



ANNO TRICESIMO

# VICTORIÆ REGINÆ.

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## *Cap. lxxiii.*

An Act for confirming the Gift of a Park by *Thomas Barnes* Esquire to the Local Board of Health of the District of *Farnworth*, for the Benefit of the Inhabitants thereof; and for authorizing the said Local Board to maintain and regulate the said Park. and to erect a Town Hall and Market Houses, and to make new Streets, and for defining the Boundaries of and for making further Provisions for the Improvement of the District; and for other Purposes. [17th June 1867.]

**W**HEREAS by an Order dated the Tenth Day of *September* One thousand eight hundred and sixty-three, under the Hand of the Right Honourable Sir *George Grey*, One of Her Majesty's then Principal Secretaries of State, Notice was given that "The Local Government Act, 1858," had been adopted, and that the said Act had the Force of Law within the Township of *Farnworth* in the County Palatine of *Lancaster*, and the entire Area within the Boundaries of the said Township are duly constituted a District within the Meaning and for the Purposes of "The Local Government Act, 1858," accordingly: And whereas it is expedient to define the Boundaries of the said Township and District, and of

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Order dated  
10th Sept.  
1863.

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Deed of Gift  
of Park  
dated 12th  
Oct. 1864.

the Township and District of *Kearsley* at such Points as the same Townships join one another: And whereas *Thomas Barnes* of *Farnworth* aforesaid, Esquire, and One of the Members of Parliament for the Borough of *Bolton* in the County of *Lancaster*, having at great Expense to himself provided, laid out, and arranged certain Lands within the District as a Park or Pleasure Grounds, and beautified the same with Buildings, Lakes, Bridges, Fountains, Statues, and Trees, did out of a generous Regard to the District present this Park as a free Gift to the Local Board for the Recreation of the Inhabitants thereof: And whereas by an Indenture dated the Twelfth Day of *October* One thousand eight hundred and sixty-four, and made between the said *Thomas Barnes* of the First Part, the said Local Board of the Second Part, and *Alfred Barnes, David Crossley, William Hayhurst, John Hindley, Robert Briercliffe, Samuel Bennett, Samuel Prestwich, Joseph Leach, John Greenhalgh, Robert Alexander Clarke, James Wilson, and John Tonge*, being Members of the said Local Board, of the Third Part, after reciting that the said *Thomas Barnes* was seised in Fee Simple in possession of the Lands and Hereditaments therein-after firstly described and intended to be thereby granted, and that the said *Thomas Barnes* was possessed of the Plot of Land and Hereditaments secondly therein-after described, and intended to be thereby assigned for the Residue of a Term of Nine hundred and ninety-nine Years, created by an Indenture of Lease dated the Thirty-first Day of *December* One thousand eight hundred and sixty, and expressed to be made between *George Edensor Marsden* and *Henry Eaton* of the one Part, and the said *Thomas Barnes* of the other Part, under and subject to the yearly Rent of Eighteen Pounds Eight Shillings and Elevenpence, and to the Lessors Covenants and Conditions therein reserved and contained, and that the said *Thomas Barnes* was also possessed of the Plot of Land and Hereditaments thirdly herein-after described, and intended to be thereby assigned for the Residue of a Term of Nine hundred and ninety-nine Years, created by an Indenture of Lease dated the Twenty-first Day of *March* One thousand eight hundred and forty-six, and expressed to be made between *Samuel Heywood* of the one Part, and *John Lever* of the other Part, under and subject to the yearly Rent of Four Pounds Nine Shillings and Sevenpence, and the Lessors Covenants and Conditions therein reserved and contained, and that the said *Thomas Barnes*, considering that the Formation of a public Park, Walks, or Pleasure Grounds would contribute greatly to the Health, rational Enjoyment, kindly Intercourse, and good Morals of all Classes of the Population of the Neighbourhood of *Farnworth* aforesaid, had lately caused the Lands and Hereditaments therein-after described, and intended to be thereby granted and assigned, to be laid out as a Park, Walks, or Pleasure Grounds, and had beautified and ornamented the same with Trees,  
Statues,

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Statues, Terraces, Lakes, and Buildings, and was desirous of presenting the said Lands and Hereditaments so formed into a Park, Walks, or Pleasure Grounds unto the said Local Board for the District of *Farnworth*, and that the said Local Board, being of opinion that it would be advantageous to provide and maintain such a public Park, Walks, or Pleasure Grounds as aforesaid, were willing to aid the said *Thomas Barnes* in carrying into effect his said Desire; and had agreed, in pursuance of the Powers in that Behalf given to them as such Local Board by the Acts of Parliament relating to public Health and the local Government of Towns or otherwise, to accept the Grant and Assignments of the said Lands and Hereditaments therein-after described, and intended to be thereby granted and assigned, to be held by them upon the Trusts and subject to the Trusts and Provisions therein-after expressed, and that the said Local Board had agreed to enter into such Covenants as were therein-after contained on their Part, and that the several Deeds and Writings specified in the First Schedule thereunder written related as well to the Lands and Hereditaments intended to be thereby granted as to other Hereditaments of great Value, and it had been agreed that the same Deeds and Writings should remain in the Custody of the said *Thomas Barnes*, and that he should enter into such Covenants relative thereto as are therein-after contained, it was witnessed that for effectuating the said Desire, and in consideration of the Premises, he, the said *Thomas Barnes*, did thereby grant unto the said Local Board and their Successors all that Plot of Land more particularly described in the Plan thereof drawn upon the First Skin of those Presents, and therein edged with a Blue Colour, and containing in the whole Eleven Acres and Twenty-nine Perches or thereabouts, were the same more or less, and all Buildings thereon, and all Manner of Tithes, of Corn, Hay, and Grain, and all other Tithes, great and small, personal, predial, and mixed, and all other titheable Matters, Pensions, Sum and Sums of Money in lieu of Tithes, Compositions, Moduses, and all Tenths and Tithes whatsoever commonly growing, arising, being renewed, or increasing from and out of all and every or any of the said Premises, together with Liberty, Right, and Privilege for the said Local Board and their Successors, and all Persons by their Authority or Permission on Foot or on Horseback, and with or without Horses, Cattle, Carts, and Carriages, or otherwise, to go to or return from any Part or Parts of the said Premises through, over, along, and upon the Roads lying between the Points A and B and C and D as shown in the said Plan, together with all Outhouses, Buildings, Erections, Fixtures, Commons, Hedges, Ditches, Fences, Ways, Waters, Watercourses, Liberties, Privileges, Easements, Advantage, and Appurtenances whatsoever to the said Plot of Land, Buildings, and Hereditaments, or any of them, appertaining, or with the same or any of them then or theretofore demised, occupied, or enjoyed, or reputed or known as Part or Parcel of

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of them, or any of them, or appurtenant thereto (except and reserved as to the whole of the said Premises unto the said *Thomas Barnes*, his Heirs and Assigns, such Right of private Entry, and such other Rights and Privileges as were therein-after mentioned, and also except and reserved out of that Conveyance all Mines and Minerals within or under the said Land, with full Liberty and Power for the said *Thomas Barnes*, his Heirs and Assigns, to take all necessary or usual or expedient Means for working, getting, and taking the same without boring or sinking through the Surface of the said Land, he and they making reasonable Compensation for such Damage to the Surface of the said Land and the Buildings, if any, as should be occasioned by the working, getting, and taking of the said excepted Mines and Minerals), and all Reversions, Remainders, Rents, Issues, and Profits thereof, and all the Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, both at Law and in Equity, of the said *Thomas Barnes* into and upon the said Premises, to have and to hold the said Plot of Land, Buildings, and Hereditaments, and all and singular other the Premises therein-before expressed to be thereby granted, unto and to the Use of the said Local Board and their Successors in trust for the Purposes of the Acts of Parliament therein-before referred to, upon and for the Trusts and Purposes and subject to the Provisoes therein-after declared and contained concerning the same; and it was also witnessed that for further effecting the said Desire, and in consideration of the Premises, he, the said *Thomas Barnes*, did thereby assign unto the said Local Board and their Successors all that Plot of Land more particularly described in the said Plan thereupon drawn, and thereon edged with a Red Colour, and containing in the whole Seven thousand and eighty-four Superficial Square Yards or thereabouts, and all Buildings standing thereon, together with all Houses, Outhouses, Buildings, Erections, Fixtures, Commons, Hedges, Ditches, Fences, Ways, Waters, Watercourses, Liberties, Privileges, Easements, Advantages, and Appurtenances whatsoever to the said Plot of Land, Buildings, and Hereditaments, or any of them, appertaining, or with the same or any of them then or theretofore demised, occupied, or enjoyed, or reputed or known as Part or Parcel of them or any of them, or appurtenant thereto (except as is excepted and reserved in the said Indenture of Lease of the Thirty-first Day of *December* One thousand eight hundred and sixty, and except and reserved unto the said *Thomas Barnes*, his Executors, Administrators, and Assigns, such Right of private Entry and such other Rights and Privileges as were therein-after mentioned), and all the Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, both at Law and in Equity, of the said *Thomas Barnes* into and upon the said Premises, to have and to hold the said Plot of Land, Buildings, and Hereditaments, and all and singular other the Premises therein-before expressed to be thereby

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thereby assigned, unto the said Local Board and their Successors thenceforth for all the Residue then to come and unexpired of the said Term of Nine hundred and ninety-nine Years, created by the said Indenture of Lease of the Thirty-first Day of *December* One thousand eight hundred and sixty, subject to the future Payment of the said yearly Rent of Eighteen Pounds Eight Shillings and Elevenpence by the same Indenture reserved, and to the future Performance and Observance of the Covenants and Conditions therein contained, and on the Part of the Lessee, his Executors, Administrators, and Assigns, to be thenceforth performed and observed in trust for the Purposes of the Acts of Parliament therein-before referred to, upon and for the Trusts and Purposes and subject to the Provisoés therein-after declared and contained concerning the same; and it was also witnessed that for further effecting the said Desire, and in consideration of the Premises, the said *Thomas Barnes* did thereby assign unto the said Local Board and their Successors all that Plot of Land more particularly described in the said Plan thereupon drawn, and therein edged with Green Colour, and containing in the whole One thousand and seventy Superficial Square Yards or thereabouts, were the same more or less, and all Buildings standing thereon, together with all Outhouses, Buildings, Erections, Fixtures, Commons, Hedges, Ditches, Fences, Ways, Waters, Watercourses, Liberties, Privileges, Easements, Advantages, and Appurtenances whatsoever to the said Plot of Land, Buildings, and Hereditaments, or any of them, appertaining, or with the same or any of them then or theretofore demised, occupied, or enjoyed, or reputed or known as Part or Parcel of them or any of them, or appurtenant thereto (except and reserved as is excepted and reserved in the said Indenture of Lease of the Twenty-first Day of *March* One thousand eight hundred and forty-six, and also exclusive of Five Yards; a Portion of the Land comprised in the same Indenture, which had been assured to the *Farnworth Gas Company*, and except and reserved unto the said *Thomas Barnes*, his Executors, Administrators, and Assigns, such Right of private Entry and such other Rights and Privileges as were therein mentioned), and all the Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, both at Law and in Equity, of the said *Thomas Barnes* into and upon the said Premises, to have and to hold the said Plot of Land, Buildings, and Hereditaments, and all and singular other the Premises therein-before expressed to be thereby assigned, unto the said Local Board and their Successors thenceforth for all the Residue then to come and unexpired of the said Term of Nine hundred and ninety-nine Years, created by the said Indenture of Lease of the Twenty-first Day of *March* One thousand eight hundred and forty-six, subject to the further Payment of the yearly Rent of Four Pounds Nine Shillings and Sevenpence by the same Indenture reserved, and to the future Performance and Observance of the Covenants and Condi-

