own Expense, make a proper and convenient Carriageway out of the said intended new Street or Road by the said intended Lodge into the existing Carriageway to *Astley Hall* aforesaid, in lieu of the existing Carriageway from *Ackhurst Lane* by the present Lodge, such Works to be executed to the entire Satisfaction of the said *Robert Townley Parker*, his Heirs or Assigns.

LXII. The Commissioners shall, at their own Expense, make proper and convenient Roads, Ways, or Approaches for Waggons, Carts, and other Vehicles to all Farms, Farm Buildings, and Fields the present Roads, Ways, or Approaches to which will be rendered inconvenient by the proposed Alterations of Level in *Ackhurst Lane* aforesaid.

Commis-  
sioners to  
make good  
Approaches  
to Farms,  
Fields, &c.

LXIII. It shall be lawful for the *Chorley* Gaslight Company, established under the Provisions of the Act, Seventh and Eighth of *Victoria*, Chapter One hundred and ten, and commonly known as the Joint Stock Company's Registration Act, with the Consent of Three Fifths of the Votes of the Proprietors of such Gaslight Company, present in Person or by Proxy at any General Meeting of such Company specially convened for the Purpose, to sell to the Commissioners, and it shall be lawful for the Commissioners to purchase, at such Price and upon such Terms and Conditions as shall be mutually agreed upon between the said Company and the Commissioners, the Undertaking, Rights, Powers, Easements, and Authorities of such Company, that is to say, all and every their Gasworks of every Description, Mains, Pipes, and other Works, Real and Personal Estate and Effects, and Privileges, subject nevertheless and without Prejudice to all Mortgages and other Debts of the said Company which shall be directly charged upon the said Gasworks or Undertaking, or any Part thereof, and the Money required by the Commissioners for the Purchase of such Undertaking may be raised by Mortgage thereof, and of the Rents and Profits to be derived therefrom, and of the Lighting Rate herein-after mentioned.

Power to  
purchase  
Gasworks.

[*Local.*]

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LXIV. The



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Receipt of  
Three Di-  
rectors to be  
sufficient  
Discharge  
of Purchase  
Money.

LXIV. The Receipt in Writing under the Hands of any Three of the Directors for the Time being of the said Gaslight Company shall be a sufficient Discharge to the Commissioners for the Purchase Money for the Undertaking of such Company, or for so much thereof as in such Receipt shall be expressed to have been received.

Payment  
and Appli-  
cation of  
Purchase  
Money.

LXV. The Sum agreed upon as the Price or Consideration for the Purchase of the Undertaking of the said Gaslight Company shall be paid into such Bank as the Directors for the Time being of the said Company shall appoint, to the Account of such Company, and shall be applied by such Directors in manner following; (that is to say,) first, in discharging all outstanding Debts and Liabilities of the Company which shall not have been secured by Mortgage or other direct Charge upon the Undertaking or any Part thereof; and secondly, in making a fair rateable Division of the Residue thereof amongst the Shareholders of the Company in proportion to their respective Shares and Interests in the Undertaking sold.

Time and  
Place of  
Payment to  
Share-  
holders.

LXVI. The Directors shall give Notice of the Time and Place for Payment to the Shareholders of their respective Portions of such Purchase Money, in like Manner as they are required to give Notice of General Meetings of the Company, and shall pay the same accordingly to such of the Shareholders as shall apply for and give Receipts for the same.

Directors  
may deal  
with regis-  
tered Share-  
holders as  
absolutely  
entitled.

LXVII. In carrying into execution the Provisions of this Act with respect to the Payment of such Purchase Money to the Shareholders, the Directors shall not be bound to regard any Manner of Trust, Limitation, Disposition, or Appointment of or affecting any Share in the Undertaking sold, or the Purchase Money for the same, but may deal with the Person or Persons who shall be registered in the Books of the Company as the Holder or Holders of such Share, or the Executors or Administrators of any such deceased Person, as the absolute Proprietor thereof; and the Receipt of such Person, or if Two or more Persons shall be jointly registered as the Holder of any Share, then the Receipt of any One of such Persons, shall be a sufficient Discharge to the Directors for the Purchase Money therein expressed to be received for the same; and if any Person so registered as aforesaid, or his Executors or Administrators, shall be an Infant, Lunatic, or otherwise under legal Disability, or shall be out of the United Kingdom, the Receipt of her or his Guardian, Committee, or Agent, as the Case may be, shall be a sufficient Discharge; and the Directors shall not be bound to see to the Application of such Purchase Monies, or be answerable for any Loss, Misapplication, or Nonapplication thereof; but, nevertheless, such Monies shall, when paid by the Directors, be subject and liable to the same Trusts, Limitations

Purchase  
Money to be  
subject to



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Limitations, Dispositions, and Appointments, testamentary or otherwise, as the Share or Shares in respect of which they were paid was or were subject or liable to, or would have been subject or liable to if the Undertaking had not been sold. same Trusts as the Shares.

LXVIII. The Sections of "The Gasworks Clauses Act, 1847," with respect to the breaking up of Streets for the Purpose of laying Pipes, are hereby incorporated with and shall form Part of this Act. Sections of 10 & 11 Vict. c. 15. as to breaking up Streets incorporated.

LXIX. The Word "Undertakers" in such Sections shall mean "The *Chorley* Gaslight Company" until their Undertaking shall be purchased by the Commissioners, and shall afterwards mean the Commissioners. Application of the Word "Undertakers."

LXX. Section Seven of "The Gasworks Clauses Act, 1847," shall extend to authorize and empower the said *Chorley* Gaslight Company, or the Commissioners, as the Case may be, from Time to Time to enter upon and lay or place any new Pipe or Apparatus in the Place of an existing Pipe or other Apparatus in any Land wherein any Pipe or other Apparatus had been already previously laid down, either by the said Company or by the Commissioners, and to repair or alter any Pipe or Apparatus so laid down. Power to enter on private Lands to relay or repair Pipes or Apparatus already laid down.

LXXI. After the Undertaking of the said Gaslight Company shall have been purchased by the Commissioners, the Sections of "The Gasworks Clauses Act, 1847," with respect to the Supply of Gas, and the Recovery of the Rent to be paid for the same, and with respect to the Provision for guarding against fouling Water or other Nuisance from the Gas, shall be incorporated with and form Part of this Act; and the Word "Undertakers" in such Sections shall mean the Commissioners; and the Price at which the Commissioners shall supply Gas shall not exceed Five Shillings *per* Thousand Cubic Feet. The Sections of 10 & 11 Vict. c. 15. as to Supply of Gas, &c. incorporated.

