



ANNO QUINQUAGESIMO

# GEORGI III. REGIS.

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## Cap. 160.

An Act for inclosing Lands in the Parish of *Cheadle*,  
in the County Palatine of *Chester*. [2d June 1810.]

WHEREAS there are within the several Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley*, in the Parish of *Cheadle* in the County Palatine of *Chester*, divers Open and Common Pastures, Commons, Wastes, and other Commonable Lands; and there is also a certain Parcel of open Common or Waste Land called *Bolshaw Outwood*, a Part whereof lies within the several Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley* aforesaid, and of *Handford*, otherwise *Handforth*, in the Parish of *Cheadle* aforesaid; all which Commonable Lands contain together One hundred and ninety Acres Statute Measure, or thereabouts: And whereas *Robert Bamford Hesketh* Esquire, is Lord of the Manor of *Cheadle Hulme*, otherwise *Cheadle Moseley* aforesaid, and *John Worthington* Gentleman, is Lord of the Manor of *Cheadle Bulkeley* aforesaid: And whereas *William Pass* Gentleman, is or claims to be Lord of the Manor of *Handford*, otherwise *Handforth* aforesaid: And whereas the said *Robert Bamford Hesketh*, *John Worthington*, and *William Pass*, and *Oldfeld Kelsall* Esquire, *Henry Harrison* Esquire, and divers other Persons, are the Proprietors of Messuages, Lands, Tenements, and Hereditaments within the said Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley*, in respect whereof they claim to be entitled to Rights of Common in and upon the Commons and Waste Lands within the same Manors: And whereas it would be of great Benefit and Advantage to the several Persons interested in the said Commons and Waste Lands if the same were divided and inclosed, and specific Parts and Shares thereof assigned and allotted unto the several Persons interested, according and in

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Proportion to their several and respective Properties, Rights and Interests therein: But such Division, Allotment and Inclosure cannot be effectually made and established without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *James Stelfox* of *High Legh*, in the said County of *Chester*, Gentleman, and *Thomas Rowley* of *Overton*, in the County of *Stafford*, Gentleman, shall be and they are hereby appointed Commissioners for dividing, allotting and inclosing the said Open and Common Pastures, Commons, Wastes, and other Commonable Lands within the said Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley* aforesaid, and for setting out, dividing, and allotting so much of the said open Common or Waste Land, called *Bolshaw Outwood*, as lies within the Parish of *Cheadle* aforesaid, and for carrying the several other Purposes of this Act into Execution, with such Powers, and subject to such Rules and Directions as are herein-after particularly mentioned, and also with such of the Powers, and subject to such of the Rules and Directions contained in an Act, passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are not controlled by, repugnant to, or otherwise provided for by any of the Clauses, Provisions, or Regulations contained in this Act.

Power to ap-  
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II. And be it further enacted, That in case the said *James Stelfox* shall die or refuse to act, or become incapable of acting as a Commissioner for the Purposes of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners shall be fully executed and performed, it shall be lawful for the said *Robert Bamford Hesketh* and *John Worthington*, or the Lord or Lords of the Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley* aforesaid, for the Time being, by any Writing under their Hands, to nominate and appoint one other fit and proper Person not interested in the Premises to be a Commissioner in the Place of the said *James Stelfox*; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *James Stelfox* shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said *Robert Bamford Hesketh* and *John Worthington*, or the Lord or Lords of the same Manors for the Time being; and in case the said *Thomas Rowley* shall die or refuse to act or become incapable of acting as a Commissioner as aforesaid, it shall and may be lawful for the Majority in value of the Proprietors of Lands and Grounds hereby directed to be divided and allotted (except the Lord or Lords of the said Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley* aforesaid, for the Time being), or their respective Agents or Attornies present at any Meeting to be held for that Purpose, by Writing under their respective Hands, to nominate and appoint one other fit and proper Person, not interested in the Premises to be a Commissioner in the Place of the said *Thomas Rowley*; provided that Ten Days Notice of the Time, Place, and Purpose of such Meeting shall be given by Two or more of the said Proprietors, in like Manner as herein-after is directed with respect to the Meetings of the said Commissioners; and that such Meeting shall be held at some Place within the Parish of *Cheadle* aforesaid, or within the

