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Title Number LAN109297

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Land Registry

Official Copy

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This Indenture

made
the
tenth

day of May One thousand nine hundred and four
Between Mary Irving Anison the wife
of George Anison of Castle View Penrith in the
County of Cumberland Trader of the first part
Elizabeth Letitia Ormerod Aked wife of
Ernest Dawson Aked of The Old Hall Kildwick Grange
near Keighley in the County of York Bankers Clerk
of the second part Margaret Harkness
Montgomery of Penrith aforesaid Spinster of
the third part Thomas James Scott of
Victoria Road Penrith aforesaid Gentleman and
Charles Henry Allan of Penrith aforesaid
Gentleman of the fourth part the said Thomas
James Scott and George Anison of the
fifth part and John Heworth of Barnfield
Cupalothwaite in the County of Lancaster Gentleman
Richard Brown of 365 Blackburn Road
Accrington in the said County of Lancaster Matter
George Harphurst of 45 Tremellen Street
Accrington aforesaid Secretary to a Brick Company



and Robert Henry Hugill of 395 Blackburn Road Accrington aforesaid Schoolmaster (hereinafter called the purchasers) of the sixth part **Whereas** Peter Ormerod late of Haslingden in the said County of Lancaster Gentleman deceased being seised for an estate of inheritance in fee simple free from incumbrances of the Lower Aspen Estate at Oswaldtwistle aforesaid of which the hereditaments hereinafter described and intended to be hereby conveyed formed part duly made his Will dated the tenth day of December one thousand eight hundred and forty nine and thereby devised (inter alia) the said hereditaments unto James Roston Thomas Somax Openshaw and George Henry Ormerod their heirs and assigns in trust for his (testator's) daughter Elizabeth Ann Ormerod for life as therein mentioned And after her decease Upon trust for the children of the said Elizabeth Ann Ormerod their heirs executors and administrators absolutely and with power for the said Elizabeth Ann Ormerod to appoint the said estate and hereditaments or any part thereof to or for the benefit of any one or more of her children in preference to any other or others of them And the Testator is appointed the said James Roston Thomas Somax Openshaw and George Henry Ormerod executors and trustees of that his Will **And whereas** the said

Peter Ormerod died on the first day of June one thousand eight hundred and fifty without having altered or revoked his said Will, and the same was proved by all his Executors on the twenty sixth day of October one thousand eight hundred and fifty in the consistory Court at Chester. **And whereas** the said Elizabeth Ann Ormerod intermarried with Justian Lowther Montgomery on the fifth day of May one thousand eight hundred and sixty eight. **And whereas** the said Elizabeth Ann Montgomery died on the eighth day of September one thousand eight hundred and eighty six without having exercised the power of appointment given to her by the before recited Will leaving four children only namely Peter Ormerod Montgomery and the said Mary Irving Arnison (then Mary Irving Montgomery) Elizabeth Letitia Ormerod Aked (then Elizabeth Letitia Ormerod Montgomery) and Margaret Harkness Montgomery her surviving. **And whereas** the said Peter Ormerod Montgomery duly executed his Will dated the eighth day of February one thousand eight hundred and ninety two, whereof he appointed the said Thomas James Scott sole Trustee and executor and the testator devised and bequeathed all his real and personal estate unto the said Thomas James Scott upon trust for sale (but with power to postpone such sale so long as he should think fit) and to stand possessed of the proceeds of such sale upon trust for the said Mary Irving Arnison Elizabeth Letitia Ormerod Aked and Margaret Harkness Montgomery absolutely. **And**