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tions therein contained, and on the Part of the Lessee, his Executors, Administrators, and Assigns, to be thenceforth performed and observed in trust for the Purposes of the Acts of Parliament therein referred to, upon and for the Trusts and Purposes and subject to the Provisions therein-after declared and contained concerning the same; and it was thereby agreed and declared that the said Local Board and their Successors should stand and be seised and possessed of and interested in the said Premises therein-before expressed to be thereby granted and assigned respectively, and which said Premises are therein-after called the said Park, in trust for the Purposes of the Acts of Parliament therein-before referred to, upon and for the Trusts and Purposes and subject to the Provisions therein-after expressed and declared of and concerning the same (except so far as the same should or might be varied by the Provisions of any future public or private Act or Acts of Parliament), that is to say, upon trust that they the said Local Board and their Successors (as to such Portion of the said Park as was of Freehold Tenure at all Times for ever thereafter, and as to such Portion thereof as was of Leasehold Tenure at all Times during the Residue of the Term of Years subsisting therein respectively as aforesaid) should permit and suffer the said Park to be used and enjoyed without Charge, Preference, Let, Hindrance, or Restriction whatsoever as a public Walk and Park on all Days in the Week, including *Sundays*, by all Persons choosing to resort thereto, and conducting themselves in a peaceable and orderly Manner, subject nevertheless to such Orders as should from Time to Time be made by the said Local Board and their Successors for regulating the Use and Enjoyment thereof: Provided always, that no such Orders as last aforesaid should in anywise infringe the Regulations, Provisions, and Stipulations therein-after mentioned; and it was thereby declared that the said Park should be held by the said Local Board and their Successors, subject to the following Regulations and Conditions:

1. That the Hours of opening and closing the Entrance Gates should vary with the Seasons of the Year, but such Gates should never be opened before Six o'Clock in the Morning, nor permitted to remain open at a later Hour than One Hour after Sunset; but such Gates should be opened as soon after Six o'Clock as the Sun rose at those Seasons of the Year when the Sun did not rise before that Hour, provided that the said Gates should be opened never later than Half past Seven o'Clock *ante Meridiem*:

2. That the said Park should be only used by the Public as and for a Promenade, and that no Games should be permitted in the said Park except for Children under Fourteen Years of Age in a Space set apart for the Purpose, and, except Bowls and Croquet, for any Persons, but so that on no Account or Pretence whatever should any such Game be played, directly or indirectly, for Money

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or Money's Worth, and so that Precaution be taken against any Noise or Disturbance from any such Game to the Public frequenting such Park; and no Person or Persons should be allowed to bathe in the Ornamental Waters or Lakes of the said Park, and no Dogs should be admitted into the said Park unless fastened by a String, Strap, or Chain held by some Person:

3. That, subject to such Regulations as the said Local Board and their Successors should from Time to Time think proper to make, Bands of Music should be allowed to play in the said Park, except on *Sunday*, but no Dancing of any Description whatever should be permitted to take place:

4. That no Refreshments of any kind should be allowed to be sold or vended within the Boundaries of the Park, except in a Building to be provided by the Local Board for that Purpose, which might be let to any respectable Person for the Purpose of supplying Refreshments (exclusive always of Ale, Beer, Wine, Alcoholic Liquors, intoxicating Drink, or other Drinks of a like Character); provided that the net Rent to be derived from such Refreshment Building should be devoted to the Improvement or for the general Purposes of the Park, over and beyond the yearly Sum of One hundred and fifty Pounds referred to in the Second Schedule thereunder written, and the letting should not be for any Term exceeding Three Years, and should be open to fair Competition without Prejudice to the Local Board's Direction in the Choice of a Tenant:

5. That no Buildings should be erected in the said Park, except such Summer Houses, Pavilions, or Lodges or Structures of a like Nature as to the said Local Board or their Successors might from Time to Time seem necessary and proper for the Convenience of those frequenting the said Park, or for the Residence of the Keepers or Servants to be employed in the Care of the said Park:

6. That Ornamental Buildings should at the Expense of the said Local Board be forthwith erected upon such Portion of the said Park as was of Leasehold Tenure, in case there were not existing Buildings according to the Terms of the Leases, or in case such existing Buildings should be removed (which Removal the said Local Board and their Successors should be at liberty to effect, with the Sanction of the Lessors or Lessor for the Time being), so as to satisfy the Covenants contained in the said Leases of the Thirty-first Day of *December* One thousand eight hundred and sixty, and the Twenty-first Day of *March* One thousand eight hundred and forty-six, as to the Maintenance of Buildings of a certain Value thereon:

7. That the said Park should on no Occasion be used for the Purposes of Political or any other Meetings, nor for Open-air Preaching, nor for the Celebration of the Anniversaries or other Re-unions of Clubs or Benefit Societies, except that any such Society

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Society or Societies might march through on Foot in Procession without any unnecessary stopping :

8. That Admittance to the said Park should be free from any Payment or Entrance Money whatsoever, and that no Payment should in anywise or under any Pretence whatsoever be taken, nor should the said Park be in anywise used or employed for the pecuniary Benefit of any private Person or Persons or of any Municipal or Corporate or other Body or Board whatsoever :

9. That the said Local Board and their Successors should from Time to Time make and enforce such Byelaws and Regulations as were proper and sufficient for carrying into effect the several Regulations and Conditions contained therein, or in the Act of Parliament to be obtained as therein-after mentioned, and might make and enforce such other Byelaws and Regulations as to them should seem fit for the Exclusion of improper Persons from the said Park, and for the Use, Control, and Management of the said Park in accordance with the said Regulations and Conditions, and for protecting and preserving from Injury the said Park, and the Buildings, Terraces, Statues, Trees, Lakes, Bridges, Shrubs, Walks, Gates, Fences, and Palings, and all other Parts thereof, with Power from Time to Time to alter or revoke any such Byelaws and Regulations :

10. That a printed Copy or a sufficient Abstract of the Byelaws and Regulations relating to the said Park should be put up at every Entrance to the said Park, and at such other convenient Places in or near to the said Park as the said Local Board and their Successors should think fit :

11. That the said *Thomas Barnes*, his Heirs, Executors, Administrators, or Assigns, (as to such Portion of the said Park as was of Freehold Tenure for ever thereafter, and as to such Portion thereof as was of Leasehold Tenure during the Residue of the Terms subsisting therein,) should have a Right of private Entry for himself and themselves, and his and their Family and Friends, at any Time or Times into the said Park from the Turnpike Road leading from *Worsley to Bolton* at the Points marked C, D, and X in the said Plan, at the Entrance Gate or Gates erected at all or any of those Points, and should have a Right to have, at his or their own Expense, any Key or Keys of such Entrance Gate or Gates which he or they should think proper, and that an Entrance Gate should always be maintained and kept at One of the said Points :

12. That the said Local Board should in every Year expend out of any Funds in their Hands available for such Purpose an adequate Sum of Money in maintaining the Buildings, Bridges, Statues, Trees, Shrubs, Walks, Seats, Fences, Waters, and Fountains in a proper and sufficient State of Repair, Order, Cleanliness, and Renewal, and for such Purposes, and for the general Purposes

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of the said Park, should provide and maintain and pay a sufficient and adequate Staff of Gardeners, Servants, and Keepers; provided nevertheless, and the said *Thomas Barnes* did thereby for himself, his Heirs, Executors, and Administrators, covenant with the said Local Board and their Successors that he, the said *Thomas Barnes*, his Heirs or Assigns, should, at his or their own Expense, on or before the First Day of *September* then next, fence off the Lands and Premises edged Blue in the said Plan from the adjoining Lands between the Points E and F and G and H respectively, as shown in the said Plan, with good and substantial Fences, but such Fences should, after being put up, be kept in repair by the said Local Board and their Successors:

13. That the said Local Board and their Successors should at all Times therein-after leave and maintain open, vacant, and unbuilt-upon, out of and along such Westerly and Northerly Sides respectively of the said Premises therein-before expressed to be thereby granted as were and so far as co-extensive with Part of *Park Street* and with *Birch Street* respectively, Spaces of Six Yards in Width to form the Halves of the same Streets respectively as shown on the said Plan, and should maintain and keep in good and substantial Repair and Condition the then present Flagging and Pavements, and bear the Expense of all future flagging and paving of the said Halves of the same Streets so far as co-extensive with the said Land and to the Centres of the said Streets respectively, and would pay a proportionate Part of the Expense of repairing the then present Sewers running along the said Streets so far as co-extensive with the said Land, and of making any future Sewers within or under the same Streets so far as co-extensive with the said Land:

14. Provided always, and it was thereby agreed and declared between and by the said Parties thereto, that if the said Local Board or their Successors should in Breach of the Clauses therein-before contained neglect, decline, or refuse to maintain the said Park and the various Objects therein, or such Fences or Streets as aforesaid, in manner provided by the said Clauses, then and in any such Case if such Breach should occur during the Life of the said *Thomas Barnes*, or the Life of *James Richardson Barnes*, his Son, or the Life of *Alfred Barnes*, his Nephew, or within Twenty-one Years after the Death of the Survivor of them, it should be lawful for the said *Thomas Barnes*, his Heirs, Executors, or Administrators, into and upon the said Park or any Part or Parts thereof respectively, according to the Tenure thereof respectively, in the Name of the whole to re-enter, and the same Park respectively, and every Part thereof respectively, to have, hold, and enjoy for his and their own Benefit as in his or their first or former Estate, anything therein-before contained to the contrary thereof in anywise notwithstanding:

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standing: And it was also witnessed that in pursuance of the said Agreement in that Behalf, and in consideration of the Gift and Conveyance therein-before contained, the said Local Board, for themselves and their Successors, did by those Presents, duly sealed with their Seal, and the due Execution whereof was also testified by the Signature thereto of the Parties thereto of the Third Part, covenant with the said *Thomas Barnes*, his Heirs and Assigns, that the said Local Board and their Successors would abide by and observe the several Provisions and Restrictions therein contained, and that if at any Time thereafter it should be found that the Powers then vested in them were inadequate to give full Effect to the Provisions and Restrictions therein-before contained, then the said Local Board and their Successors should at their own Expense use their best Endeavours, by promoting a Bill in Parliament or otherwise, to acquire Powers to enable them to give full Effect to such Provisions and Restrictions, and so that the said Park might be held and enjoyed by the said Local Board and their Successors in trust for the Use and Enjoyment of the Public for ever, according to the true Intent and Meaning of those Presents; and further, that the said Local Board and their Successors would and should, so far as they lawfully could, hold the said Park upon and for the additional Trusts and Purposes and subject to the additional Provisions specified in the Second Schedule thereunder written, and would and should at their own Expense in the First Session of Parliament to be held in the Year One thousand eight hundred and sixty-six; and, if requisite, from Time to Time thereafter in each Session of Parliament during the Period of Seven Years from the First Application, apply for and use their best Endeavours to obtain an Act of Parliament enabling them to hold the said Park upon, for, and with the said additional Trusts, Purposes, and Provisions specified in the said Second Schedule thereunder written, or such other additional Trusts, Purposes, and Provisions as might before or during the Application for the said Act be mutually agreed upon between the said *Thomas Barnes*, or his Heirs, Executors, and Administrators, on the one hand, and the Local Board on the other hand: Provided always, and it was thereby declared, that if the said Local Board or their Successors should not so as aforesaid apply for or use their best Endeavours to obtain, or from any Cause whatever, whether within or not within the Control of the said Board or their Successors, they should fail of obtaining, in the aforesaid Session of One thousand eight hundred and sixty-six, or within the aforesaid Period of Seven Years, such an Act of Parliament as aforesaid, then and in any such Case it should be lawful for the said *Thomas Barnes*, his Heirs, Executors, or Administrators, at any Time during the Life of the said *Thomas Barnes*, or within Twenty-one Years from his Death, enter into and upon the said Park, or any Part or Parts thereof

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thereof respectively, according to the Tenure thereof respectively, in the Name of the whole to re-enter, and the same to have, hold, and re-possess for his and their own Benefit as in his or their first or former Estate, anything therein-before contained to the contrary in anywise notwithstanding:

And whereas the Second Schedule to the recited Indenture was in the Words and Figures following; that is to say,

1. That the said *Thomas Barnes* during his Life, and after his Decease the Heir Male from Time to Time of his Body, and failing such Issue, *Alfred Barnes* (Nephew of the said *Thomas Barnes*) during his Life, and after his Decease the Heir Male from Time to Time of his Body, and failing such Issue, *Sarah Jane Holden* (Wife of *William Holden*, of *Farnworth*, Cotton Spinner) during her Life, and after her Decease the Heir Male from Time to Time of her Body, shall be the Protector of the Park therein mentioned:

2. That the Local Board of Health for the Time being for the District of *Farnworth* shall yearly appoint a Standing Committee for the Management and Regulation of the said Park, and the Members of such Committee shall be so many and such of the Members of the Local Board as the Local Board shall from Time to Time think fit:

3. That the said *Thomas Barnes* during his Life, and after his Decease the adult Male Person, if any, who from Time to Time, according to the Act of Parliament to be obtained as aforesaid, would be the Protector of the said Park, shall be *ex officio* a Member of the Standing Committee for the Management and Regulation of the said Park, notwithstanding his not being a Member of the said Board, and shall, without being a Member of the said Board, have the like Privileges and Indemnities as if he were a Member of the said Board, and when he is resident in *England* the said Local Board shall give Notice to him of every Meeting of the Standing Committee, but it shall not be obligatory on him to attend any of the Meetings of such Committee:

4. That the said Local Board may and shall appoint a Penalty not exceeding Five Pounds for any and every Breach (whether by any of their Officers or Servants, or by any other Person or Persons,) of any Byelaw made by the said Local Board with respect to the said Park:

5. That the Provisions of the General Law with respect to Local Boards of Health from Time to Time in force within the said District, and affecting the said Local Board with respect to the making, altering, revoking, and enforcing of Byelaws for any general Purposes relating to the District, shall extend to all the Byelaws made by the said Local Board with respect to the said Park, and to the said Local Board and their Officers and other Persons with respect to the Byelaws so made:

6. That

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6. That from and after a Date to be fixed in the Act of Parliament to be obtained as aforesaid the said Local Board shall appropriate in every Year, out of the General District Rate of or for the said District, the full Sum of One hundred and fifty Pounds without Deduction, and that such yearly Sum shall stand charged on such Rate accordingly; and the said Local Board shall be possessed of and interested in such yearly Sum as Trustees thereof to the Intent and so that the same may be expended for the Purposes of the said Park according to the Stipulations contained in the foregoing Indenture and in the Act to be obtained as aforesaid; Provided always, that the Charge of such yearly Sum shall take effect subject and without Prejudice to all Mortgages of the said General District Rate already or hereafter granted by the said Local Board:

7. That the said Local Board shall, in every Year from and after such Date as shall be in this Behalf fixed in the Act of Parliament to be obtained as aforesaid, expend the said yearly Sum of One hundred and fifty Pounds in or towards defraying the ordinary current Expenses of maintaining the Buildings, Bridges, Statues, Trees, Shrubs, Walks, Seats, Fences, Waters, and Fountains of the said Park in a proper and sufficient State of Repair, Order, Cleanliness, and Renewal, and for those Purposes and for the general Purposes of the said Park in providing and paying a sufficient and adequate Staff of Gardeners, Servants, and Keepers: Provided always, that when any Expenditure for Wages or otherwise is incurred by the Local Board partly for any of the Purposes of the said Park, and partly for any other Purposes, only a fair Proportion of the Expenditure shall be defrayed out of the said yearly Sum; provided also, that the said Local Board from Time to Time may expend out of any Funds in their Hands available for such Purpose such further Sums as they may think fit for the Maintenance, Improvement, and Regulation of the said Park:

8. That for the Purpose of defraying the Expenses of carrying into execution the Trusts of the foregoing Indenture, and of the Act to be obtained as aforesaid with respect to the said Park, the said Local Board may from Time to Time levy with and as Part of the General District Rates such Sums of Money as from Time to Time shall be necessary for defraying those Expenses, and shall apply the same accordingly as if those Expenses were Expenses necessarily incurred in carrying into effect with respect to the said District the Provisions of the Acts for regulating Local Boards of Health:

9. That if the said Local Board shall at any Time after the passing of the said Act fail for Three consecutive Calendar Months to maintain, manage, and regulate the said Park and the several Objects therein in manner provided by and according to the true Intent

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Intent of the foregoing Indenture, and of the said Act to be obtained as aforesaid, then and in every such Case, and when and so often as any such Failure happens, and at howsoever remote a Period after the passing of such Act as aforesaid, the Protector of the Park for the Time being, or any Ten of the Male Inhabitants of the said District, may apply to the High Court of Chancery or to the Court of Chancery for the County Palatine of *Lancaster* in a summary Way, and the Court may make such Orders as they think fit for securing that the said Park shall be maintained, managed, and regulated according to the foregoing Indenture and such Act of Parliament, and for compelling the said Local Board to pay all the Costs and Expenses of and incident to the Application to the Court, and the making and carrying into effect the Orders of the Court made therein :

And whereas it is apprehended that the recited Indenture cannot have full legal Effect without the Confirmation of Parliament : And whereas the said *Thomas Barnes* and the Local Board are respectively desirous and it is expedient that the recited Indenture be confirmed by this Act, and that such Provisions as are made by this Act be made for the carrying the Intention thereof into effect : And whereas it is expedient that the Local Board be authorized to make the new Streets, and the Improvements of existing Streets, and to erect and maintain the Market House and Town Hall and Works, and to establish the public Libraries, Museums, and Schools of Art and Science by this Act respectively authorized : And whereas Plans and Sections of such new Streets and Improvements, and a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, Houses, and Property required for the Purposes thereof, have been deposited with the Clerk of the Peace for the County Palatine of *Lancaster* : And whereas it is expedient that for the Purposes of this Act further Borrowing Powers should be conferred on the Local Board : And whereas it is expedient to extend in various respects the Powers of the Local Board for the better ordering and improving the District of *Farnworth* and the Local Government thereof : And whereas the Purposes of this Act 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

## I.—PRELIMINARY.

1. This Act may be cited for all Purposes as "*The Farnworth Park and Improvement Act, 1867.*" Short Title.

[Local.]

12 N

2. This

*The Farnworth Park and Improvement Act, 1867.*Commence-  
ment of Act.

2. This Act shall commence on the Twenty-ninth Day of September One thousand eight hundred and sixty-seven.

8 & 9 Vict.  
c. 18.,  
10 & 11 Vict.  
c. 14., and  
23 & 24 Vict.  
c. 106. in-  
corporated.

3. "The Lands Clauses Consolidation Act, 1845," (except Sections 136 to 148, both inclusive,) "The Lands Clauses Consolidation Acts Amendment Act, 1860," and the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to the holding of the Market or Fair and the Protection thereof, and with respect to the weighing Goods and Carts, and with respect to Stallages, Rents, and Tolls, and with respect to Byelaws, are, except when inconsistent with the Provisions of this Act, incorporated with and form Part of this Act.

Same Mean-  
ings to in-  
corporated  
Acts as in  
this Act.

4. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith, or rendered applicable hereto, shall have the same respective Meanings, unless the same be varied by this Act, or unless there be something in the Subject or Context repugnant to such Construction.

Interpreta-  
tion of  
Terms.