LXXII. When the Undertaking of the *Chorley* Gaslight Company shall have been purchased by the Commissioners, the Commissioners shall keep a separate Account of their Expenditure and Receipts in respect of such Undertaking; and all Profits derived therefrom in every Year shall be applied as follows; namely, Account and Application of Profits of Gasworks.

First, in setting apart a Sum equal to not less than a Fiftieth Part of the Principal Monies secured by Mortgage or other direct Charge upon the said Undertaking only, or by Mortgage thereof and of the Lighting Rate to be levied under this Act, for the Purpose of forming a Sinking Fund for the Payment of such Principal Monies :

Secondly,



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Secondly, in paying the Interest on such Principal Monies :  
 Thirdly, in paying the Expense of maintaining, extending, and keeping in repair the Gasworks, Pipes, and other Apparatus comprised in such Undertaking :  
 Fourthly, if and when any Residue shall remain, the same shall be applied in forming and keeping up a Contingency Fund of Two thousand Pounds ; and whenever such Contingency Fund shall for the Time being amount to Two thousand Pounds, such Residue shall be carried to the Account and applied in aid or in lieu of the said Lighting Rate ; and if and when any Surplus shall still remain the same shall be carried to the Account and applied in aid of the General Improvement Rate to be levied under this Act.

Monies set apart as a Sinking Fund or Contingency Fund may be invested, and the annual Profits treated as Profits of the Undertaking.

LXXIII. The Monies which by virtue of the Provisions aforesaid shall be set apart either as a Sinking Fund or as a Contingency Fund shall be from Time to Time invested by the Commissioners in like Manner as other Monies set apart as a Sinking Fund are by this Act directed to be invested ; and such Investments may be changed from Time to Time for others of a like Nature, or may be sold out and realized, and the Money, if derived from the Sinking Fund, applied in Payment of Principal Monies for discharging which such Sinking Fund was established, or if derived from the Contingency Fund may be applied as follows ; that is to say, whenever, from any Accident happening or apprehended to happen to any of the Works comprised in the said Undertaking, or from any other Cause, a large Expenditure of Money is required to be made upon such Works, in repairing the Damage occasioned by such Accident or otherwise, as the Case may require.

Power for Commissioners to purchase Rights of the Lord of the Manor in reference to Markets.

LXXIV. It shall be lawful for the Commissioners to purchase of the Lords of the Manor of *Chorley*, or other Person or Persons for the Time being entitled thereto, the existing Market Place at *Chorley*, and the Site thereof, and the Approaches thereto, and all Franchises, Rights, or Privileges of holding Markets or Fairs within the Limits, and of taking Tolls, Stallages, Rents, or other Dues thereat, for such Price or Consideration and upon such Terms and Conditions as shall be mutually agreed upon between them ; and the Sections of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, shall apply to the Purchase as well of the said Market Place and the Site thereof as to the Franchises, Rights, and Privileges aforesaid.

Power to provide additional Sites for Markets and Fairs.

LXXV. It shall be lawful for the Commissioners to purchase or provide such additional Places or Sites for the holding of Markets or Fairs as they shall from Time to Time think fit.

LXXVI. It



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LXXVI. It shall be lawful for the Commissioners, at any Time after they shall have provided a proper Site for holding a Cattle Fair, to prohibit the holding of any such Fair in any public Street or Place under the Control of the Commissioners within the Limits; and Notice of such Prohibition shall be published in some Newspaper published or circulating in *Chorley*, and shall state the Day on which such Prohibition shall come into operation, being not sooner than Twenty-one Days after the Day on which the Newspaper containing such Notice shall be published, and shall also describe the Place which shall have been provided by the Commissioners for the holding of such Fair; and a Copy of such Notice shall be affixed on the Market Place at *Chorley*, and at such other public and conspicuous Places within the Limits as the Commissioners shall direct, for Three Market Days at least immediately before such Prohibition shall come into operation; and on and after the Day specified in such Notice it shall not be lawful for any Person to expose for Show, Hire, or Sale any Horse, Ass, Mule, Ox, Bull, Cow, Calf, Heifer, or other Cattle, Ram, Ewe, Sheep, Wether, Lamb, Goat, Kid, or Swine, in any Street or Place dedicated to public Use within the Limits, other than and except the Site or Place so prescribed as aforesaid for the holding of such Cattle Fair.

Power to prohibit holding of Cattle Fairs in the public Street.

LXXVII. The Business and Amusements of all Fairs and Wakes holden within the Limits shall cease at the Hour of Twelve at Night, and shall not begin earlier than the Hour of Five in the Morning; and if any Room, Booth, Standing, Tent, Caravan, Waggon, or other Place temporarily erected or occupied for the Purpose of such Fair or Wake shall during the Continuance of any such Fair be open between the Hours of Twelve at Night and Five in the Morning, contrary to the Intent and Meaning hereof, it shall be lawful for any Constable to take into Custody the Person having the Care or Management thereof, and also every Person being therein who shall not quit the same forthwith upon being bidden by such Constable so to do; and the Person so then having the Care or Management of any such Room, Booth, Standing, Tent, Caravan, Waggon, or other Place shall be liable to a Penalty of Five Pounds; and every Person convicted of having been therein, and of not having quitted the same forthwith upon being bidden by a Constable so to do, shall be liable to a Penalty of Four Shillings.

Penalty on keeping Fairs and Wakes open after Twelve at Night and before Five in the Morning.

LXXVIII. The Commissioners may from Time to Time demise the Market House and Market Places, and Places for Cattle Fairs, and any of them, and any Part thereof respectively, and the Weighing Places and Weighing Machines, and any of them respectively, and the Stallages, Rents, and Tolls for the Market and Fairs, and any of them respectively, for any Term not exceeding Seven Years, upon

Power to Commissioners to lease Market and Tolls.

[*Locat.*]

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such

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such Terms as are agreed upon between them and the Person to whom the respective Demise is made: Provided always, that before making any such Demise for any Period exceeding One Year, they shall, by Advertisement or otherwise, as they think fit, give not less than One Month's public Notice of their Intention to make the same, and of their Willingness to receive Tenders in Writing in that Behalf; provided also, that the Commissioners may, if they think fit, require that every Person making any such Tender shall thereby undertake to accept such Demise if his Tender be accepted.

Power to Commissioners to let Stalls in Markets and Fairs.