Distance of Eight Miles from the said Parish; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *Thomas Rowley* shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall in like Manner be filled up by the Majority in value of the said Proprietors (except the Lord or Lords of the said Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley* aforesaid, for the Time being); and if any Commissioner shall neglect to attend Three successive Meetings of the said Commissioners, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act; and if any of such Vacancies in the Commission aforesaid shall not be filled up in the Manner herein-before directed, within the Space of Two Calendar Months next after the same shall respectively happen, it shall be lawful for the surviving or remaining Commissioner for the Time being, by Writing under his Hand, to nominate and appoint one other fit and proper Person, not interested in the Premises, to be a Commissioner for supplying such Vacancy, and so from Time to Time as often as there shall be Occasion; and every Person who shall be nominated and appointed a Commissioner in Manner aforesaid shall have the like Powers and Authorities in the Execution of this Act as if he had been appointed a Commissioner in and by this Act.

III. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist them in the Execution of the Powers of this Act. Clerk to Commissioners.

IV. And be it further enacted, That all Surveys and Admeasurements and Plans requisite and necessary to be made and taken for the Purposes of carrying this Act into Execution, shall be made and taken by such Person or Persons as the said Commissioners shall from Time to Time nominate and appoint. Survey and Plan to be made.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing to be affixed upon the outer Door of the said Parish Church of *Cheadle*, and also to be inserted in one or more of the Newspapers published in the Town of *Manchester*, of the Time and Place of their first Meeting to put this Act into Execution, at least Fourteen Days before such Meeting, at which all Persons having or claiming Right of Common on the said Commons and Waste Lands shall and may be required by themselves, their Agents, or Tenants respectively, to give and deliver in to the said Commissioners present at such Meeting, an Account in Writing of such their Claims respectively; and the said Commissioners shall and may appoint such Time and Place for their Second and Third Meetings, and so from Time to Time for every subsequent Meeting, as they shall think proper, causing a Notice in Writing of such Second and Third Meetings respectively to be affixed upon the said Door of the said Parish Church of *Cheadle*, and to be advertised in such Newspaper or Newspapers as aforesaid, at least Fourteen Days before such Second and Third Meetings respectively, and also causing a Notice in Writing of every subsequent Meeting to be affixed on the said Door of the said Parish Church one *Sunday* at least next preceding such Meetings respectively: Provided always, that every Proprietor and other Person interested in the said Division and Inclosure, and their Solicitors and Agents who shall attend any Meeting Commissioners to give Notice of their Meetings.

ing of the said Commissioners to be held in pursuance of this Act, shall bear and pay his, her, or their own Expences at such Meetings.

Meetings to be held within Eight Miles of Cheadle,

VI. Provided always, and be it further enacted, That no Meeting of the said Commissioners shall be held at a greater Distance from the Boundary of the Parish of *Cheadle* aforesaid than Eight Miles.

Commissioners to determine Differences.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties that now are or shall, before the making of the Award herein-after mentioned, be interested in the said intended Division and Allotment, or any of them, touching or concerning the respective Rights and Interests which they or any of them shall claim in the Lands and Grounds hereby intended to be divided and allotted, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, it shall be lawful for the said Commissioners and they are hereby authorized and required to hear and determine the same; provided that nothing herein contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

May award Costs.

VIII. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act and the said Act of the Forty-first Year of the Reign of His present Majesty, see cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try disputed Claims at Law.