whereas the said Peter Ormerod Montgomery died on the fifteenth day of July one thousand eight hundred and ninety two and his said Will was proved by the said Thomas James Scott on the twenty ninth day of November one thousand eight hundred and ninety two in the Carlisle District Registry. And whereas by an Indenture dated the second day of June one thousand eight hundred and ninety seven and made between the said Mary Irving Montgomery of the one part and the said Thomas James Scott and Thomas Glasson of the other part (being a settlement made in consideration of the marriage afterwards solemnised on the third day of June one thousand eight hundred and ninety seven of the said Mary Irving Montgomery with the said George Arnison). The undivided third part or share of the hereditaments hereinafter described was limited and settled (after the solemnization of the said marriage and subject to a power of revocation which has never been exercised) to the use of the said Mary Irving Arnison for life without impeachment of waste for her separate use without power of anticipation with remainder over. And in the same Indenture is contained a power of sale of the said hereditaments and premises exercisable by the said Thomas James Scott and Thomas Glasson or the survivor of them with the consent of the said Mary Irving Arnison and the said Thomas James Scott and Thomas Glasson were thereby appointed Trustees thereof for the purposes of the Settled Land Act 1882 and amending Acts. And whereas by an Indenture dated the

nineteenth day of December one thousand eight hundred and ninety eight and made between the said Elizabeth Letitia Ormerod Montgomery of the one part and the said Thomas James Scott and George Arison of the other part (being a settlement made in consideration of the marriage afterwards solemnized on the twenty second day of December one thousand eight hundred and ninety eight of the said Elizabeth Letitia Ormerod Montgomery with the said Ernest Dawson Aked) The undivided third part or share of the said Elizabeth Letitia Ormerod Montgomery in the said hereditaments hereinafter described was limited and settled (after the solemnization of the said marriage and subject to a power of revocation which has never been exercised) to the use of the said Elizabeth Letitia Ormerod Aked for life without impeachment of waste for her separate use without power of anticipation with remainder over And in the same Indenture is contained a power of sale of the said hereditaments and premises exercisable by the said Thomas James Scott and George Arison with the consent of the said Elizabeth Letitia Ormerod Aked and the said Thomas James Scott and George Arison were thereby appointed Trustees thereof for the purposes of the Settled Land Act 1882 and Amending Acts. **And** whereas by an Indenture dated the eighth day of July one thousand nine hundred and three (supplementa to the hereinbefore recited Indenture dated the second day of June one thousand eight hundred and ninety seven) and made between the said Mary Irving Arison of the first part the said Thomas Glasson of the second

part, the said Thomas James Scott of the third part and
the said Thomas James Scott, and Charles Henry Allan
of the fourth part in exercise of a power for that purpose
contained in the said Indenture the said Charles Henry
Allan was duly appointed by the said Mary Ining Arnisson
to be a Trustee of the same Indenture in the place of
the said Thomas Glasson who retired from the Trusteeship
thereof And it was thereby declared by the said Mary
Ining Arnisson that the trust estate and premises which
were then subject to the trusts of the said settlement
should vest in the said Charles Henry Allan jointly with
the said Thomas James Scott **And whereas** the said
Mary Ining Arnisson Elizabeth Letitia Armerod Aled
and Margaret Harkness Montgomery have agreed to sell
to the purchasers the hereditaments hereinafter described
at the price of One hundred and fifty pounds **Now**
this Indenture witnesses that in pursuance
of the said agreement and in consideration of the sum
of Fifty pounds to the said Thomas James Scott
and Charles Henry Allan now paid by the purchasers by
the direction of the said Mary Ining Arnisson (the receipt
whereof the said Thomas James Scott and Charles Henry Allan
do hereby acknowledge) and in consideration of the sum of
Fifty pounds to the said Thomas James Scott and George
Arnisson paid by the purchasers by the direction of the said
Elizabeth Letitia Armerod Aled (the receipt whereof the said
Thomas James Scott and George Arnisson hereby acknowledge)
and in consideration of the sum of Fifty pounds paid
by the purchasers to the said Margaret Harkness