LXXIX. The Commissioners may from Time to Time demise or let any of the Shops or Stalls, Sheds, Stands, Places, and other Conveniences in the Market House and Market Place and Fairs, to any Person for any Period not exceeding Seven Years, upon such Terms and Stipulations as are agreed upon between them and the Person to whom the respective Demise or Letting is made: Provided always, that the Commissioners before making any such Demise or Letting for any Period exceeding One Year shall, by Advertisement or otherwise, as they think fit, give not less than One Month's public Notice of their Intention to make the same, and of their Willingness to receive Tenders in Writing in that Behalf, and may, if they think fit, require that every Person making such Tender shall thereby undertake to accept such Demise or Letting, if his Tender be accepted.

Lessee of Stalls may assign, with Consent.

LXXX. The Lessee and Assignee respectively of any such Shop, Stall, Shed, Stand, Place, or other Convenience, his Executors and Administrators, may with, but shall not without, the Consent of the Commissioners, assign the same for the Residue of his Term therein.

The Sections of 10 & 11 Vict. c. 14. as to holding of Market, &c. incorporated.

LXXXI. The Sections of "The Markets and Fairs Clauses Act, 1847," with respect to the holding of the Market or Fair, and the Protection thereof, (except Section Twelve,) and with respect to Slaughter-houses, (except Section Nineteen,) are hereby incorporated with and shall form Part of this Act.

Commissioners may provide Slaughter-houses.

LXXXII. The Commissioners may from Time to Time purchase, rent, build, or otherwise provide such Slaughter-houses for slaughtering Cattle within the Limits as they may think fit.

Charges for Use of Slaughter-houses.

LXXXIII. The Commissioners may make such reasonable Charge for the slaughtering of Beasts in any Slaughter-houses built or provided by them as they may from Time to Time think fit, not exceeding the following; (that is to say,)

For every Bull, Ox, Cow, Steer, or Heifer, One Shilling:

For



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For every Calf, Sixpence :  
 For every Sheep or Lamb, Threepence :  
 For every Hog, Ninepence :  
 For every Pig, Threepence :  
 For every other Beast, Ninepence.

LXXXIV. After the Expiration of Three Months from the Time when this Act shall come into operation no Person shall slaughter any Cattle, or dress any Carcase, for Sale as Human Food or Food of Man, in any Places within the Limits, other than a Slaughter-house which was in use as such before and at the Time of the passing of this Act, and has so continued ever since, and has been registered as a Slaughter-house under Section One hundred and twenty-seven of the "Towns Improvement Clauses Act, 1847," incorporated with this Act, or other than a Slaughter-house which has been duly licensed by the Commissioners, or other than a Slaughter-house made or provided by the Commissioners under the Provisions of this Act; and every Person who after the Expiration of such Three Months shall offend by slaughtering any Cattle or dressing for Sale any Carcase within the Limits in any Place other than One of such Slaughter-houses shall for every Beast so slaughtered or every Carcase so dressed, be liable to a Penalty not exceeding Five Pounds; and the Word "Cattle" in this Enactment shall have the Meaning assigned thereto in the said Markets and Fairs Clauses Act, except that it shall not include Horse, Mule, or Ass.

Penalty on slaughtering Cattle elsewhere than in authorized Slaughter-houses.

LXXXV. The Sections of "The Markets and Fairs Clauses Act, 1847," with respect to weighing Goods and Carts, and with respect to the Stallages, Rents, and Tolls to be taken by the Undertakers, are hereby incorporated with and shall form Part of this Act.

The Sections of 10 & 11 Vict. c. 14. as to weighing Goods, &c. incorporated.

LXXXVI. The Commissioners may demand and take such reasonable Tolls, Rents, or Charges for the Use of any Place to be provided by them for holding Cattle Fairs as they shall think fit, and such Tolls, Rates, or Charges shall be paid and recoverable in the same Manner as Tolls in respect of Cattle brought to the Market: and the Sections of the said Markets and Fairs Clauses Act hereinbefore last incorporated shall apply to such Tolls, Rents, or Charges accordingly; and when the existing Market Place shall have been vested in the Commissioners under the Provisions of this Act, it shall be lawful for them to levy and take such Stallages, Rents, and Tolls in respect of Markets and Fairs as they may think fit, not exceeding the Sums specified in the Schedule to this Act.

Power to levy Rents, Stallages, &c., for Cattle Fairs, Markets, &c.

LXXXVII. The Commissioners may borrow such Monies as they may require for the Purchase of the said Market Place and Market and

Power to borrow Money for and



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Purchase of  
the Market,  
&c.

and Fair Rights, and also for such additional Sites for holding Markets or Fairs as aforesaid, on Mortgage of the said Market Place and additional Sites, and of the Tolls and other Profits of the Markets and Fairs, and of the General Improvement Rate to be levied under the Provisions of this Act.

Application  
of Profits of  
Markets and  
Fairs.

LXXXVIII. All Tolls and other Profits which the Commissioners shall receive from the Markets and Fairs shall be applied as follows ; (that is to say,)

First, in setting apart a Sum equal to not less than a Fiftieth Part of the Principal Monies borrowed on Mortgage of the said Market Places, Tolls, and Profits of the Market and Fairs, and General Improvement Rate, under the Power for that Purpose hereinbefore contained, for the Purpose of forming a Sinking Fund to be invested in the Manner prescribed by the Eighty-fourth Section of "The Commissioners Clauses Act," 1847, and to be applied exclusively from Time to Time in paying off the Principal Monies so borrowed :

Secondly, in paying the Interest upon such Principal Monies :

Thirdly, in paying the current ordinary Expenses of keeping up and maintaining the Market Places and Buildings connected therewith, and all other Expenses incident to the Markets and Fairs :

Fourthly, the Residue of such Tolls and Profits shall be added to the said General Improvement Rate.

Saving  
Rights of the  
Lord of the  
Manor of  
Chorley with  
respect to  
Markets and  
Fairs.

LXXXIX. The Sections of "The Markets and Fairs Clauses Act, 1847," incorporated with this Act, shall not be held or construed to confer upon the Commissioners any Right, Power, Privilege, or Authority in derogation of any Franchise, Right, or Privilege to hold Markets or Fairs, or take any Stallages, Rents, Tolls, or Dues in respect thereof, to which the Lords of the Manor of *Chorley* or any other Person may for the Time being be entitled ; nor shall this Act, or any Act incorporated herewith, confer upon the Commissioners any Rights, Powers, Privileges, or Authorities in or over or with reference to any Markets or Fairs, or any Stallages, Rents, Tolls, or Dues in respect thereof, until they shall have purchased the present and existing Markets, Fairs, Rights, and Franchises of the Lords of the Manor of *Chorley*, or other Person or Persons entitled to any Markets and Fairs within the said Limits.