5. In this Act, and (for the Purposes of this Act) in any Act incorporated herewith or rendered applicable hereto,—

The Expression "the District" shall mean the entire Area, Places, and Parts of Places comprised within the Limits of the Township of *Farnworth* as rectified and defined by this Act:

The Expression "the Public Health Acts" shall mean "The Public Health Act, 1848," and the several Acts amending the same passed prior to the year 1858; and "The Local Government Acts, 1858," and the several Acts amending the same or supplemental thereto:

The Expression "Carriage" shall include any Vehicle, of what Nature soever, made or used for the Conveyance of Persons in any Streets:

The Expression "Cart" shall include any Vehicle, of what Nature soever, drawn by a Horse or any other Animal, made or used for the Conveyance of Goods, Chattels, Materials, or Things:

The Expression "the Driver" shall include the Driver, Conductor, or Carter of any Carriage or Cart:

The Expression "Porter" shall mean any Person following the Business of carrying Errands, Messages, Parcels, Goods, Luggage, Chattels, Materials, or Things for Hire:

The Expression "Drover" shall mean any Person offering himself to lead or drive Cattle for Hire; provided that the Expressions "Porter" and "Drover" shall not extend to the Servants of Railway Companies or other Common Carriers:

The Expression "the Occupier" shall mean the Person for the Time being in the actual Possession or Occupation of the Lands with reference to which that Expression is used:

The

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The Expression "the Owner" shall have the Meaning assigned to it by "The Public Health Act, 1848," for all the Purposes of this Act, except for the Purpose of the Acquisition of Lands, for which Purpose it shall have the Meaning assigned to it by "The Lands Clauses Consolidation Act, 1845:"

The Expression "the Spécial Act" shall mean this Act:

The Expression "the Promoters" shall mean the Local Board:

The Expression of "Superior Court" and "Court of competent Jurisdiction" shall have Effect as if the Debt or Demand with respect to which that Expression is used was an ordinary Simple Contract Debt, and not a Debt or Demand created by Statute.

6. The several Provisions of the Public Health Acts now in force shall, unless inconsistent with, repugnant to, or restrictive of the Powers, Provisions, and Purposes of this Act, apply to the Powers, Provisions, and Purposes of and Matters and Things provided for by this Act, as fully and effectually as if those several Provisions were repeated and re-enacted in this Act, and made applicable to the Powers, Purposes, and Provisions thereof, and Matters and Things provided for thereby; and all Remedies given by the Public Health Acts for enforcing those Acts, and for the Recovery of Damages, Costs, and Expenses recoverable thereunder, or of Penalties imposed thereby, shall be applicable for enforcing this Act, and for the Recovery of Damages, Costs, and Expenses recoverable hereunder, and Penalties imposed hereby, or by any Byelaw made hereunder.

Provisions of Public Health Acts applicable to this Act except when inconsistent therewith.

7. The Limits of this Act for all the Purposes thereof shall be the District.

Limits of Act.

## II.—BOUNDARIES.

8. The Boundary of the respective Districts and Townships of *Farnworth* and *Kearsley*, from the Point where the said Townships join each other in a Street or Road called the *Manchester Road*, shall be a straight Line drawn from the South-west Corner of the Fence Wall of the Congregational Churchyard at the Corner of a Road called *Church Lane*, and from thence in a straight Line in a Westerly Direction to the Centre of the said Street or Road called *Manchester Road*, and thence in a Southerly Direction along the Centre of such last-mentioned Street or Road to a Point therein opposite the Easterly End of *Black Horse Street*, thence in a Westerly Direction along the Centre of *Black Horse Street* to its Junction with a Back Street, and from thence in a straight Line along the Easterly Side of such Back Street to the South-west Corner of the Yard Wall in the Occupation of *Robert Roscow*, and from thence in a Southerly Direction across *Long Causeway* to the North-west Corner of the Fence of certain Lands belonging to the Trustees of *James Ryley* deceased; and thence

Defining Boundaries between Farnworth and Kearsley.

continued

*The Farnworth Park and Improvement Act, 1867.*

continued along the West Side of Lands belonging to the said Trustees to the North-west Corner of Premises belonging to *Thomas Cooke*, and from thence in a Southerly Direction to the North-west Corner of Premises in the Occupation of Messieurs *Thomas* and *George Cooke*, and thence along the Boundary Fence on the East Side of Lands belonging to *William Jackson Rideout* and the Earl of *Bradford* respectively up to its Junction with the North Side of *Lark Hill Road*, and from thence across the said Road following the Line of Boundary as marked out on the Map of the Ordnance Survey, and shown on that Map on a Scale of Six Inches to the Mile.

## III.—PARK.

Recited  
Indenture  
confirmed.

9. The recited Indenture is by this Act confirmed, and shall be to all Intents and Purposes valid and effectual at Law and in Equity to vest all and singular the Premises thereby expressed to be thereby granted and assigned respectively, and herein-after referred to as the Park, for all the Estate and Interest of the said *Thomas Barnes* therein at the Date of the said Indenture, in the Local Board and their Successors, who shall hold the same, as to such Part thereof as is of Freehold Tenure, unto and to the Use of the Local Board and their Successors for ever, and as to such Parts thereof as are of Leasehold Tenure unto the Local Board and their Successors for the Residue then at the Date of the recited Indenture to come of the Terms of Nine hundred and ninety-nine Years and Nine hundred and ninety-nine Years therein respectively, created by the said Indentures of Lease dated respectively the Thirty-first Day of *December* One thousand eight hundred and sixty and the Twenty-first Day of *March* One thousand eight hundred and forty-six, at the Rents reserved by and subject to the Covenants and Conditions in the said Two Indentures of Lease contained and thenceforth to be performed, and as to all the said Premises upon and for the Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisoos, Covenants, Regulations, Restrictions, and Conditions, in and by the recited Indenture or by this Act declared and expressed.

Mr. Barnes  
and his  
Issue, &c.  
to be Pro-  
tectors of  
the Park.

10. The said *Thomas Barnes* during his Life, and after his Death the Heir Male from Time to Time of his Body, and failing such Issue, *Alfred Barnes* (Nephew of the said *Thomas Barnes*) during his Life, and after his Death the Heir Male from Time to Time of his Body, and failing such Issue, *Sarah Jane Holden*, Wife of *William Holden* of *Farnworth*, Cotton Spinner, during her Life, and after her Death the Heir Male from Time to Time of her Body, shall be the Protector of the Park.

Committee  
of Local  
Board for  
Regulation  
of Park.

11. The Local Board shall yearly appoint a Standing Committee for the Management and Regulation of the Park, and the Members  
of



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of the Committee shall be so many of the Local Board as the Local Board may from Time to Time think fit.

12. The said *Thomas Barnes* during his Life, and after his Death the adult Male Person (if any) who from Time to Time would be, according to this Act, Protector of the Park, shall be *ex officio* a Member of the Standing Committee for the Management and Regulation of the Park, notwithstanding his not being a Member of the Local Board, and shall, without being a Member of the Local Board, have the like Privileges and Indemnities as if he were a Member of the Local Board, and when he is resident in *England* the Local Board shall give him Notice of every Meeting of the Standing Committee, but it shall not be obligatory on him to attend any of the Meetings of the Standing Committee.

Mr. Barnes and his Issue, &c. to be *ex officio* Members of the Park Committee.

13. The Local Board shall from Time to Time make such Byelaws as are proper and sufficient for carrying into effect the several Regulations and Conditions expressed in the recited Indenture, and may make and enforce such other Byelaws and Regulations as they think fit for the Exclusion of improper Persons from the Park, and for the Use, Government, and Control or Management of the Park in accordance with the said Regulations and Conditions, and for protecting and preserving from Injury the Park, and the Buildings, Terraces, Statues, Trees, Lakes, Bridges, Shrubs, Walks, Gates, Fences, and Palings, and all other Parts thereof and Things appurtenant thereto, and may from Time to Time alter or revoke any such last-mentioned Byelaws and Regulations.

Byelaws for Management of Park.

14. The Local Board shall appoint a Penalty not exceeding Five Pounds for any and every Breach, whether by any Officer or Servant or by any other Person, of any Byelaw made by the Local Board with respect to the Park and its Appurtenances.

Penalty for Breach of Byelaws.

15. A printed Copy or a sufficient Abstract of the Byelaws and Regulations relating to the Park shall be put up at every Entrance to the Park, and at such other convenient Places in or near to the Park as the Local Board shall from Time to Time think fit.

Byelaws for Park to be posted thereon.

16. The said *Thomas Barnes*, his Heirs, Executors, Administrators, or Assigns, as to such Portion of the Park as is of Freehold Tenure for ever hereafter, and as to such Portion thereof as is of Leasehold Tenure during the Residue of the herein-before mentioned Terms of Years subsisting therein, shall have a Right of private Entry for himself and themselves, and his and their Family and Friends, at any Time or Times into the Park from the Turnpike Road leading from *Worsley to Bolton* at the Three several Points marked C, D, and X

Reservation of Right of private Entry to Mr. Barnes.

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in the said Plan, at the Entrance Gate or Gates erected at all or any of those Points, and shall have a Right to have at his and their own Expense any Key or Keys of such Entrance Gate or Gates which he or they may think proper; provided always, that the Local Board shall always keep and maintain an Entrance Gate at One of the said Three Points.

Local Board to set apart 150*l.* annually for Park.

17. The Local Board shall, from and after the Twenty-ninth Day of *September* One thousand eight hundred and sixty-seven, appropriate in every Year out of the General District Rate the Sum of One hundred and fifty Pounds without any Deduction, and such Sum shall be charged on the said Rate accordingly, and the Local Board shall stand possessed of such Sum and of the net Rent derivable from the Refreshment Building as Trustees thereof, and so that the same may be expended for the Purposes of the Park according to the Stipulations in the recited Indenture and this Act contained; provided always, that the Charge of such yearly Sum as aforesaid shall take effect subject and without Prejudice to all Mortgages of the said Rate already or hereafter to be granted by the Local Board.

Local Board to expend said Sum of 150*l.* on Park.

18. The Local Board shall, from and for ever after the Twenty-ninth Day of *September* One thousand eight hundred and sixty-seven, devote the whole of the net Rent so receivable as aforesaid to the Improvement of the Park, and shall in addition thereto in every Year expend the said Sum of One hundred and fifty Pounds in or towards defraying the ordinary current Expenses of maintaining the Buildings, Bridges, Statues, Trees, Shrubs, Walks, Seats, Fences, Waters, Fountains, and Appurtenances of the Park in a proper and sufficient State of Repair, Order, Cleanliness, and Renewal, and for those Purposes and the general Purposes of the Park in providing and paying a sufficient and adequate Staff of Gardeners, Servants, and Keepers: Provided always, that when any Expenditure is incurred for Wages or otherwise by the Local Board partly for any Purposes of the Park, and partly for any other Purposes, only a fair Proportion of the Expenditure shall be defrayed out of that yearly Sum; provided also, that the Local Board may from Time to Time expend out of the General District Fund such further Sums as they think fit for the Maintenance, Regulation, and Improvement of the Park.

The annual Rents herein named to be paid by Local Board.

19. The Local Board shall out of the General District Rate pay the said Two annual Rents of Eighteen Pounds Eight Shillings and Elevenpence, and Four Pounds Nine Shillings and Sevenpence, respectively on the Days respectively in that Behalf mentioned in the said Indentures of Lease dated the Thirty-first Day of *December* One thousand eight hundred and sixty and the Twenty-first Day of *March* One thousand eight hundred and forty-six, and to the Persons respectively

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respectively entitled to receive the same by virtue of the said Indentures of Lease, unless and until it be otherwise agreed between the Local Board and the said Persons.

