



CHAPTER xxii.

An Act for conferring further powers on the Corporation of Lancaster with respect to Lancaster Marsh. A.D. 1892.

[20th May 1892.]

WHEREAS by an Act of the thirty-sixth year of George the Third entitled "An Act for embanking draining and otherwise improving a certain stinted pasture called 'Lancaster Marsh' in the county palatine of Lancaster" (in this Act called "the Marsh Act") it was recited that there was within the borough and township of Lancaster in the county palatine of Lancaster a certain stinted pasture called "Lancaster Marsh" containing two hundred and ten acres or thereabouts which was frequently overflowed by the sea and was also subject to land floods and in its then present state yielded but very little profit but was capable of great improvement: 36 Geo. III. c. xi.

And whereas it was by the same Act further recited that the mayor bailiffs and commonalty of the vill or town of Lancaster was seised in fee of the said marsh subject to certain rights of grass or cattle gates thereon:

And whereas it was by the same Act further recited that it would be for the advantage of the several persons interested in the said marsh if the same were to cease being a common pasture and in lieu thereof if the said marsh were enclosed and properly embanked drained or otherwise improved and the rents and profits to arise therefrom paid and applied from time to time to and for the use and benefit of the several persons who were or should be interested in the said marsh:

And whereas the Marsh Act proceeded to extinguish the aforesaid common rights and to vest the said marsh (in this Act called "the marsh") in the mayor bailiffs and commonalty of the vill or town of Lancaster aforesaid now the mayor aldermen and burgesses of the borough of Lancaster (in this Act called "the Corporation") as trustees for enclosing embanking draining and otherwise improving the marsh and for executing the Act and provided for

A.D. 1892. — the sale by the Corporation of part of the marsh for payment of the expenses of the execution of the Act and for investment of surplus money arising from any such sale and empowered the Corporation to mortgage the marsh for payment of the expenses if they thought it more advisable and directed them to enclose embank and drain the marsh and from time to time to maintain the banks and to construct or cause such works to be constructed as they should think proper for effectually draining preserving and improving the same and empowered them to grant leases of the marsh or any part thereof for twenty-one years :

And whereas by the sixth section of the Marsh Act it was further provided that the rents and profits received by the Corporation from the marsh should from time to time (after deducting thereout all taxes charges and assessments already imposed or hereafter to be imposed upon the marsh and also all costs charges disbursements and expenses attending the execution of the trust reposed in the Corporation by that Act) be paid to and amongst the persons who for the time being would have been entitled to grass or cattle gates or any other right or interest upon in or from the marsh in the same shares and proportions as they would have been entitled to in case the marsh had continued to be a stinted pasture in the uncultivated state it was previous to the passing of the Marsh Act :

27 & 28 Vict.
c. cviii.

And whereas by the Lancaster Local Board of Health Act 1864 (in this Act called "the Act of 1864") after reciting the Marsh Act to the effect aforesaid provision was made (section 81) for enabling the Corporation to sell certain portions of the marsh and it was enacted that the proceeds of any sale after defraying certain expenses should be invested and the dividends rents and income arising from such investment should be applied by the Corporation in like manner as the rents and profits received by them from the marsh are by the Marsh Act directed to be applied :

And whereas it is expedient that the Corporation be authorised upon similar conditions to those of the Act of 1864 to sell further portions of the marsh as hereinafter provided :

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 :—

Short title.

1. This Act may be cited as the Lancaster Marsh Act 1892.

Powers of
sale over
parts of
marsh.

2. Subject to the provisions of this Act the Corporation may from time to time with the approval of the Local Government Board sell

and absolutely dispose of all or any parts of the allotments or parcels shown on the plan of the marsh (as divided by W. Johnson in the year 1796) attached to the trustees book of proceedings directed to be kept pursuant to section 9 of the Marsh Act and numbered on such plan 8 to 13 both inclusive 33 34 35 and 36 as far as the same are situate on the north-west side of lands acquired for the Glasson Dock Railway.

3. The Corporation may grant to any purchaser under this Act such rights of roadway or other easements in under or over any part of the marsh comprised in the last preceding section as they shall think proper.

Power to grant easements

4. With reference to and for the purposes of any sales under this Act the following sections of the Act of 1864 (that is to say) :—

Application of provisions of Act of 1864.

82. Mode of sale.

83. Provisions of 5 & 6 Wm. IV. c. 76. as to sales of corporate property to apply to this Act.

84. Vesting of land in purchaser.

85. Execution of deeds &c.

86. Application of proceeds of sale.

87. Application of income of investments.

88. Power to sell out investments.

93. Trustees receipts to be discharges.

96. Incorporation of certain provisions of Marsh Act.

shall apply as if they were herein enacted and the following modifications made therein (that is to say) :—

(1.) As if the word "Corporation" were substituted for the word "trustees."

(2.) As if section 83 referred to section 108 of the Municipal Corporations Act 1882 as amended by section 72 of the Local Government Act 1888.

(3.) As if the costs charges and expenses hereinafter provided for were expenses of the execution of the Marsh Act.

(4.) As if the investments thereby authorised included such as are authorised by the Trust Investment Act 1889 except Lancaster Corporation Stock or other securities of the Corporation either as a municipal corporation or an urban sanitary authority.

(5.) The accounts orders and proceedings directed to be entered in a book by section 9 of the Marsh Act shall be kept signed and audited respectively in like manner as minutes of proceedings and accounts under the Municipal Corporations Act 1882 are respectively directed to be kept signed and audited.

A.D. 1892.

For pro-
tection of
the London
and North
Western
Railway
Company.

5. Any sale under the provisions of this Act of the said part of the allotment or parcel numbered 34 shall be made subject to any obligation of the Corporation relating to the occupation level crossing there of the Glasson Dock branch of the London and North Western Railway Company unless the Corporation or the purchaser and the railway company otherwise agree.

Saving for
provisions of
Marsh Act.

6. Nothing in this Act shall prejudicially affect any power or authority given to the Corporation by any of those provisions of the Marsh Act which are set forth in Schedule A. to the Act of 1864 or by any provisions of the Act of 1864 which relate to the marsh.

Costs of Act.

7. All the costs charges and expenses of and incidental to the applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of any capital moneys or funds for the time being in their hands arising from the marsh.

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