Power to  
make Com-  
munications  
over or under  
Railway.

XC. Whereas the *Bolton and Preston* Railway passes through or near the Town of *Chorley*, and certain detached Parts thereof, and so as to cut off the Communication between the said Town or Parts thereof and the Country and other Parts of the said Town lying on the other Side of the Railway except at certain Points, and in consequence



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sequence of the rapid Increase of Buildings in that Direction the public Convenience may shortly require that the Points of Communication between the said Town and the Country beyond the Railway should be multiplied: Be it enacted, That it shall be lawful for the Commissioners from Time to Time, with the Consent of the Proprietors for the Time being of the said Railway, to construct such Bridges or other Works as may be necessary for carrying or continuing over or under the said Railway any Street or public Carriage Road that may hereafter be laid out or made on either Side of the said Railway, such Bridges to be built according to Plans to be previously submitted to and approved by the said Proprietors or their Engineer for the Time being; and it shall be lawful for the Commissioners and such Proprietors to enter into such Agreement as they may think proper with respect to such Bridges or other Works, and the Costs of constructing, repairing, and maintaining such Bridges or other Works; and the Expenses of the Commissioners in reference thereto shall be paid by them out of any Funds in their Hands applicable to the Repairs of Streets within the Limits, or if the Cost of constructing the same or any of them shall exceed Five hundred Pounds, then such Cost shall be defrayed out of Monies raised by Mortgage of the General Improvement Rate to be levied under the Provisions of this Act, which Mortgages the Commissioners are hereby authorized and empowered to make.

XCI. It shall be lawful for the Commissioners to purchase or erect, at some suitable Place or Places within the Limits a Town Hall and Gaol or Lock-up and such Police Stations and other Offices and Buildings for or connected with the Administration of Justice as they may think proper, and to furnish and fit up the same respectively with all necessary Furniture, and to maintain and from Time to Time to repair the same respectively, and to appoint such Person or Persons as they may think proper for the Care, Custody, and Conservation thereof.

Power to provide a Town Hall, Lock-up, &c.

XCII. It shall be lawful for the Commissioners to allow the Town Hall to be used for such public Meetings and upon such other public Occasions, and either for or without Hire; as they shall think fit, and it shall also be lawful for the Commissioners to charge such moderate Sum *per Annum* or otherwise for the Use of the Gaol or Lock-up, Police Stations, and other Offices and Buildings aforesaid, or any of them, as shall from Time to Time be agreed upon between them and the Clerk of the Peace, and approved of by the Justices at Quarter Sessions, and as shall be at least sufficient to cover the Expense of keeping up, maintaining, and repairing such Buildings respectively, some Instalment or Portion of the Principal of any Monies that may have been borrowed and expended in the Construction thereof, and the Interest upon the said Principal Monies, or upon such Part thereof,

As to Use of Town Hall.



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as may for the Time being remain due and owing by the Commissioners, and shall not have been already paid to them by means of such Instalments as aforesaid.

The Sections of 10 & 11 Vict. c. 89. as to Constables, and Obstructions and Nuisances, incorporated. Lord of Manor may discontinue Pound.

XCIH. The Sections of "The Town Police Clauses Act, 1847," with respect to the Appointment and the Powers, Duties, and Privileges of Constables, and with respect to Obstructions and Nuisances in the Streets, are hereby incorporated with and shall form Part of this Act.

XCIV. In case the Commissioners shall, under the Provisions of "The Towns Police Clauses Act, 1847," contained, erect any Pound within the Limits, the Lord or Lady of the Manor or a Portion of the Manor of *Chorley* shall not be thereafter required or be liable to provide, uphold, or maintain any other Pound within the Limits.

Dangerous Dogs.

XCV. Any Constable may within the Limits seize and detain any unmuzzled ferocious Dog, or any Dog going at large, which there is reasonable Ground for believing to be in a rabid State, or to have been bitten by any other Dog or other Animal in a rabid State, or any Dog being at large after public Notice from the Commissioners directing Dogs to be confined during the Period specified in such Notice; and any Constable may destroy any such Dog so seized, at any Time not less than Two Days after the same has been so seized: Provided always, that such Seizure and Destruction shall not exempt the Owner of any such Dog from any Penalty to which he is in any way liable in respect of such Dog.

The Sections of 10 & 11 Vict. c. 89. as to Fires, and Places of public Resort; as to Hackney Carriages;

XCVI. The Sections of the "Towns Police Clauses Act, 1847," with respect to Fires, and with respect to Places of public Resort, are hereby incorporated with and shall form Part of this Act.

XCVII. The Sections of "The Towns Police Clauses Act, 1847," with respect to Hackney Carriages, are hereby incorporated with and shall form Part of this Act.

and as to bathing, incorporated.

XCVIII. The Section of "The Towns Police Clauses Act, 1847," with respect to public bathing, is hereby incorporated with and shall form Part of this Act, and shall extend to all Canals, Streams, Reservoirs, Ponds, and Pools of Water within the Limits, as if the same respectively were the Sea Shore or the Strand of any River used as a public Bathing Place: Provided always, that any Byelaw made by the Commissioners under the said Section concerning any such Canal, Stream, Reservoir, Pond, or Pool of Water, being the private Property of any Person, shall not take away, lessen, or prejudicially affect any



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any of his Rights, Privileges, or Authorities with reference thereto, further or otherwise than as he may from Time to Time consent.

XCIX. It shall be lawful for the Commissioners from Time to Time to purchase, in suitable and convenient Places, such Lands as they may think proper for making a Cemetery or Cemeteries, and may make the same accordingly: Provided always, that no such Cemetery or any Part thereof shall be made within Three hundred Yards of any Dwelling House.

Power to make Cemeteries.

C. The Sections of "The Cemeteries Clauses Act, 1847," with respect to the making of the Cemetery (except Sections Six, Seven, Eight, Ten, and Seventeen), and with respect to preventing Nuisances from the Cemetery (except Section Nineteen), and with respect to Burials in the Cemetery, and with respect to exclusive Rights of Burial and monumental Inscriptions in the Cemetery, and with respect to Payments to Incumbents of Parishes or Ecclesiastical Districts, and to Parish Clerks, and with respect to the Protection of the Cemetery, are hereby incorporated with and shall form Part of this Act, and shall be applicable to every Cemetery that may hereafter be made or acquired by the Commissioners.