20. For the Purpose of defraying the Expenses of carrying this Act into execution with respect to the Park, the Local Board may from Time to Time levy with and as Part of the General District Rate such Sums of Money as from Time to Time are necessary for defraying those Expenses, and shall apply the same accordingly as if those Expenses were Expenses necessarily incurred in carrying into effect with respect to the District the Provisions of the Acts for regulating Local Boards of Health.

Expenses of Park charged on General District Fund.

21. If the Local Board shall at any Time hereafter fail for Three consecutive Months to maintain, manage, and regulate the Park and the several Objects therein in manner provided by and according to the true Intent of the recited Indenture and of this Act, then and in every such Case, and so often as any such Failure happens, and at howsoever remote a Period after the passing of this Act, the Protector of the Park for the Time being, or any Ten of the Male Inhabitants of the District, may apply to the High Court of Chancery or to the Court of Chancery for the County Palatine of *Lancaster* in a summary Way, and the Court may make such Orders as they think fit for securing that the Park shall be maintained, managed, and regulated according to the Terms of the recited Indenture and of this Act, and for compelling the Local Board to pay all the Costs and Expenses of and incident to the Application to the Court, and the making and carrying into effect the Orders of the Court thereon.

If Local Board fail to maintain Park, Court of Chancery may compel them to do so.

22. The Local Board may at any Time by Agreement purchase or otherwise acquire the Reversion in Fee Simple expectant on the Determination of the said respective Terms of Years of such Portions of the Park as are of Leasehold Tenure.

Power to Local Board to purchase Reversion of Leasehold Part of Park.

23. The Local Board may at any Time by Agreement purchase or otherwise acquire the said annual Rents of Eighteen Pounds Eight Shillings and Elevenpence, and Four Pounds Nine Shillings and Sevenpence, or either of them, for the Purpose of relieving the Park from the Payment of the same.

Rents reserved on Leasehold Parts of Park may be purchased by Board.

24. The Local Board may from Time to Time purchase by Agreement or otherwise acquire any Land adjoining or near to the Park for the Enlargement or Improvement thereof or of the Approaches thereto.

Land adjoining Park may be purchased and added thereto.

25. In the event of the said Reversion in Fee or of any Land adjoining or near to the Park being so purchased or acquired, the same

Future Additions to Park to be subject to this Act.

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same shall thereupon be vested in the Local Board accordingly for all the Estate and Interest of the Persons respectively conveying the same, and be deemed Part of the Park as if it had been Part of the Lands comprised in the recited Indenture, and shall accordingly be subject to the same Regulations and Conditions and to the several Powers and Provisions of this Act with respect to the Park as if such Reversion or Land had formed Part of the original Gift of the said *Thomas Barnes*.

Park exempt  
from Rates.

**26.** The Park and all Buildings thereon, and every Part thereof respectively, and the Local Board and all other Persons with respect to the same, shall be wholly exempt from all Parochial and Local Rates, Assessments, and Impositions whatsoever.

## IV.—STREETS.

Power to  
make new  
Streets.

**27.** Subject to the Provisions of this Act, the Local Board may from Time to Time on the Lands in that Behalf described in the deposited Plans and Book of Reference, and within Ten Feet of the Lines of Streets shown on those Plans, lay out, make, and maintain the new Streets described in those Plans; namely,

A Street leading from *Peel Street* to *Church Street* commencing at a Slateyard in *Peel Street* late in the Occupation of *William Mort* deceased, and continuing in a Southerly Direction through Land belonging to *George Low Anderton* up to its Junction with *Church Street*, and terminating at such Junction, and all Roadways, Pavements, Footways, Sewers, Drains, and other Works and Conveniences appearing to the Local Board necessary or proper for the Purposes of such new Street.

Power to  
improve  
certain  
Streets.

**28.** Subject to the Provisions of this Act, the Local Board may from Time to Time on the Lands in that Behalf described in the deposited Plans and Book of Reference, and within the Space of Five Feet of the Lines of Streets shown on those Plans, widen, alter, or otherwise improve the following Streets and Roads; namely,

1. A Street called *King Street* from a Point on the North Side thereof known as *Entwistle's* Stoneyard to the West Side of Premises belonging to *William Pendlebury*, also from the South-east Corner of a Shop in the Occupation of *Samuel Unsworth* to the South-west Corner of a House in the Occupation of *Moses Heathcote*, and belonging to *David Crossley*, also from the South-easterly Side of Premises in the Occupation of *Daniel Davenport* to the Westerly Side of Premises in *Albert Road* in the Occupation of *Charles Morris*, and belonging to the Executors of *John Almond* deceased:

2. A Road

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2. A Road now known as *Black Lane*, but proposed to be henceforth called *Moss Field Road*, leading from the Weighing Machine House at *Dixon Green* to *St. James's Church*, commencing at the West Corner of the said Weighing Machine House, and continuing in a South-westerly Direction along the *Dixon Green Road* to the West Corner of a Stable in the Occupation of *Robert Bowker*, and from thence in a Southerly Direction to the Corner of a Field in the Occupation of *George Ashton* at the Junction of the said Road with a certain other Road called *Black Lane*.

29. If the new Streets and Improvements of Streets in this Act described are not completed within Ten Years from the Commencement of this Act, then on the Expiration of that Period the Powers by this Act granted for the making of the same, or in relation thereto; shall cease to be exercised, except as to so much thereof as is then completed.

Limitation of Time for making and widening Streets.

30. The Local Board may in making the new Street and Improvement of Streets deviate vertically to any Extent not exceeding Two Feet from the Levels defined on the deposited Sections, and may deviate laterally to any Extent within Five Feet of the Lines of Streets defined on the deposited Plans, and the Local Board may deviate beyond the last-mentioned Limits, with the Consent of the Person through whose Lands any such Deviation is proposed to be made: Provided that, notwithstanding anything in this Act contained, it shall not be lawful in making, forming, and constructing so much of the proposed Road to be called *Moss Field Road* as extends from the Weighing Machine on *Dixon Green* to the Southern Boundary of the Land in *Farnworth*, belonging to the Duke of *Bridgewater's* Trustees, within and abutting on such intended Road, to make the Surface of such Street higher than the Surface thereof as delineated and shown on the deposited Section thereof.

Power to deviate.

31. The Local Board, for the Purposes of the new Streets and Improvements of Streets, and in accordance with the deposited Plans, may remove, destroy, alter, divert, stop up, enclose, or use all or any Part of any Street, Bridge, Aqueduct, Drain, Sewer, or Pipe, the Local Board first providing a proper Substitute before interrupting the Flow of Sewage in any Drain or Sewer.

Power to stop up Streets and Sewers permanently for Street Improvements.

32. The Local Board may stop any Street and prevent all Persons from passing along and using the same for a reasonable Time during the Construction, Alteration, Repair, or Demolition of any Sewer or Drain in or under such Street or Court, or during the Repair or

Power to stop up Streets temporarily for Repairs, &c.

[Local.]

12 P

Improve-

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Improvement of the Carriage or Foot Way of such Street or Court, or during the Execution of any other Work authorized to be done by the Local Board, the Board during the Time of such Stoppage providing a convenient and suitable Substitute for the Street so stopped up when the Consent of the Landowners for making and using such substituted Road can be obtained, and the Board may also stop up and prevent the Passage along such Street when any Building in or near thereto is on fire.

Expenses of widening, &c. Black Lane or Moss Field Road.

**33.** The Expenses incurred by the Local Board in widening, altering, or otherwise improving as aforesaid the said Road now known as "*Black Lane*" shall be paid by the Owners of the Premises fronting, adjoining, or abutting on the said Road (other than and except the Duke of *Bridgewater's* Trustees) according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor, or, in case of Dispute, as shall be settled by Arbitration (having regard to all the Circumstances of the Case) in the Manner provided by "The Public Health Act, 1848;" and such Expenses may be recovered from such last-mentioned Owners in a summary Manner, or may be declared by the Local Board to be private Improvement Expenses, and be recoverable as such in the Manner provided by "The Public Health Act, 1848."

Confirmation of Agreement with the Trustees of the Duke of *Bridgewater* as to Moss Field Road.

**34.** Whereas the said Road known as *Black Lane* is a private Occupation Road belonging to the Duke of *Bridgewater's* Trustees, and it is intended to make the said Road, to be called *Moss Field Road*, partly upon the Site of *Black Lane* aforesaid, and partly over adjoining Land of such Trustees, and it has been agreed that the Local Board shall be empowered to make such intended Road over the aforesaid private Property of the Duke of *Bridgewater's* Trustees, and to maintain and use the same as a public Street and Highway, without Payment of Compensation for such Easement (the Soil and Freehold thereof subject to such Easement remaining the Property of the same Trustees), and that the Duke of *Bridgewater's* Trustees shall contribute Two hundred Pounds and no more towards the Expenses incurred by the Local Board in widening, altering, or otherwise improving the said *Black Lane*: And whereas the Duke of *Bridgewater's* Trustees have and now use Colliery Works constructed across *Black Lane* aforesaid which will be interfered with by the Widening, Alteration, and Improvement of the said intended Road, and it has been agreed that Provision shall be made for securing the continued and uninterrupted User of such Works: Be it therefore enacted, That the Duke of *Bridgewater's* Trustees, their Heirs or Assigns, shall pay to the Board the Sum of Two hundred Pounds for and towards the Expenses which shall or may be incurred by the

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the Board in widening, altering, or otherwise improving the said Road known as *Black Lane*, but proposed to be henceforth called *Moss Field Road*, and that the said Sum of Two hundred Pounds shall be in full Satisfaction and Discharge of all Liability on the Part of the Duke of *Bridgewater's* Trustees, their Heirs or Assigns, or their or any of their Lessees, to pay or contribute in respect of their or any of their Ownership of Premises now belonging to the said Trustees which now do or hereafter shall front or adjoin to or abut on the said Road; and also that the Duke of *Bridgewater's* Trustees, their Heirs or Assigns, or their or any of their Lessees or Tenants, shall not be called upon or liable to pay or contribute any Sum or Sums of Money for or towards the Expense of making and constructing or maintaining the Sewer in the said Road intended to be called *Moss Field Road* unless and until the same shall be used by them or some of them, or, with their or some of their Consent in Writing, by their or some of their Lessees, and that if and when the same shall be so used by them or any of them, or their or any of their Lessees, the Duke of *Bridgewater's* Trustees, their Heirs or Assigns, shall then, but not until then, pay and contribute to the Board One equal Half Part of maintaining and constructing the said Sewer; and also that in widening, altering, or otherwise improving *Black Lane* aforesaid the Board shall, at their own Expense, make and construct and maintain a Culvert of suitable Level and Dimensions for the convenient Passage Working of the Ropes and Shaft between the Coal Pit of such Trustees on one Side of such Road, and their Steam Engine on the other Side thereof, or, if deemed more convenient for the safe working of such Coal Pit, the Local Board may and shall carry such Rope and Shaft over the said Road at an Elevation of not less than Sixteen Feet above the Surface thereof, and shall connect such Rope and Shaft with the said Coal Pit on the one Side and with the said Steam Engine on the other Side of the said Road, with all suitable and requisite Fittings, Machinery, and Apparatus, so as to enable the said Coal Pit and Works to be worked and carried on with not less Facility and Convenience than the same respectively are now worked and carried on; provided that the Local Board may, if they think fit so to do, remove the said Steam Engine to some convenient Site on the same Side of the said Road as the said Coal Pit to be approved by the Engineer for the Time being of the Duke of *Bridgewater's* Trustees, and adapt the Head Gearing and other Machinery and Apparatus of the said Engine and Pit respectively to each other; and the Local Board shall construct and complete the whole of the said Works required or authorized by this Section under the Direction and to the reasonable Satisfaction in all respects of such Engineer, and with the utmost possible Dispatch, so as not to occasion any unavoidable Suspension of or Impediment to the working of the said Coal Pit and Steam Engine.