IX. Provided always, and be it further enacted, That if any Person or Persons making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively, tried at Law, and the Person or Persons so desirous shall by themselves or their respective Stewards, Receivers, Attornies, or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners or any of them, within Two Calendar Months next after such Determination shall have been so made by the said Commissioners, (of which Notice the said Commissioners are hereby required, immediately on Receipt thereof, or as soon after as conveniently

conveniently may be, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies, or Agents as aforesaid,) then, but not otherwise, it shall be lawful for the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors, and Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same in a feigned Action or Actions for that Purpose, to be commenced in the Court of Session for the said County Palatine of *Chester*, by the Person or Persons giving such Notice as aforesaid, against any Person or Persons interested in the said Division, who shall make such disputed Claim or Claims, Objection or Objections, within Two Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall appear thereto, or file common Bail, and accept one or more Issue or Issues, whereby all such Claim or Claims, and Right and Interests, or Objection or Objections to such Claim or Claims, Rights or Interests respectively, thereby insisted on, may be properly tried and determined, such Issue or Issues to be settled by the proper Officer of the said Court, if the Parties shall differ about the same; and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights, Interest or Interests, than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea in addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions, upon the Issue or Issues therein joined, in case there shall be no Special Finding and Indorsement, or such Special Finding and Indorsement, if any such shall be made, shall be final, binding, and conclusive upon and to all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or such Special Finding and Indorsement, and order a new Trial or new Trials to be had therein, which it shall be lawful for the Court to do; and also upon sufficient Cause shewn to put off such Action or Actions, as is usual in other Actions at Law; and after such Verdict or Verdicts, or Special Finding or Indorsement, shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, Interest or Interests, thereby determined, according to the Verdict or Verdicts, or Special Finding and Indorsement as aforesaid; but if no such Action or Actions at Law shall be brought or commenced by the Person or Persons giving such Notice, within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials within Ten Calendar Months, by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the Commissioners shall be final, binding, and conclusive unto and upon all Parties whomsoever.

Commissioners not to determine Rights contrary to Possession.

X. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law.

Actions not to abate by the Death of Parties.

XI. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened, and the Executors or Administrators of the Deceased shall be liable to the Costs thereof as if such Action had been tried, and Judgement therein given in the Life-time of their Testator or Intestate, but so nevertheless as not to affect any Payment made before such Judgement shall be signed, or to make any Executor or Administrator liable to be charged with a Devastavit by reason thereof.

Encroachments except those made for Twenty Years to be deemed Part of the Lands to be divided.

XII. And be it further enacted, That all Inclosures and Encroachments which shall have been taken in and made from the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, (save and except such as have been peaceably and quietly enjoyed for the Space of Twenty Years last past, or upwards, without any Interruption, or Payment of any Acknowledgement), shall be deemed Part and Parcel of the said Lands and Grounds so to be divided and inclosed as aforesaid; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Lands and Grounds so to be divided, allotted, and inclosed as aforesaid, such Difference or Dispute shall be examined into and determined by the said Commissioners.

Encroachments made under Twenty Years.

XIII. And be it further enacted, That all Encroachments which shall have been made upon or from the said Commons and Waste Lands by any Person or Persons who is, are, or shall be entitled to any Allotment from the same by virtue of this Act, and which shall have been so made within Twenty Years next before the First Day of *January* One thousand eight hundred and ten, or at any Time or Times before that Period, in which legal Entries or Interruptions have been made, shall be deemed Part of such Commons and Waste Lands; but all such last-mentioned Encroachments, with the Buildings thereon, shall be allotted to the Person or Persons who at the Time of making the Allotments under this Act shall in his, her, or their own Right be in Possession, or in Receipt of, or entitled to the Rents and Profits of such Encroachments, for his, her, or their Share or Proportion of the said Commons and Waste Lands, by virtue of this Act, or so far as the same will extend in Value, according to its original State when inclosed, or to the Value of the Waste Lands adjoining; but in case any such last mentioned Encroachments shall in the Judgement of the said Commissioners be of greater Value than the Share or Proportion of the said Commons and Waste Lands which the Person or Persons so entitled ought to have by virtue of this Act, then and in such Case the said Commissioners are hereby authorized to sell and allot such Encroachments or Parts of Encroachments to such Person or Persons, who, if he, she, or they was or were entitled to a sufficient Allotment from the said Commons and Waste Lands, would be entitled to have the same allotted