Certain Sections of 10 & 11 Vict. c. 65. as to Cemeteries, &c. incorporated.

CI. When a Cemetery or Cemeteries of sufficient Capacity for the Wants of the Parish, regard being had to the present Population thereof, and the Rate of Increase thereon, shall have been provided by the Commissioners, and consecrated, it shall be lawful for the Commissioners, with the Approval of the Bishop of the Diocese, to be signified in Writing under his Hand, to prohibit all future Interments in the present Church and Churchyard of *Chorley*, or either of them, with such Exceptions (if any) as to the Commissioners shall seem proper, and as shall also be approved of by the said Bishop, signified under his Hand; and the Commissioners shall give a Month's Notice at least of their Intention to apply to the said Bishop for his Approval to the closing of the said Church and Churchyard, or either of them, for the Purposes of Interment, by Advertisement in some Newspaper usually circulated in *Chorley*, and by causing to be affixed a Copy of such Notice on every outer Door of the Parish Church and of *Saint George's* and *Saint Peter's* Churches in *Chorley*; and if and when such Approval as aforesaid shall have been obtained the Commissioners shall publish another Notice in a Newspaper usually circulated in *Chorley*, specifying a Day after which Corpses shall cease to be interred in the said Church and Churchyard, or either of them, as the Case may be, except under the Circumstances (if any) approved of by the said Bishop, which Circumstances shall also be specified in the said Notice, and such Notice shall be so published at least a Month before the Day specified therein as aforesaid, and a Copy of such Notice shall be affixed

Powers to close Churchyard, with Consent of Bishop and Secretary of State, when Cemetery substituted



*The Chorley Improvement Act, 1853.*

affixed on every outer Door of the Parish Church and the said other Churches in *Chorley*; and it shall not be lawful for any Person to bury or cause to be buried any Corpse in the said Churches or Churchyards, or any of them, to which the Prohibition extends, after the Day specified in such Notice as aforesaid, except under the Circumstances (if any) which shall have been approved of by the said Bishop, and shall have been specified in the said Notice; and every Person who, contrary to such Prohibition, and to the true Intent and Meaning of this Enactment, shall bury or cause to be buried any Corpse in the said Churches or Churchyards, except under the Circumstances (if any) aforesaid, or shall in any Manner officiate or assist at such Interment, shall for every such Offence forfeit a Sum of Fifty Pounds.

Power to provide Land in lieu of Burial Ground found to be a Nuisance, and to prevent Interments in such Burial Ground.

CII. Whenever the Officer of Health, by Writing under his Hand, shall report to the Commissioners that any Place used as a Burial Ground within the Limits, and not being the Churchyard of any of the said Churches, is a Nuisance, or dangerous or prejudicial to the Health of the Inhabitants of Houses in the Vicinity thereof, by reason of the crowded State of such Burial Ground, or otherwise, it shall be lawful for the Commissioners and they are hereby authorized and empowered to provide, in some unconsecrated Part of One of their Cemeteries, a Piece of Land of equal Extent with such Burial Ground, and to allow the same to be exclusively used for Interments, by or under the Control or Management of the Person or Persons who would, but for the passing of this Act, have had the Conduct or Management of Interments in the Burial Ground so reported as aforesaid to be a Nuisance, or dangerous or prejudicial to the Health of the Inhabitants of Houses in the Vicinity thereof; and after such Land shall have been so provided, and Notice thereof shall have been given by the Commissioners to the Person or Persons having the Charge of such Burial Ground, and shall also have been published for Three successive Weeks in some Newspaper circulated in *Chorley*, it shall not be lawful to inter any Corpse in such Burial Ground, with such Exceptions, if any, as the Commissioners may think proper; and every Person who shall bury or cause to be buried any Corpse therein, or who shall in any Manner officiate or assist at any such Burial, shall be liable to a Penalty not exceeding Fifty Pounds: Provided always, that the Portion of the Cemetery appropriated by the Commissioners to the Purpose aforesaid shall continue subject to their Supervision and Control, and to the Byelaws and Regulations affecting other unconsecrated Parts of the Cemetery, if any; and if there shall be no other unconsecrated Part, then to such Byelaws, Rules, and Regulations as the Commissioners may make from Time to Time, under and in conformity with the Provisions of this Act.

CIII. After



*The Chorley Improvement Act, 1853.*

CIII. After the passing of this Act it shall not be lawful for any Person or Persons, except under the Authority of an Act of Parliament, to appropriate or set apart within the Limits any Land as a Burial Ground without the Consent in Writing of the Commissioners under their Common Seal first had and obtained, or to bury or cause or allow to be buried any Corpse in any Land within the Limits not being a Burial Ground legally constituted, or in any Manner to officiate or assist at any such Burial; and every Person who, contrary to the true Intent and Meaning of this Enactment, shall offend by appropriating or setting apart any such Land without such Authority or Consent as aforesaid, or by burying or causing or allowing to be buried in any Land not being a Burial Ground legally constituted as aforesaid, or by officiating or assisting at any such Burial, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

No Burial Ground to be established within the Limits without Authority of Parliament or Consent of Commissioners; and no Corpse to be interred except in Burial Grounds legally constituted.

CIV. The Commissioners may borrow such Monies as they may require for the Purposes of any Cemetery, on Mortgage of such Cemetery and of the Profits thereof, and of the General Improvement Rate to be levied under the Provisions of this Act.

Power to borrow Money for Purposes of Cemetery.

CV. All Profits which the Commissioners may receive from any Cemetery shall be applied as follows; that is to say,

Application of Profits of Cemetery.

First, in setting apart a Sum equal to not less than a Fiftieth Part of the Principal Monies borrowed on Mortgage of such Cemetery and of the Profits thereof, and of the General Improvement Rate, under the Power for that Purpose herein-before contained, for the Purpose of forming a Sinking Fund, to be invested in the Manner prescribed by the Eighty-fourth Section of the "Commissioners Clauses Act, 1847," and to be applied exclusively from Time to Time in paying off the Principal Monies so borrowed:

Secondly, in paying the Interest upon such Principal Monies:

Thirdly, in paying the current ordinary Expenses of keeping up and maintaining such Cemetery and otherwise incident thereto:

Fourthly, the Residue of such Profits shall be added to the said General Improvement Rate.