35. Whereas

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Provision as  
to Weighing  
Machine at  
Dixon's  
Green.

**35.** Whereas the Weighing Machine at or near *Dixon Green*, and at the Side of the said Road known as *Black Lane*, but proposed to be henceforth called *Moss Field Road*, is the private Property of the Duke of *Bridgewater's* Trustees, and wholly constructed and erected upon Land belonging to them, and such Machine, or some Portion thereof, will be within the Limits of the said Road when so widened, altered, and improved as aforesaid, and it has been agreed that, notwithstanding the Dedication of the said Road as a public Street or Highway, the said Weighing Machine, or another or others in lieu thereof, shall remain within the said Road, and be and remain the private Property of the said Trustees, their Heirs and Assigns: Be it therefore enacted, That, notwithstanding anything in this Act contained, the said Weighing Machine, or some Part thereof, may and shall be and remain within the Limits of the said Road known as *Black Lane* (but intended to be henceforth called *Moss Field Road*), and such Weighing Machine, and every Part thereof, and all Works appertaining thereto, shall be and remain the sole and exclusive Property of the Duke of *Bridgewater's* Trustees, their Heirs and Assigns, with Power for them or any of them from Time to Time, and at all or any Time or Times, at their or any of their Will and Pleasure, to repair, alter, amend, or improve the same, or to erect or construct another in lieu thereof, and to use the same respectively, or allow or empower any other Person or Company to do so.

Local Board  
may pave,  
&c. Foot-  
ways of  
certain Turn-  
pike Roads  
within the  
District,

**36.** The Local Board may flag and pave or otherwise amend so much of the Footpaths adjacent to the Turnpike Roads leading from *Moses Gate* to *Ringley* (and from *Moses Gate* to *Barton Bridge* respectively) as are situate within the District, and the Owner of the Premises fronting, abutting on, or adjoining the Part of the Footpath so to be flagged, paved, or amended as aforesaid shall pay to the Local Board the Expenses incurred by them in respect of such flagging and paving or amending, and such Expenses may be recovered from such last-mentioned Owners in a summary Manner, or the same may be declared by the Local Board to be private Improvement Expenses, and be recoverable as such in the Manner provided by "The Public Health Act, 1848."

Streets, &c.  
under Con-  
trol of Local  
Board may  
be broken  
up without  
Notice.

**37.** It shall not be necessary for the Local Board before they proceed to open or break up any Street, Sewer, Drain, or Tunnel, being under their own Control, to give any Notice of their Intention so to do.

#### V.—MARKETS AND FAIRS.

Power to  
establish  
Markets and  
Fairs and  
Slaughter-  
houses.

**38.** With respect to Markets and Fairs, and the providing Slaughter-houses within the District, the Local Board shall have the following Powers and Duties; namely, They



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They may from Time to Time provide Market Places and Market Houses and Sheds for the Sale of marketable Commodities and Animals, and Places for Fairs, with proper Approaches, Works, and Conveniences :

They may establish Markets and Fairs :

They shall provide and keep sufficient and proper Weighing Houses or Places, Weights and Measures, Scales and Machines for weighing or measuring Commodities and weighing Carts in the Markets or Fairs, and shall appoint and keep proper Persons to attend to such weighing or measuring during the holding of the Markets or Fairs :

They may from Time to Time provide proper Slaughter-houses, with all necessary Fittings and Conveniences :

They may demand and receive Tolls, Stallages, and Rents (not exceeding the Tolls, Stallages, and Rents specified in the Schedule to this Act) from Persons selling, offering, or exposing for Sale Commodities or Cattle in the Markets or Fairs, or using the Buildings or Conveniences in the Markets or Fairs, or frequenting the Fairs, or using the Weighing House or Places, Weights, Measures, Scales, or Machines in the Markets or Fairs, or using the Slaughter-houses :

They may alter or discontinue any Market or Fair, and enlarge, improve, alter, or remove any Market Place or Market House, or any Place for Fairs, or any Approach, Work, or Convenience, or any Weighing House or Place, or any Slaughter-house :

For the Purposes aforesaid they may from Time to Time purchase by Agreement any Lands or appropriate any Lands for the Time being belonging to them or under their Control.

**39.** The Local Board may from Time to Time let to any Person any Stall, Standing, or other Convenience in any Market or Fair for any Time not exceeding Three Years at such Rent and on such Terms as they think reasonable. Power to let Stalls.

**40.** The Local Board may from Time to Time demise for any Term not exceeding Three Years the whole or any Part of the Tolls, Stallages, and Rents receivable in respect of the Markets and Fairs, Weighing Houses or Places, and Slaughter-houses, or any of them. Power to lease Tolls.

## VI.—TOWN HALL AND POLICE COURT.

**41.** The Local Board may appropriate any Lands vested in them, or by Agreement purchase any Lands situate within the District, for the Purpose of erecting thereon, and may erect, maintain, and regulate thereon, and from Time to Time enlarge and improve, a Building or Buildings to be used as a Town Hall, Court Room, Police Office, or Police Station for the District, with Prison Cells or Lock-up Houses, Power to make Town Hall, &c.

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and

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and other Out-offices, and the necessary Conveniences and Approaches connected with the same Building or Buildings and Premises, or any or either of them, and may from Time to Time furnish and fit up such Building or Buildings with suitable Furniture and Appliances, and employ proper Persons to take care of the same, and make Byelaws for regulating the Use of such Building or Buildings.

## VII.—LIBRARIES AND SCHOOLS OF ART.

Power to  
establish  
public  
Libraries,  
&c.

42. The Local Board from Time to Time may appropriate any Lands vested in them, or by Agreement purchase any Lands or any suitable Buildings, and upon any Lands so appropriated, purchased, or taken erect any Buildings suitable for public Libraries or Museums, or both, or public Schools for Science and Art, or either of them, and apply, take down, alter, and extend any Buildings for such Purposes, and rebuild, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Fittings, Furniture, and Conveniences.

Management  
of Libraries,  
&c.

43. The general Management, Regulation, and Control of such Libraries and Museums and Schools for Science and Art shall be vested in and exercised by the Local Board, or such Committee as the Local Board think fit from Time to Time to appoint (the Members or some of the Members whereof need not, if the Local Board so think fit, be Members of the Local Board), who may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar Matters, Books, Newspapers, Maps, and Specimens of Science and Art for the Use of the Library or Museum or School, and cause the same to be bound or repaired when necessary, and appoint salaried Officers and Servants, and dismiss the same, and make Byelaws, Rules, and Regulations for the Safety and Use of the Libraries and Museums and Schools, and for the Admission of the Public.

## VIII.—REGULATIONS FOR BETTER PREVENTION OF SMOKE, FIRE, AND OFFENSIVE GASES.

Prohibiting  
the Use of  
Thatch, &c.  
to cover  
Buildings.

44. If any Person shall cover any Building either wholly or in part with Straw, Thatch, or other combustible Material, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and the Local Board may order such Straw, Thatch, or other combustible Material to be removed by the Owner of such Building.

Smoke  
Funnels not  
to be placed  
against Out-  
sides of  
Houses.

45. No Pipe or Funnel for conveying Smoke or Steam shall at any Time be fixed or suffered to remain against any Building next to any Street, or on the Inside of any Building, nearer than Nine Inches to any Timber or other combustible Material, nor shall any Funnel built

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built or made of Brick or Stone, or both, be placed on the Outside of any Building next to any Street so as to extend beyond the general Line of the Buildings in the Street in which the same shall be erected, and if any such Pipe or Funnel shall be fixed or placed or suffered to remain contrary to this Act the Occupier, or in case of there being no Occupier then the Owner, shall within Fourteen Days next after receiving Notice in Writing from the Local Board cause every such Pipe or Funnel to be removed, and if any such Owner or Occupier shall neglect to make the Alteration required by and within the Period specified in such Notice he shall be liable to a Penalty of Ten Shillings a Day for every Day during which any such Pipe or Funnel shall be suffered to remain as aforesaid after the Expiration of the Time specified in such Notice.

46. The Owner of every Oven used by any Baker, and of every Furnace used by any Manufacturer, Tradesman, or Artificer, shall construct a Wall of not less than Nine Inches in Thickness between the Fire of the Oven or Furnace and the Wall of the Building in which such Oven or Furnace shall be, and such Wall shall be constructed above, below, and around the Oven or Furnace to the Satisfaction of the Local Board.

Ovens and  
Furnaces  
to have pro-  
tecting  
Walls.

47. Every Person who discharges any Smoke or Steam into any Street from any Building (otherwise than from the Top thereof), or from any Building within Twelve Yards of any Street, at a less Height than Twenty Feet above the Level of such Street, or who constructs and uses any Steam Pipe, Flue, or Funnel (not being the Funnel of a Locomotive Engine) so that the condensed Water or Moisture must usually fall into any Street, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, or, in the Discretion of the Justice before whom he may be convicted, may be imprisoned for a Period not exceeding Fourteen Days.

Penalty for  
discharging  
Smoke or  
Steam into  
Street.