Montgomery (the receipt whereof she hereby acknowledges making together the said purchase money of One hundred and fifty pounds. Each of them the said Mary Irving Arison and Elizabeth Letitia Arison Aired as to one undivided third part or share in the premises in exercise of the power for this purpose vested in her by the Settled Land Act 1882 and of all other powers (if any) her hereunto enabling and as beneficial owner and also she the said Margaret Harkness Montgomery as to the remaining third part or share and as beneficial owner hereby respectively convey unto the purchasers **2. A** that plot of land portion of the said Lower Aspen Estate situate in the Township of Oswaldtwistle near Accrington aforesaid is bounded on the front or north side thereof by Blackburn Road and measuring on that side thirty seven yards on the south west side thereof by land belonging to the Executors of William Metcalf and measuring on that side fifty three yards twelve inches and on the east side thereof by other part of the said Lower Aspen Estate and measuring on that side forty yards twenty seven inches and containing in the whole seven hundred and eighty three square yards or thereabouts and more particularly described in the plan drawn hereon and thereon edged red Reserving nevertheless out of this conveyance in favour of the persons entitled thereto all mines beds and

quarries of coal and ironstone and other metals
stone and minerals within and under the said
plot of land with all necessary or proper power
rights and easements for searching for winning
working getting and carrying away the same
by underground workings proper compensation being
paid to the purchasers for all damage done to
the surface of the said plot and the buildings
thereon. To Hold unto and to the use of the
purchasers in fee simple And the said Mary
Irving Arison hereby acknowledges the right of
the purchasers to production of the hereinbefore
recited Indentures of the second day of June
one thousand eight hundred and ninety seven and
the eighth day of July one thousand nine hundred
and three and to delivery of copies thereof and
hereby undertakes for the safe custody thereof
And the said Elizabeth Letitia Ormerod Aked
hereby acknowledges the right of the purchasers
to production of the hereinbefore recited Indenture
of the nineteenth day of December one thousand
eight hundred and ninety eight and to delivery
of copies thereof and hereby undertakes for the safe
custody thereof. And the Purchasers hereby covenant
with the said Mary Irving Arison Elizabeth Letitia
Ormerod Aked and Margaret Harkness Montgomery
their heirs and assigns that they the Purchasers their
heirs and assigns will not build upon the said piece
of land nearer to Blackburn Road than the building in

shewn on the said plan And will within one month after entering into possession of the said plot of land erect and afterwards maintain a good and close fence that will prevent trespass upon the adjoining land and not less than five feet six inches in height between the points marked A and B on the said plan And in the event of the property adjoining thereto on the eastern side being laid out as a public front street (but not a back road) for or in connection with building purposes will on the request of the said Mary Irving Arnison Elizabeth Letitia Ormerod Aked and Margaret Harkness Montgomery or their assigns properly construct pave and maintain a footpath two yards wide on the eastern boundary of the said plot of land as is more particularly shewn on the said plan And lastly it is hereby agreed that if the purchasers their heirs or assigns shall submit plans of buildings to be erected on the said plot of land for the approval of the Local Sanitary Authority and such Authority shall as a condition of approving such plans require a back road four yards wide to be laid out on the eastern side of the said plot of land the said Mary Irving Arnison Elizabeth Letitia Ormerod Aked and Margaret Harkness Montgomery their heirs and assigns shall at the request and cost of the purchasers or their assigns convey to them an additional plot of land two yards in width on the east of and coextensive with the said plot hereby conveyed so as to form with and in lieu of the footpath shewn on



the said plan such back road four yards wide as
aforesaid **Deviations** whereof the said parties to
these presents have herunto set their hands and seals
the day and year first before written

Signed sealed and delivered
by the said Mary Irving Arnison
Margaret Harkness Montgomery Thomas
James Scott Charles Henry Allan and
George Arnison in the presence of
Harthy Graham
Solicitor Perth

M. S. Arnison
E. L. C. Aked

Dr. H. Montgomery.

Signed sealed and delivered
by the said Elizabeth Letitia
Ormerod Aked in the presence
of

H. Smith
The Grange
Kildwick
Farmer

J. Scott

Charles Allan

George Arnison

John Haworth

Signed sealed and delivered
by the said John Haworth
Richard Brown George
Hayhurst and Robert Henry
Hugill in the presence of

H. Barraclough,
York House,

Ormskippville,

Weston Methodist Minister.