CVI. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to the Rates directed by that Act to be made for Sewers, Drains, and Private Improvements, (except Section One hundred and fifty-nine,) are hereby incorporated with and shall form Part of this Act.

The Sections of 10 & 11 Vict. c. 34. as to Sewer Rates, Drainage Rates, &c. incorporated.

CVII. In Sections One hundred and fifty-six, One hundred and fifty-seven, One hundred and fifty-nine, and One hundred and sixty respectively of "The Towns Improvement Clauses Act, 1847," the Words Fifty Years shall be substituted and read for the Words Thirty Years.

Rates to be paid off in Fifty Years.

[Local.]

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CVIII. The



*The Chorley Improvement Act, 1853.*Lighting  
Rate.

CVIII. The Commissioners shall annually make a Rate, to be called the Lighting Rate, for the Payment of all Expenses which may from Time to Time be incurred by them in lighting or causing or procuring to be lighted the Streets and other public Places and Buildings under their Control, and the Interest herein-after mentioned; and such Rate shall be of such Amount as, together with the Balance of Monies in their Hands applicable to the same Purpose, shall be sufficient to defray such Expenses, and also to defray any Interest upon Principal Monies borrowed on Mortgage of the Undertaking of the said *Chorley* Gaslight Company and of the said Lighting Rate, which the Profits for the Time being from the said Undertaking may be insufficient to pay; and the said Rate shall be rated and assessed upon the Occupiers of all Lands, Buildings, Tenements, and Hereditaments upon which a Lighting Rate made under the Provisions of the Act Third and Fourth of *William* the Fourth, Chapter Ninety, commonly known as the Lighting and Watching of Parishes Act, is by such Act directed or authorized to be rated and assessed, and shall be assessed upon the full net annual Value of such Lands, Buildings, Tenements, and Hereditaments, except that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, Market Garden, or Nursery Ground, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof, and that the Owner of the Tithe Commutation Rentcharge shall be assessed in respect thereof in the Proportion of One Fourth Part only of the annual Amount of such Rentcharge, and such Rate shall be levied and recovered as other Rates under this Act may be levied and recovered: Provided always, that whenever the Balance in the Hands of the Commissioners applicable to the Purpose aforesaid shall in their Opinion be sufficient to defray the Expenses chargeable upon the Lighting Rate for the ensuing Year no Lighting Rate for that Year shall be made or levied.

Highway  
Rates.

CIX. The Commissioners shall annually make a Rate, to be called the Highway Rate, for the Payment of all Expenses which by this Act or the Laws relating to Highways may be payable out of the Highway Rate, and such Highway Rate shall be rated and assessed upon the Occupiers of all Lands, Buildings, Tenements, and Hereditaments in respect of which a Highway Rate is or shall by the Acts of Parliament for the Time being in force relating to Highways in *England* be authorized or directed to be rated and assessed, and shall be levied and recovered as any Rates by this Act may be levied and recovered.

Power to  
levy General  
Improvement  
Rate.

CX. In addition to the Rates by the herein-before incorporated Sections of "The Towns Improvement Act, 1847," and by this Act, authorized to be made, the Commissioners shall annually make a Rate, to be called "The General Improvement Rate," for the Payment of all



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*The Chorley Improvement Act, 1853.*

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all Expenses which may from Time to Time be properly incurred by them in the Execution of this Act, and which may not otherwise be sufficiently provided for by this Act; and such Rate shall be of such Amount as, together with the Monies which by virtue of this Act shall be added thereto, or brought in aid thereof, from Time to Time, shall be sufficient to defray the Expenses last aforesaid, and to make up any Deficiency in the Profits from the Markets and Fairs, or from any Cemetery, to pay the Interest for the Time being due on Principal Monies borrowed under the Powers herein-before contained for the Purposes of the Markets and Fairs, or of the Cemetery, and as shall be sufficient to defray the Interest upon all other Sums of Money charged upon or secured by Mortgage of the said General Improvement Rate, and as shall be sufficient to add to the Sinking Funds to be formed for Payment of Principal Monies borrowed for the Purposes of Markets and Fairs, and Cemeteries, as aforesaid, or either of such Sinking Funds, such respective Sums or Sum as shall be necessary to ensure the Repayment of such Principal Monies by means of such Sinking Funds in the course of Fifty Years, and as shall be sufficient to pay a Fiftieth Part at least of all other Principal Monies charged upon or due on Mortgage of the said General Improvement Rate; and such Fiftieth Part or other Proportion of such last-mentioned Principal Monies shall be added to the Sinking Fund provided for by Section Eighty-four of the "Commissioners Clauses Act, 1847," herein-after incorporated with this Act.

CXI. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to the Manner of making Rates authorized by that or the Special Act, except Sections One hundred and sixty-eight, and One hundred and eighty-one, are hereby incorporated with and shall form Part of this Act: Provided always, that Section One hundred and sixty-seven of "The Towns Improvement Clauses Act, 1847," shall not apply to the Lighting Rate or the Highway Rate; and that the other Rates shall be assessed upon the Occupiers of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, Market Garden, or Nursery Ground, and also upon the Occupier of any Land covered with Water, or used only as a Canal or Towing Path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, in respect of the same, in the Proportion of One Fourth Part only of the net annual Value thereof respectively.

The Sections of 10 & 11 Vict. c. 34., as to Manner of making Rates,

CXII. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to the Appeal to be made against any Rate, and with respect to the Recovery of Rates, are hereby incorporated with and shall form Part of this Act.

and as to Appeal, and Recovery of Rates, incorporated

CXIII. Every



*The Chorley Improvement Act, 1853.*

**Water Rates.** CXIII. Every Water Rate which the Commissioners shall make under the Provisions of this Act shall be assessed upon the net annual Value of the Premises in respect of which such Rate is made, ascertained in like Manner as the net annual Value of Property rateable to other Rates under this Act is directed to be ascertained; and when several Houses in the separate Occupation of several Persons are supplied by One common Pipe the respective Houses shall be charged with the Payment of Water Rates in the same Manner as if each House had been supplied with Water by a separate Pipe.

**Water Rate payable in advance, and mode of recovery.** CXIV. Every Water Rate shall be payable in advance; and whenever any Person from whom such Rate is due neglects to pay the same, upon Demand, the Commissioners may prevent the Water from flowing into the Premises of such Person, in such Manner as they may think fit, and may recover the Arrears due, together with the Expense of stopping the Supply, in the Manner as other Rates may be recovered under the Provisions of this Act: Provided always, that the stopping or cutting off any Supply of Water by the Commissioners under this Enactment shall not relieve any Person from any Penalty or Liability to which he would have been otherwise subject.