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as aforesaid, at such Sum or Sums of Money as the said Commissioners shall adjudge to be the Value thereof, to be estimated as aforesaid; and the said Commissioners shall receive and apply the same for the Purpose of this Act in Aid of the Monies herein-after directed to be raised for such Purposes; and if any such last mentioned Persons shall refuse or neglect to pay such Sum or Sums of Money as the said Commissioners shall so adjudge, order, or direct, and at the Time fixed by them for that Purpose, then such Encroachments which shall not be so paid for as aforesaid shall be deemed and they are hereby declared to be Parts of the said Commons and Waste Lands, and shall be surveyed, measured, and allotted as Part thereof.

XIV. And, for preventing all Disputes and Differences touching the Repairs of the public Highways and Roads which shall be set out and appointed in pursuance of the said Act of the Forty-first Year of the Reign of His present Majesty; be it further enacted, That the said Commissioners shall and they are hereby authorized and required to determine and adjudge what Part or Parts of the said Highways and Roads so to be set out and appointed shall or do belong to any Townships or Districts respectively, within the said Parish; and the said Commissioners shall in and by their Award order and direct by what Townships or Districts respectively within the said Parish such Highways and Roads shall be amended and kept in Repair; and the Owners or Occupiers for the Time being in each of such Townships or Districts respectively shall from and after the Execution of the said Award maintain, amend, and keep in Repair such respective public Highways and Roads as shall be so determined and adjudged to belong to such Townships or Districts respectively, in the same Manner as other Highways in the same Townships or Districts are by Law to be amended and kept in Repair.

Commissioners to determine to what Township Roads belong.

XV. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in and by their Award to order and direct by what Person or Persons, Township or District, Townships or Districts respectively in the Parish of *Cheadle* aforesaid, and in what Proportion or Proportions any Highway and Road or Highways and Roads to be set out and appointed in pursuance of the said Act of the Forty-first Year of the Reign of His present Majesty, upon and over the said Common and open Waste Land called *Bolshaw Outwood*, Parcel of the said Common and Waste Lands hereby intended to be divided and inclosed, shall be amended and kept in Repair; and the said Highway and Road or Highways and Roads so to be set out and appointed over the said open Common or Waste Land called *Bolshaw Outwood*, shall from Time to Time and at all Times from and after the Execution of the said Award be amended and kept in Repair by the Person or Persons, Township or District, Townships or Districts, whom or which and in such Proportion or Proportions respectively as the said Commissioners shall in and by their said Award order and direct.

For the Repair of the Roads on Bolshaw Outwood.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot such Part and Parcel of the said Commons and Waste Lands hereby intended to be divided and inclosed as they shall think proper, for the Purpose of getting Stone, Sand, Gravel, and other Materials for the making and repairing of the Highways and other Roads within the said Parish of *Cheadle*.

Land to get Materials for repairing Roads.

For leaving uninclosed a Plot of Land in Front of Mr. Harrison's House in Cheadle.

XVII. And be it further enacted, That the Plot of Land, Parcel of the said Commons and Waste Lands, situate in the Front of the Dwelling House of *Robert Harrison* Esquire, in the Village of *Cheadle* aforesaid, and adjoining the Turnpike Road leading through *Cheadle*, and the King's Highway leading through *Cheadle* to *Stockport*, shall at all Times for ever hereafter remain open and uninclosed for the public Accommodation and Convenience of the Inhabitants of the said Village of *Cheadle*.

Allotment for the Use of the Poor.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot, for the Use of the Poor for the Time being of the Townships of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley*, in equal Proportions, and in Aid of the Assessment for the Time being to be made on the Inhabitants of the said Townships for the Support and Relief of the Poor of such Townships respectively, a Quantity not exceeding Three Acres Three Roods and Thirty-four Perches of Land of the Statute Measure, on such Part of the said Commons and Waste Lands hereby intended to be divided and inclosed called *Cheadle Heath*, as the said Commissioners shall think proper.

Allotments to Lords exclusively.