Richard Brown

George Hayhurst

Robert Henry Hugill

Dated 10th May 190

M^{rs} Mary Irving Arnis
and Others

to
M^{rs} John Haworth
and Others

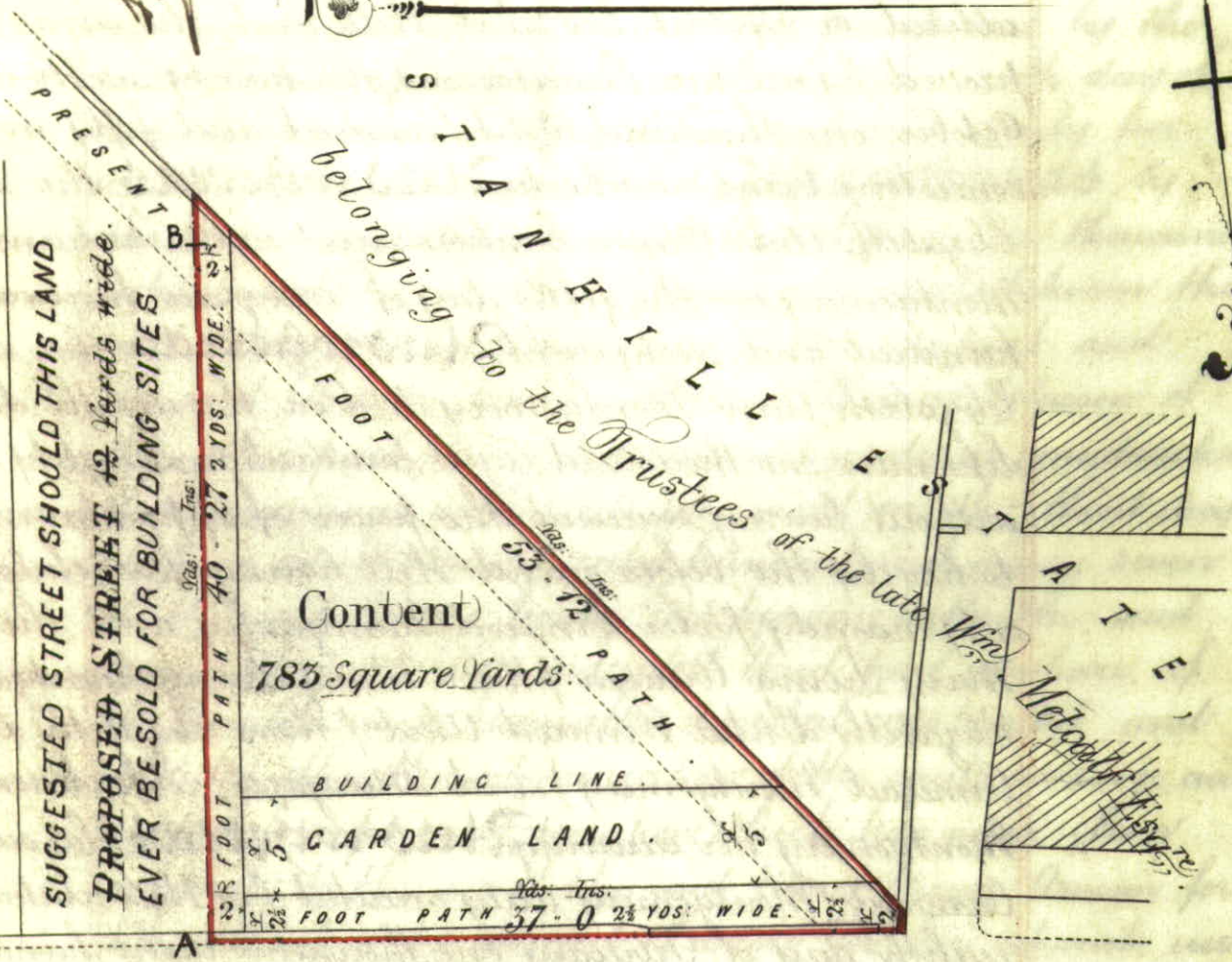
Conveyance of a
plot of freehold land part of the
Lower Aspen Estate situate at
Oswaldtwistle in the County of
Lancaster.

Purchase money £150.

John E. Bunting
Accrington

*Wm
Sims*

Plan referred to,



From Accrington. **BLACKBURN ROAD.**