**Exemptions from Rates.** CXV. No Person shall be rated to any Special or General Sewer Rate, or to any General Improvement Rate, made in pursuance of this Act, in respect of Tithes, or of any Building exclusively used for the Purposes of Religious Worship or public Charity, or Education of the Poor, or for any Two or more of such Purposes, or any Building or Land belonging to the Commissioners; and no Person shall be rated to any Lighting Rate or Highway Rate made in pursuance of this Act in respect of any Property he would not have been rated for under the said "Lighting and Watching of Parishes Act, or General Highway Acts," as the Case may be.

**Further Exemptions from Sewer Rates.** CXVI. So long as any Land situate within the Limits of any Drainage District, and not being the Site of a Building or Land within the Curtilage of a Dwelling House, shall not be drained directly or indirectly into a Sewer of the Commissioners, and so long as any Building or Land within the Curtilage of a Dwelling House situate within the Limits of any Drainage District, and not lying within One hundred Feet of any Sewer of the Commissioners, shall not be drained directly or indirectly into any Sewer of the Commissioners, the Owner or Occupier of such Land, or, as the Case may be, of such Building or Land within the Curtilage of a Dwelling House, shall not be rateable in respect thereof to any Special or General Sewer Rate to be levied under the Provisions of this Act, anything therein, or in Sections Twenty-eight, Twenty-nine, One hundred and sixty-seven, or any other Section of "The Towns Improvement



*The Chorley Improvement Act, 1853.*

Improvement Clauses Act, 1847," contained to the contrary notwithstanding.

CXVII. The Owners of all rateable Property of which the full net annual Value does not exceed the Sum of Six Pounds, or which are let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Water Rate and all other Rates of every Description by this Act directed to be made, instead of the Occupiers thereof.

Owners of Property not exceeding 6l. annual Value to pay Rates.

CXVIII. The total Amount of Rates, exclusive of Highway Rates, to be levied in any One Year, under the Provisions of this Act, shall not exceed the Sum of Two Shillings in the Pound on the Assessment for the Relief of the Poor in the said Parish of *Chorley*.

Limit of Amount of Rates.

CXIX. It shall be lawful for the Commissioners from Time to Time to borrow Money on Mortgage of the Special and General Sewers Rates, for making new Sewers, or enlarging old Sewers, or inclosing open Sewers, and also for any Private Improvement Expenses, on Mortgage of the Rates respectively applicable to defray such Expenses; and in order to discharge the Principal Money borrowed as aforesaid on the Security of any such Rates the Commissioners shall in every Year pay off not less than One Fiftieth Part of any Principal Sum so borrowed.

Power to borrow Money on Mortgage of the Sewer Rates.

CXX. It shall be lawful for the Commissioners to borrow Money for making the new Roads or Streets by this Act authorized, and for making Communications across the said Railway, and for purchasing any Land or constructing any Work authorized to be purchased or constructed by this Act, or for any other Purpose for which, by virtue of this Act, or of any of the incorporated Acts, or otherwise, the Commissioners may require and lawfully take up Money on Mortgage, (except where any such Money is by this Act expressly directed to be raised by Mortgage of some other Rate or Property of the Commissioners,) on Mortgage of the General Improvement Rate.

Power to borrow Money on Mortgage of the General Improvement Rate, and other Property of the Commissioners.

CXXI. If at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Commissioners are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the Principal Money, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same manner in all respects and upon the Rates or Property upon which the Principal Money to be paid off was secured.

Power to borrow Money to pay off former Mortgages.

[*Local.*]

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CXXII. The



*The Chorley Improvement Act, 1853.*

The Sections of 10 & 11 Vict. c. 16. as to Mortgages incorporated. Penalty for refusing Inspection of Register.

CXXII. The Sections of "The Commissioners Clauses, 1847," with respect to the Mortgages to be executed by the Commissioners, are hereby incorporated with and shall form Part of this Act.

CXXIII. If the Clerk or other Person having the Custody of the Register of Mortgages or of Transfers of Mortgages shall refuse to allow an Inspection thereof to any Person authorized by this Act, contrary to the true Intent and Meaning of this Act, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power to appoint Receiver.

CXXIV. The Mortgagees of the Commissioners shall be at liberty and are hereby empowered to enforce the Payment of the Arrears of Interest, or the Arrears of Principal and Interest, for the Time being due to them, by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver the Amount owing to the Mortgagee or Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

The Sections of 10 & 11 Vict. c. 16. as to Accounts incorporated. Permanent Auditor.

CXXV. The Sections of the "Commissioners Clauses Act, 1847," with respect to the Accounts to be kept by the Commissioners, are hereby incorporated with and shall form Part of this Act.

CXXVI. The Poor Law Auditor for the *West and North Lancashire* Audit District for the Time being shall be the permanent Auditor of the Accounts of the Commissioners; and such Auditor shall in respect of each Audit be paid by the Commissioners, out of the General Improvement Rate, such reasonable Compensation as they shall from Time to Time by order in Writing determine and approve; and all Accounts certified by the Auditor or Auditors acting under this Act, or "The Commissioners Clauses Act, 1847," incorporated herewith, shall be final and conclusive to all Intents and Purposes whatsoever: Provided always, that in case the permanent Auditor shall in the Judgment of the Commissioners be guilty of gross or continued Neglect of Duty or other grievous Misconduct, the Commissioners may, by Special Order, to be made in the Manner in "The Towns Improvement Clauses Act, 1847," mentioned, remove and discharge such permanent Auditor from his Office.

Application of Profits from certain Works.

CXXVII. All the Profits which the Commissioners shall receive from Baths and Wash-houses, after paying the current ordinary Expenses of keeping up and maintaining the same, and all other Monies which they may from Time to Time receive, and whereof no special Application is directed by this Act, shall be added to the General Improvement Rate, and be considered and dealt with as Part and Parcel thereof.

CXXVIII. The



*The Chorley Improvement Act, 1853.*

CXXVIII. The Sections of "The Towns Improvement Clauses Act, 1847," with respect to the Byelaws to be made by virtue of that and the Special Act, are hereby incorporated with and shall form Part of this Act.

The Sections of 10 & 11 Vict. c. 34. as to Byelaws incorporated.