XIX. And be it further enacted, That the said Commissioners (after setting out such public and private Roads and Ways, and such other Allotments for public or general Purposes as are by the said Act of the Forty-first Year of the Reign of His present Majesty, and this Act, or either of them, directed to be set out) shall assign, set out, and allot unto the said *Robert Bamford Hesketh* and *John Worthington*, their Heirs and Assigns, in separate and distinct Parts and Allotments, so that each of them may have and enjoy his own Part or Allotment in Severalty, all such and so many and such Part and Parts of the said Commons and Lands hereby directed to be inclosed as the said *Robert Bamford Hesketh* and *John Worthington* respectively shall prove themselves to be exclusively entitled to.

Allotment of that Part of Bolshaw Outwood which lies in Handford.

XX. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required in the next Place to set out and allot unto the said *William Pass*, his Heirs and Assigns, so much and such Part or Parts of the said open Common or Waste Land called *Bolshaw Outwood*, as he shall prove himself to be exclusively entitled to.

Five-ninths to be divided among the Owners in Cheadle Moseley, and Four-ninths among those in Cheadle Bulkeley.

XXI. And be it further enacted, That for facilitating the Division of the Residue of the Commons and Waste Grounds hereby directed to be inclosed, the same shall be divided into Nine equal Parts or Shares, Five Parts or Shares whereof shall be the Proportion for Division in respect of the said Manor of *Cheadle Hulme* otherwise *Cheadle Moseley*, and Four Parts or Shares whereof shall be the Proportion for Division in respect of the said Manor of *Cheadle Bulkeley*.

Allotments to Lords of Manors.

XXII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto the Lord or Lords of each of the said respective Manors of *Cheadle Hulme* otherwise *Cheadle Moseley*, and *Cheadle Bulkeley*, such Part or Parts of the Residue of the said Commons and Waste Grounds hereby directed to be inclosed as shall contain or be equal in Value to one full Fourteenth Part or Share of the said Commons or Waste Grounds belonging to their respective Manors, according to the aforesaid Proportions for Division, in respect of the said Manors, after deducting



deducting the Extent or Value of the said Allotments for public and private Roads, and for other public or general Purposes (that is to say), to the Lord of the said Manor of *Cheadle Hulme*, otherwise *Cheadle Moseley*, so much of the said Residue of the said Waste Lands hereby intended to be inclosed, as shall be equal in Value to One Fourteenth Part of such of the same Waste Lands as shall belong to that Manor, according to the aforesaid Proportion for Division in respect of that Manor, and to the Lord of the said Manor of *Cheadle Bulkeley*, so much of the said Residue of the said Waste Lands hereby intended to be inclosed as shall be equal in Value to One Fourteenth Part of such of the same Waste Lands as shall belong to the same Manor, according to the aforesaid Proportion for Division in respect of that Manor, which said Allotments to the said respective Lords of the said Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley*, shall be taken and accepted by them as a full Compensation or Satisfaction of or for their respective Rights and Interests in and to the Soil of the said Waste Lands; and such Allotments, when so set out as aforesaid, shall be deemed and taken to be Part and Parcel of the respective Manors, to the Lord or Lords of which the same shall be so allotted, and shall from thenceforth remain and be to the like Uses and upon the like Trusts as the Manors to which the same Allotments shall be allotted or annexed.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to assign, set out and allot all the Residue and Remainder of the said Open and Common Pastures, Common Wastes, and other Commonable Lands, by this Act directed to be divided, allotted, and inclosed, unto and amongst the said *Robert Bamford Hesketh* and *John Worthington*, their respective Heirs and Assigns, and the several other Proprietors thereof and Persons interested therein, in such Quantities, Shares, Proportions and Manner, as the said Commissioners shall adjudge and determine to be a fair, just, and reasonable Compensation for their several and respective Shares, Proportions, Rights of Common, and other Rights of, in, to, and over the same Lands and Grounds, according to the Proportions for Division herein-before mentioned in respect of the said Manors.

Allotment of Residue.