48. Every Person who, without the Consent of the Local Board first obtained in Writing, shall either within or without the District, at any Time after the Commencement of this Act, commence to burn in any Place within One hundred Yards of any Dwelling House within the District situate in or near any Street any Bricks, Tiles, Cork, Rags, or Bones, or other offensive Substance for making Manure, Ivory or other Black, or Sal-Ammonia or other Chemical Compound, or for any other Purpose of Trade, Manufacture, or Commerce, shall be liable to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued, and the Local Board may from Time to Time make such Byelaws with respect to such Burnings as aforesaid as they may think necessary and proper in order to prevent or lessen

Penalty for  
burning  
Bricks, Rags,  
Bones, &c.

the

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the noxious or injurious Effects thereof: Provided always, that this Enactment shall not extend to any Person who shall burn Bricks at any Place beyond a Radius of One Half Mile from the Point where the central Line of *King Street* would intersect the central Line of the *Manchester Road* until the Lapse of Seven Years from the passing of this Act, or at any Place beyond a Radius of One Mile from the same Point until the Lapse of Twenty-one Years from the passing of this Act.

Power to  
break open  
Premises in  
case of Fire.

49. Any Fireman, Officer, or Person appointed by the Local Board may enter, and, if necessary, break into any Building in the District being or reasonably supposed to be on fire, or any Building or Lands adjoining or near thereto, without the Consent of the Owner or Occupier thereof respectively, and may do all such Acts and Things as he may deem necessary for extinguishing Fire in any such Building, or for protecting the same, or rescuing any Person or Property therein from Fire.

## IX.—SANITARY.

Rooms over  
Privies not  
to be used as  
Dwelling or  
Sleeping  
Rooms.

50. No Room built before or after the Commencement of this Act any Portion of which extends immediately over any Privy, which Term shall not for the Purposes of this Provision be held to include a Watercloset properly constructed, Cesspool, Middin, or Ashpit, shall be occupied as a Dwelling or Sleeping Room; and if any Person shall after the Expiration of One Month after the Commencement of this Act occupy or suffer to be occupied as a Dwelling or Sleeping Room any such Room, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Room continues to be so let or occupied after Notice in Writing from the Local Board to discontinue such Letting or Occupation, or the Local Board may, by Notice in Writing to the Owner of such Privy, Cesspool, Middin, or Ashpit, require him within One Month to remove such Privy, Cesspool, Middin, or Ashpit, and the Contents thereof, or to make such other Alterations as they may require.

Local Board  
to be the  
Burial  
Board.

51. The Local Board shall be and are hereby created the Burial Board of and for the District within the Meaning of the 49th Section of the Local Government Act, 1858.

## X.—PUBLIC OFFENCES.

Sect. 28. of  
10 & 11 Vict.  
c. 89. ex-  
tended to  
other  
Offences.

52. The Provisions of the Section numbered 28 of "The Town Police Clauses Act, 1847," shall extend to every Person who shall commit any of the following Offences:

Every Person who being the Owner or having the Care of Cattle suffers them to wander at large:

Every

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Every Person who writes or draws any profane, obscene, or indecent Word or Figure on, or who injures, marks, or defaces, or commits any Nuisance upon, about, or against any Building, Wall, Door, Hoarding, or Post :

Every Person who plays at Pitch and Toss, Football, Battledore and Shuttlecock, Tipcat, or any other Game, or trundles any Hoop, or runs any Race, or throws any Snowball, Dirt, Stones, or other Missile :

Every Person who throws down any Goods, Produce, Wares, or Merchandise out of any Storey above the Ground Storey of any Warehouse or other Building used for any Trade, Manufacture, or Business, and every Person being the Occupiers of such Warehouse or other Building out of which any Goods, Produce, Wares, or Merchandise are or is so thrown, but so that only One Penalty be recoverable for the same Offence :

All Persons who by standing, loitering, or remaining in Groups (without some good or sufficient Cause) after being required to move on by a Police Constable on Duty, or in any other Manner, shall obstruct, incommode, or hinder or prevent the free Passage of any Street :

Every Person who, against the Consent of the Owner or Occupier thereof, shall affix any Posting Bill or other Paper to or against any Building, Wall, Door, Hoarding, or Post :

Every Person who being a licensed Publican or Victualler, or being a Dealer in Beer, Ale, Cider, or other strong Liquors, and being the Owner of or being in the Occupation of Land or Buildings suitable for the Purpose, and in all other Cases where the same is practicable and can be conveniently made, does not within Twenty-eight Days after Notice from the Local Board, and to the Satisfaction of their Surveyor, construct with proper Materials in some convenient Situation as little exposed as practicable, and to be approved by him, a public Urinal adjoining or near the Public House or other Place of Business of such Person, with proper Drains therefrom, or who does not every Day before Eight of the Clock in the Forenoon thoroughly cleanse such Urinal :

Every Person who hoops or slacks any Wheel belonging to or for any Carriage or Cart.

## XI.—HACKNEY CARRIAGES, CARTS, &amp;c.

**53.** The Proprietor of any Hackney Carriage or Porter's Cart who shall, after Notice in Writing from the Local Board, use in any such Carriage or Cart any Animal which shall in the Opinion of the Local Board be unfit for the due and proper Draught and Service thereof, shall be liable to a Penalty not exceeding Forty Shillings for every Day on which such Animal shall be so used.

Penalty for using unfit Animals in Carriages or Carts.

[Local.]

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**54.** The

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Power to make Byelaws, as to Omnibuses, Carts, &c.

54. The Local Board may from Time to Time make Byelaws for all or any of the Purposes following; (that is to say,)

For regulating Omnibuses and Stage Carriages in the Streets, and the Conduct of the Drivers and Conductors thereof, and for preventing the overcrowding thereof, and touching the Number and Fitness of the Animals to be employed to draw the same:

For requiring Owners of Carts used in the Streets to place their Names, Descriptions, and Addresses conspicuously on their Carts:

For prohibiting any Person from acting as Driver of any Cart on which the Owner's Name, Description, and Address are not so placed.

Power to make Byelaws as to Porters and Drovers.

55. The Local Board may from Time to Time make Byelaws for all or any of the Purposes following; (that is to say,)

For licensing Porters and Porters Carts for the Conveyance of Parcels, Goods, Luggage, Chattels, Materials, or Things for Hire, and Drovers, and for charging any Fee not exceeding Five Shillings for any such Licence for Twelve Months, and in the like Proportion for any shorter Period, and for regulating the Conduct of Porters and Drovers in their Employments, and determining whether Porters and Drovers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For fixing the Stands of Porters, Porters Carts, and Drovers, and the Distance to which they may be compelled to take Goods and Messages, not exceeding Three Miles beyond the Boundary of the District:

For fixing the Fares as well for Time as for Distance to be paid to Porters and Drovers, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left with Porters or Drovers, and fixing the Charges to be paid in respect thereof.

And in any such Byelaws the Local Board may (if they think fit) adopt and apply to Porters, Porters Carts, and Drovers, *mutatis mutandis*, any of the Provisions of "The Towns Police Clauses Act, 1847," relative to Hackney Carriages and Drivers of Hackney Carriages as far as the same are applicable.

XII.—ADULTERATION OF FOOD.

Application of the 23 & 24 Vict. c. 84, against Adulteration of Food, &c.

56. The Act of the Session of the Twenty-third and Twenty-fourth Years of Her Majesty, (Chapter 84), "for preventing the Adulteration of Articles of Food or Drink," shall apply to the District as if it had a separate Court of Quarter Session.

XIII. As

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## XIII.—AS TO THE ACQUISITION OF LAND AND ERECTION OF BUILDINGS THEREON.

57. Subject to the Provisions of this Act, the Local Board may from Time to Time enter on, purchase, take, hold, and use such of the Lands described in the deposited Plans and Book of Reference as they think requisite for the Purposes of this Act, or for providing Space for the Erection of Buildings adjoining to or near the new Streets or Improvements authorized by this Act.

Power to take Lands described in Plans.

58. If any Omission, Misstatement, or wrong Description of any Lands, or of any Owner, Lessee, or Occupier of any Lands, described or purporting to be described in the deposited Plans and Book of Reference, is discovered, the following Provisions shall have Effect; namely,

As to Omissions and Errors as to Land.

1. The Local Board may apply to Two Justices for the Correction thereof, giving Ten Days Notice in Writing to the Owners, Lessees, and Occupiers of the Lands affected by the proposed Correction:

2. If it appears to such Justices that the Omission, Misstatement, or wrong Description arose from Mistake, they shall certify the same, stating in their Certificates the Particulars of the Omission, Misstatement, or wrong Description:

3. The Certificate shall be deposited with the Clerk of the Peace for the County Palatine of *Lancaster*, who shall safely keep the same as if the same had formed Part of the deposited Plans and Book of Reference:

4. Thereupon the deposited Plans and Book of Reference shall be deemed to be corrected according to the Certificate, and the Local Board may take and use the Lands in accordance with the Certificate as if there had been no such Omission, Misstatement, or wrong Description:

5. A Copy of or Extract from any such Certificate purporting to be under the Hand of the Clerk of the Peace aforesaid (which Copy or Extract he shall, when required, give under his Hand to any Person interested) shall be conclusive Evidence of the Correction.

59. The Local Board may from Time to Time for the Purposes of this Act take by Agreement and hold, in addition to the Lands which they are authorized to take by Compulsion, and in addition to any Lands they now hold, any Lands within the District not exceeding in the whole Twelve Acres.

Local Board may take additional Lands by Agreement.

60. All Lands, Hereditaments, and Property appropriated, purchased, taken, presented, or acquired for any of the Purposes of this Act shall be vested in the Local Board.

Lands, &c. vested in Local Board.

61. The

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Limiting Period for compulsory purchase of Land.

**61.** The Power of the Local Board for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the Commencement of this Act.

XIV.—RECOVERY OF RATES.

Remedies for Recovery of Rates, &c.

**62.** The Local Board may from Time to Time, as they think fit, recover the whole or any Part of any Rate, or other Money payable to them, by Distress and Sale of the Goods and Chattels, wherever found, of the Person liable to pay the same, in like Manner as Rates for the Relief of the Poor are by Law recoverable, or by Action of Debt, special Action on the Case, Plaint, or other Proceedings in any Court of competent Jurisdiction; and in any such Action, Plaint, or other Proceeding it shall be sufficient to declare or allege that the Defendant is indebted to the Local Board in such Sum of Money as the Local Board suppose to be due, and if they recover such Sum, or any Part thereof, they shall have such Costs as by such Court may be awarded, to be levied and recovered in like Manner as the Sum so recovered, and all Judges, Justices, and others shall give Effect to this Act accordingly.

Such Remedies for Recovery of Rates, &c. to be additional.

**63.** The Powers and Provisions for the Recovery of Rates and other Monies in this Act contained shall be in addition to the Powers and Remedies whatsoever for the Recovery of Rates and other Monies which the Local Board have independently of this Act.

Several Names may be included in One Warrant.

**64.** Any Number of Names and Sums may be included in any Warrant of Distress or Notice for the Purposes of this Act or the Acts incorporated therewith, or rendered applicable thereto, and may be stated either in the Body of such Warrant of Distress or Notice, or in any Schedule thereto.