CXXIX. The Sections of "The Commissioners Clauses Act, 1847," with respect to giving Notices and Orders, (except Section Ninety-nine,) are hereby incorporated with and shall form Part of this Act: Provided always, that any Writ, Subpœna, Bill, Injunction, or other Process or Proceeding at Law or in Equity, requiring to be served upon the Commissioners, shall be served upon the Clerk, or in case there be no Clerk, then upon any Commissioner, in such and the same Manner as shall by the Law then in force be requisite for a valid Service of any similar Process or Proceeding on any private Person.

The Sections of 10 & 11 Vict. c. 16. as to Notices incorporated. Service of legal Process on Commissioners.

CXXX. The Section of "The Commissioners Clauses Act, 1847," with respect to Proof of Debts in Bankruptcy or Insolvency, is hereby incorporated with and shall form Part of this Act.

The Sections of 10 & 11 Vict. c. 16. as to Bankruptcy, &c. incorporated.

CXXXI. The Sections of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, (except Sections One hundred and fifty-nine), are hereby incorporated with and shall form Part of this Act; and in construing such Sections for the Purposes of this Act the Expression "Special Act" therein shall mean this Act and all Sections of other Acts incorporated with this Act, and the Word "Company" shall mean the Commissioners.

The Sections of 8 & 9 Vict. c. 20. as to Recovery of Damages and Penalties incorporated.

CXXXII. Nothing in this Act contained shall extend or be construed to extend to prejudice, alter, lessen, or defeat the Right, Title, or Interest of the present or any future Lord or Lords of the Manor of *Chorley* of, in, and to the Seigniories, Rights, Royalties, Liberties, and Privileges incident, belonging, appendant, or appertaining to the said Manor.

Savings of the Rights of the Lords, Seigniories, &c.

CXXXIII. Nothing in this Act contained shall extend to authorize the Commissioners to take or enter upon any of the Lands or Grounds now belonging to the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or either of them, or to alter, vary, use, or interfere with their Railway or any of the Works thereof, or to restrict or obstruct or interfere with the Rights, Privileges, Easements, and Advantages legally vested in the said Companies respectively, whether under the Authority of Parliament or otherwise, without the Consent in Writing of the said *Lancashire and*

Not to take Lands or interfere with Railway Works belonging to certain Railway Companies, without consent.



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*and Yorkshire and London and North-western Railway Companies respectively for that Purpose first had and obtained.*

Saving  
Rights of the  
Lancashire  
and York-  
shire and  
London and  
North-  
western  
Railway  
Companies.

CXXXIV. This Act, or anything herein contained, shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, and Authorities now vested in the *Lancashire and Yorkshire and London and North-western Railway Companies* respectively; but all such Rights, Privileges, and Authorities respectively may be had, exercised, and enjoyed as if this Act had not passed.

Expenses of  
Act.

CXXXV. The Costs, Charges, and Expenses of and attending the passing of this Act, and preparatory thereto, shall be paid by the Commissioners.

Short Title.

CXXXVI. This Act shall for all Purposes be sufficiently described as “*The Chorley Improvement Act, 1853.*”





*The Chorley Improvement Act, 1853.**In the other Markets.*

From the Occupiers of each Butcher's Stall, according to the Size and Dimensions of the same, viz., for each superficial Square Foot thereof; If the Stall and Passage in front thereof be covered over from the Weather;

	<i>s.</i>	<i>d.</i>
If taken by the Year, not exceeding the Sum of -	6	8
By the Half Year, not exceeding the Sum of -	3	4
By the Quarter, not exceeding the Sum of -	1	8
If otherwise taken or occupied, for each Market Day or other Day in the Week - - -	0	1½

If the Stall and Passage in front thereof be not covered over as above;

If taken by the Year, not exceeding the Sum of -	6	0
By the Half Year, not exceeding - - -	3	0
By the Quarter, not exceeding - - -	1	6
If otherwise taken or occupied, for each Market Day or other Day in the Week - - -	0	1½

From the Occupier of each Stand for Vegetables raised above the Ground, with progressive Steps or Benches, according to the Size and Dimensions of the same, viz., for each superficial Square Foot thereof:

If the Stand or Passage in front be covered in from the Weather;

If taken by the Year, not exceeding - - -	5	0
By the Half Year, not exceeding - - -	2	6
By the Quarter, not exceeding - - -	1	3
If otherwise taken, for every Market Day or other Day in the Week not exceeding - - -	0	1½

If the Stand and Passage in front be not covered over as above;

If taken by the Year, not exceeding - - -	4	0
By the Half Year, not exceeding - - -	2	0
By the Quarter, not exceeding - - -	1	0
If otherwise taken or occupied, for each Market Day or other Day in the Week - - -	0	1

From the Occupier of each other Stand or Bench, according to the Size and Dimensions of the same, viz., for each superficial Square Foot thereof:

If the Stand or Bench and Passage in front thereof be covered over from the Weather;

If taken by the Year, not exceeding - - -	5	0
By the Half Year, not exceeding - - -	2	6
By the Quarter, not exceeding - - -	1	3
If otherwise taken, for each Market Day or other Day in the Week not exceeding - - -	0	1½



*The Chorley Improvement Act, 1853.*

If the Stand or Bench and Passage in front thereof be not covered over as above ;	s. d.
If taken by the Year, not exceeding - - -	4 0
By the Half Year, not exceeding - - -	2 0
By the Quarter, not exceeding - - -	1 0
If otherwise taken, for each Market Day or other Day in the Week not exceeding - - -	0 1
From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same, viz., for each superficial Square Foot therefore :	
If the Compartment or Space, and the Passage adjoining the same, be covered over from the Weather ;	
If taken by the Year, not exceeding - - -	3 10
By the Half Year, not exceeding - - -	1 11
By the Quarter, not exceeding - - -	0 11½
If otherwise taken, for each Market Day or other Day in the Week not exceeding - - -	0 0¾
From every other Person exposing any Article, Matter, or Thing for Sale in the said Markets, and not occupying any Stall, Stand, or Bench, nor any defined Compartment or Space on the Surface of the Ground :—	
If the Spot where such Person shall stand be covered over from the Weather ;	
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, not containing more than One Bushel, not exceeding - - -	0 1¾
For every additional Half Bushel - - -	0 0¾
If the Spot be not covered over as above ;	
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing not containing more than One Bushel - - -	0 1
For every additional Bushel - - -	0 0½

The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect of the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

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