XXIV. And it is hereby further enacted and declared, That the several Lands, Tenements, and Hereditaments which shall be respectively allotted by virtue of this Act or the said Act of the Forty-first Year of the Reign of His present Majesty, or both of them, shall from and immediately after the Allotment thereof become and be of such and the same Tenure or Tenures, and be held under such and the same Rents and Services, as the Lands, Tenements, and Hereditaments in respect of which the Allotments so made were previously held by or subject to; and further, that the several Lands, Tenements, and Hereditaments which shall be respectively allotted and exchanged by virtue of this Act shall, upon the Allotment and Exchange thereof respectively, go and remain to such and the same Persons, for such and the same Estates and Interests, and to such and the same Uses, upon and for such and the same Trusts, Intents, and Purposes, and with, under, and subject to such and the same Powers, Provisoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in such and the same Manner as the Hereditaments in respect whereof the same Lands, Tenements, and Hereditaments shall be respectively allotted and exchanged would belong or stand,

Allotments to be of the Tenures and to go to the same Uses as the Estate in respect of which they were made.

or be limited to, or upon or subject to, if such Allotment and Exchange thereof had not been made, or this Act had not been passed, except as to such Leases and Agreements for Leases at Rack Rent, as shall be determined under the Provisions in that Behalf herein contained.

Proprietors may sell or mortgage their Allotments before the Execution of the Award, &c.

XXV. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act to give, grant, bargain, sell, demise, mortgage, limit, convey, and assure the same for all or any Part of his, her, or their Estate or Interest therein, or Right thereto, at any Time before the Execution of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance, and Assurance shall be of the same Force and Validity as if made after the Execution of the said Award; and also, that it shall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in right of which they, he, or she are or is entitled to the same, in like Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Fencing Allotments.

XXVI. And be it further enacted, That the several Allotments to be made by virtue of this Act shall be well and sufficiently inclosed, walled, hedged, ditched, and fenced by and at the Expence of the respective Proprietors to whom such Fences shall be allotted or directed to belong, to the Satisfaction of the said Commissioners, and within such Time and in such Manner as by the said Award, or any other Writing under the Hands of the Commissioners, shall be directed or appointed.

Small Allotments may be laid together.

XXVII. And be it further enacted, That when Two or more small Allotments shall lie together, and the respective Proprietors thereof shall by any Writing under their Hands signify their Desire to the said Commissioners that such Allotments may lay open to each other, then and in such Case the said Commissioners, unless there shall be good Cause to the contrary, shall not make or give any Orders and Directions touching the fencing of such small Allotments from each other, but shall exempt and except such small Allotments, and the Proprietors thereof, out of and from the general Orders and Regulations touching the fencing of the Allotments to be made in pursuance of this Act, so far as such Orders or Directions shall respect the fencing such small Allotments from each other; but not so far as such Orders or Directions shall respect the fencing off the same or any of them from any other Allotment or Allotments to be made under or by virtue of this Act; and the said Commissioners in their said Award shall take due Notice of all such Exemptions and Exceptions.

To suspend or extinguish Common Rights.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time when they in their Judgement shall think it necessary or convenient, by Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Cheadle* aforesaid, to suspend or totally extinguish all or any of the Rights of Common in, upon, or over all or any of the said Lands or Grounds hereby directed to be divided and allotted; and that from and immediately after the Expiration of the Time

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or Times in such Notice or Notices to be expressed for that Purpose, such Rights of Common shall cease and be suspended or extinguished, as the said Notice or Notices shall specify or direct; and if after such Suspension or Extinguishment, any Proprietor or Proprietors, Occupier or Occupiers, shall permit his, her, or their Cattle, Sheep, or other Stock to depasture, feed, or go upon any of the said Lands or Grounds as to which such Common Rights shall be suspended or extinguished, it shall and may be lawful to and for any other Proprietor or Proprietors, Occupier or Occupiers, to distrain all or any of such Cattle, Sheep, or other Stock, and impound the same until the Person or Persons so offending shall pay to the Person or Persons so distraining such Sum or Sums of Money as the said Commissioners shall direct, not exceeding for any one Offence the Sum of Five Pounds, and in case the same shall not be paid within such Time as the said Commissioners shall appoint, then the said Commissioners shall cause the said Cattle, Sheep, or other Stock so distrained, or such Part thereof as they shall think necessary, to be sold for raising and paying such Sum or Sums of Money, together with the Costs and Charges attending such Distress and Sale, rendering the Overplus, if any, to the Owner or Owners thereof.