Contracts between Landlords and Tenants as to Taxes, &c. not to be affected.

**65.** Nothing in this Act contained shall alter or affect any Lease, Contract, or Agreement, either written or parol, between Landlord and Tenant relating to the Payment of any Taxes, Rates, Assessments, or Impositions.

Period for Appeal by Railway Companies against Rates.

**66.** The Period within which any Railway Company may appeal against any Rate made by the Local Board shall be One Month after the Amount of such Rate is demanded from the Secretary or any One of the Directors of such Company; provided always, that such Demand shall be sufficient if made by Letter addressed to the Secretary of such Company, and sent by Post.

XV.—BORROWING POWERS.

Power to borrow on Security of General Rates.

**67.** The Local Board may from Time to Time, in addition to any existing Mortgage Debt and to any Sum which they may borrow under



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under the Public Health Acts, borrow under the Authority of this Act, at Interest on the Security of the General District Fund and General District Rate, for the Purposes of this Act, any Sum not exceeding Forty thousand Pounds.

68. A separate Account shall be kept of all Monies borrowed under this Act, and such Monies shall be applied to the following Purposes only; *viz.*, the Payment of the Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, the new Streets and Street Improvements, Markets, Fairs, and Slaughter-houses, Town Hall, Court Room, Police Office or Police Station, Libraries, Museums, public Schools for Science or Art, Purchase of Chief Rents on the Lands comprised in the existing Park, and additional Lands and Buildings for the Extension of the Park by this Act authorized; provided that any Person lending any Money to the Local Board shall not be bound or entitled to inquire as to the Observance by them of any Provision of this Act, or be bound to see to the Application or be answerable for any Loss or Misapplication of such Money or any Part thereof.

A separate Account to be kept of Monies borrowed. Application of such Monies.

69. If the Local Board pay off any Part of any Money borrowed under the Authority of this Act otherwise than by means of a Sinking Fund, they may reborrow the same, and so from Time to Time.

Power to reborrow.

70. The Powers of borrowing Money by this Act given shall not be restricted by any of the Regulations numbered 1, 2, and 3 contained in the 57th Section of the Local Government Act, 1858; and in calculating the Amount which the Local Board may borrow under the Public Health Act, any Sums which they may borrow under this Act shall not be reckoned.

Certain Regulations of Local Government Act as to borrowing not to apply.

71. Nothing in this Act contained shall affect any Creditor of the Local Board, and such Creditor shall have the same Rights, Remedies, and Priority of Charge as if this Act had not been passed; and all Charges created before the Commencement of this Act shall during the Subsistence thereof have Priority over any Mortgage granted under this Act.

Saving for existing Charges.

72. With respect to the Repayment of Money borrowed on Mortgages made under this Act the following Provisions shall take effect; (namely,)

Repayment of Money borrowed on Mortgage.

1. The Local Board may, if they think proper, fix a Period for such Repayment, and in that Case they shall cause such Period to be inserted in the Mortgage, and on the Expiration thereof the Principal Sum, with the Interest accrued thereon, shall, on Demand,

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Demand,

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Demand, be paid to the Person entitled to receive the same, and if a Place of Payment is not inserted in the Deed the Payment shall be made at the Town Hall or other public Office of the Board :

2. If a Time is not fixed in the Mortgage Deed for such Repayment the Person entitled to receive such Money may, at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, and Interest, on giving Six Months previous Notice for that Purpose, and in the like Case the Local Board may at any Time pay off the Money borrowed on giving the like Notice, and every such Notice, if given by the Local Board, shall be given personally to the Person entitled as aforesaid or left at his Residence, or if he is unknown to the Local Board, and cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the "*London Gazette*."
3. If the Local Board give Notice of their Intention to pay off any Mortgage at a Time when the same may be lawfully paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon, unless on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Local Board fail to pay the Principal and Interest due at the Expiration of the Notice :
4. In order to discharge the Principal Money borrowed under this Act the Local Board shall every Year appropriate out of the General District Fund a Sum equal to One Fortieth Part of the Sums borrowed under this Act, on the Security of such Fund, for a Sinking Fund, to be from Time to Time invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise until it shall respectively be of sufficient Amount to pay off the Principal Debt aforesaid, or some Part thereof, which the Local Board think ought then to be paid off, at which Time the same shall respectively be so applied in paying off the same :
5. Whenever the Local Board are able to pay off One or more of the Mortgages payable, but are not able to pay off the whole of the same Class, they shall decide by Lot the Order of Payment among that Class, and shall cause a Notice to be given to the Persons entitled to the Money to be paid off according to such Decision, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at the Expiration of Six Months from the Date of such Notice at a Place to be therein specified.

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## XVI.—ACCOUNTS AND APPLICATION OF MONIES.

73. All Monies which shall come to the Hands of the Local Board under or by virtue of any of the Powers or Provisions of this Act shall be carried to the Credit of the General District Fund.

Money payable to General District Fund.

74. In all Cases in which the Local Board keep distinct Accounts for distinct Purposes they may apportion between those Accounts or carry to either of them any Receipts, Credits, Payments, and Liabilities which from Time to Time it appears to them ought to be so apportioned or carried.

Apportionment of Items.

75. All the Costs and Expenses of carrying into execution any of the Powers, Provisions, and Purposes of this Act shall be deemed to be Costs and Expenses necessarily incurred by the Local Board in carrying into execution the Provisions of the Public Health Acts, and shall be provided out of the General District Fund and General District Rate.

Costs of Execution of the Act.

## XVII.—GENERAL PROVISIONS AS TO BYELAWS.

76. The Provisions of the General Laws with respect to Local Boards of Health from Time to Time in force within the District, and affecting the Local Board with respect to the making, altering, revoking, and enforcing of Byelaws for any general Purposes of the District, shall extend to all the Byelaws made by the Local Board under any of the Powers in that Behalf contained in this Act, and to the Local Board and their Officers and other Persons with respect to the Byelaws so made; and the Powers by this Act given of making Byelaws shall be in addition to the Powers now possessed by the Local Board in that Behalf; provided that every Notice relating to Byelaws to be made in pursuance or under the Authority of this Act shall be published once in the "*London Gazette*" within Seven Days from the First Publication thereof in any Newspaper circulating within the District of the Local Board.

General Provisions as to Byelaws.

77. A printed Copy of the Byelaws dated and purporting to be confirmed by One of Her Majesty's Principal Secretaries of State, and to be signed by the Clerk to the Local Board, shall be received as Evidence in all Courts and Places whatsoever without any further Proof whatever.

Evidence of Byelaws.

## XVIII.—MISCELLANEOUS.

78. The Local Board may from Time to Time appoint such Officers and Servants as they think proper for the Execution of this Act, and may from Time to Time remove or suspend any of them as the Local Board see Occasion, and pay and make such Salaries, Wages, and other Allowances to them, and to any Person assisting the

Local Board may appoint Officers and Servants for executing this Act.

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the Local Board in the Execution of this Act, as the Local Board deem reasonable, and, *mutatis mutandis*, all such Officers and Servants shall be subject to the Laws and Regulations from Time to Time in force with respect to Officers and Servants appointed or employed by the Local Board under the Powers of the Public Health Acts; and whosoever wilfully obstructs any Member, Officer, or Servant of the Local Board, or any Person duly employed in the Execution of this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Liability to Rates not to disqualify Justices.

79. No Justice shall be disqualified from acting in the Execution of this Act by reason of his being liable to the Payment of any Rate under this Act.

Saving Rights of the Moses Gate, &c. Road Trustees.

80. Except as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, or prejudice any of the Rights, Powers, or Privileges of the Trustees of the *Moses Gate* and *Ringley* Turnpike Roads.

Rating of Lands and Railways.

81. As regards any Rates to be levied under this Act, the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and 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, shall be assessed in respect of the same in the Proportion of One Fourth Part only of the net annual Value thereof.

Saving Rights of the Crown.

82. Nothing in this Act shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, in right of the Crown, or in right of the Duchy of *Lancaster*.

Expenses of Act.

83. All the Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Local Board, and shall be paid by them out of the General District Fund.

*The Farnworth Park and Improvement Act, 1867.*SCHEDULE referred to in the foregoing Act.

## WEIGHING and MEASURING TOLLS to be taken at the MARKETS and FAIRS.

	s.	d.
For every Quantity of Meat or other Thing weighing not exceeding 20 lbs. Avoirdupois, the Sum of - - - - -	0	0½
For every Quantity of Meat or Thing weighing 20 lbs. and not exceeding 120 lbs., the Sum of - - - - -	0	1
And for every additional 112 lbs. or fractional Part of 112 lbs., the Sum of - - - - -	0	0½
For every Quantity of Goods and Things sold by Measure, not more than One Bushel, the Sum of - - - - -	0	0½
For every Quantity more than a Bushel and not more than Two Bushels, the Sum of - - - - -	0	1
And for every Bushel or fractional Part of a Bushel beyond Two Bushels, the Sum of - - - - -	0	0½

## TOLLS to be taken for WEIGHING CARTS and their LOADINGS.

For every Waggon or Four-wheeled Carriage with the Loading thereof, the Sum of - - - - -	0	4
For every Cart or Two-wheeled Carriage with the Loading thereof, the Sum of - - - - -	0	2

## TOLLS for USE of SLAUGHTER-HOUSES.

For every Bull, Ox, Cow, or Bullock, the Sum of - - - - -	1	0
For every Calf, the Sum of - - - - -	0	6
For every Sheep or Lamb, the Sum of - - - - -	0	3
For every Hog or Pig, the Sum of - - - - -	0	4
For every other Beast, the Sum of - - - - -	1	0

## TOLLS, STALLAGES, and RENTS to be taken at the MARKETS and FAIRS.

## For Open Markets or Fairs.

For every Horse, Colt, Foal, Mule or Ass, Bull, Ox, Cow, or Bullock which shall be offered or exposed for Sale, the Sum of - - - - -	0	3
For every Score of Calves, Sheep, Lambs, Pigs, or other Animals not herein-before specified which shall be offered or exposed for Sale, and so in proportion for a greater or less Number, the Sum of - - - - -	1	3
For every Stall, the Sum of (per Day) - - - - -	1	0
For every Waggon, Cart, Gig, or other Carriage which shall be offered or exposed for Sale - - - - -	2	6

[Local.]

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*The Farnworth Park and Improvement Act, 1867.*

	s.	d.
For every Whirlabout, Up-and-down, Swing-boat, Merry-go-round, Set of Swing Boxes or other Fair Amusement or Article of the like Nature, Carriage, or other Vehicle, being an Exhibition or Show taking up Room in the Fair, each Day, per Superficial Square Yard, the Sum of	0	2
For every portable Show Box, or other Box or Article of the like Nature, each Day, the Sum of	0	3

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