XXIX. And be it further enacted, That all or any Lease or Leases, or any Agreement or Agreements for Leases at Rack Rent, or from Year to Year now subsisting, on or respecting any of the Lands and Grounds to be divided and allotted pursuant to this Act, or of any Messuages, Buildings, Homesteads, Gardens, Orchards, or old inclosed Lands held with the same, or which shall be exchanged by virtue hereof, shall, in case the said Commissioners shall think it proper and reasonable, cease, determine, and be utterly void, at such Time, in such Manner and Form, and with such Addition or Abatement of Rent, or other Satisfaction, as the said Commissioners shall by Writing under their Hands order and appoint; and that the Lessors or Owners of the Lands, Tenements, and Hereditaments comprised in such Leases or Agreements for Leases shall pay or receive such Sum or Sums of Money, or make or receive such Satisfaction to or from their Lessees or Tenants respectively, as the said Commissioners shall judge to be a proper Equivalent for vacating such Leases or Agreements for Leases, and they are hereby authorized and required to order and direct such Payments and Satisfactions to be made accordingly: Provided always, that if there shall be any such Lease or Leases of Lands as aforesaid, Part of which shall be in either of the said Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley*, and Part in any adjoining Parish, Manor, or Place, all and every such Lease or Leases may be vacated; but where any Lands shall be under Lease, and wholly situate in any adjoining Parish, Manor, or Place, such last mentioned Lease shall not be vacated.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Messuages, Lands, Tenements, or Hereditaments, or new Allotments or old Inclosures within the said Parish of *Cheadle*, in lieu of and in Exchange for other Messuages, Lands, Tenements, or Hereditaments, new Allotments or old Inclosures within the same Parish, or within any adjoining Parish, so as all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the respective Owners or Proprietors, or *Cestuique* Truists,

Trusts, being beneficially entitled for not less than an Estate for Life of and in the Messuages, Lands, Tenements, or Hereditaments, new Allotments or old Inclosures which shall be so exchanged, or with the Consent of the Guardians, Trustees, Feoffees for charitable and other Uses, Husbands, Committees, and Attorneys of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, (such Consent to be testified in Writing under the Common Seal of any Corporation Aggregate, and under the Hands of the other consenting Parties respectively); and that all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Messuages, Lands, Tenements, or Hereditaments, new Allotments or old Inclosures, held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and the Bishop of the Diocese for the Time being, in which such Lands so to be exchanged shall lie or be situate: And provided always, that all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act, in such Manner and in such Proportions as the said Commissioners shall by their said Award order and direct.

Land when allotted to be free of Rectorial and Vicarial Tythes for Six Crops.

XXXI. And be it further enacted, That the said Common and Waste Lands shall be and the same are hereby declared to be freed, exonerated, and discharged of and from all and all Manner of Rectorial, Vicarial, and other Tythes and Dues whatsoever to arise and accrue therefrom or in respect thereof for the first Seven Years from and after the passing of this Act.

Expences of this Act how to be paid.

XXXII. And be it further enacted, That all Charges and Expences of preparing, obtaining, and passing this Act, together with lawful Interest for the Money advanced for the same, and all Costs and Charges attending the same, and the Costs and Charges of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds so directed to be divided and inclosed as aforesaid, and also of surveying, admeasuring, and planning the ancient Inclosures, where the said Commissioners shall direct the same to be so surveyed, admeasured, and planned, and also the Costs and Charges of preparing and inrolling the Award of the said Commissioners, and all necessary Charges and Expences of the said Commissioners, and of making Drains, forming the Roads, and of putting the same in good and sufficient Repair, and all other necessary Expences about and concerning the same Premises, shall be borne and defrayed in a proportionate Rate by all the Proprietors or Owners of Allotments to be made or set out under or by virtue of this Act, in such Shares and Proportions, and shall be paid to such Person and Persons, and at such Time or Times, and in such Manner as the said Commissioners shall in and by their said Award, or any other Writing under their Hands, order, direct, or appoint; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Costs, Charges, and Expences as aforesaid, within the Time, and to such Person or Persons as the said Commissioners shall appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in  
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the Manner directed by the said Act of the Forty-first Year of the Reign of His present Majesty.

XXXIII. And be it further enacted, That if any of the Proprietors or any other Person or Persons, shall advance and lend any Money for the Purpose of defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, such Person or Persons shall be repaid the same with Interest at the Rate of Five Pounds *per Centum per Annum* out of the first Monies to be raised by virtue of this Act.

For paying the Money advanced for obtaining this Act with Interest.

XXXIV. And be it further enacted, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by them, and such Orders respectively shall and may be read in Evidence in all Suits or Actions concerning any Thing done in relation to or Performance of this Act.

Proceedings to be entered in Books.

XXXV. And be it further enacted, That once at least in each and every Year during the Execution of this Act (the first Year to be computed from the Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their Trouble and Expences in the Execution of this Act; and which Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace usually acting in the Division of *Stockport*, within the Hundred of *Macclesfield*, in the said County of *Chester*, and not interested in the Premises, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Account to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Commissioners to lay their Accounts before Two Justices once every Year.

XXXVI. And be it further enacted, That the general Award to be made by the said Commissioners, pursuant to the Directions of the said Act of the Forty-first Year of the Reign of His present Majesty, and this Act, for the Purposes thereof, shall be inrolled with the Clerk of the Peace for the County of *Chester* within Twelve Calendar Months after the Execution thereof by the said Commissioners, or so soon after as conveniently may be; and the said original Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in the Parish Church of *Cheadle* aforesaid, to the End that Recourse may be had thereto by any Person or Persons interested in the said Division and Allotment, which said Award and Plans, and every other Award and Instrument to be lodged, shall and may be inspected at all reasonable Times, upon reasonable Notice given to the officiating Minister or Churchwardens for the Time being of the said Parish of *Cheadle*, by the Party requiring such Inspection.

Award to be inrolled and deposited.

XXXVII. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first Year of the Reign of His present Majesty, or of this Act, (other than and except as to such Claims, Matters, and Things as are herein-before authorized to be tried and determined by the Verdict of a Jury, or as to which the Determination of the said Commissioners

Persons aggrieved may appeal to the Quarter Sessions.

missioners is by the said Act or by this Act directed to be final and conclusive, he, she, or they may appeal to any General or Quarter Sessions of the Peace which shall be held in and for the said County of *Chester*, within Three Calendar Months next after the Cause of Complaint shall have arisen, giving Notice in Writing of every such Appeal by affixing such Notice, expressing the Cause of Complaint, upon the principal Door of the Parish Church of *Cheadle* aforesaid, Twenty-eight Days at least before such General or Quarter Sessions, and the Justices of the Peace assembled at such General or Quarter Sessions, or at any subsequent General or Quarter Sessions to which the said Justices shall adjourn any such Appeal, either for Want of any such Notice having been given as aforesaid, or for any other Cause which to the said Justices shall seem a sufficient Cause to adjourn such Appeal, are hereby authorized to hear and determine the same, and to make such Order therein, and to award such Damages and Costs as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Damages and Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and the Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any Process or Writ whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, which Costs shall and may be levied in Manner aforesaid.

Manorial  
Rights saved  
to the Lords.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall any otherwise prejudice, lessen, or affect the Right, Title, or Interest of the Lord or Lords of the said Manors of *Cheadle Hulme*, otherwise *Cheadle Moseley*, and *Cheadle Bulkeley*, for the Time being, of, to, or in any Royalties, Franchises, Privileges, Courts, Escheats, Forfeitures, Services, Rights, and Appurtenances whatsoever, incident or belonging to the said Manors respectively, than as the Intent and Purposes of the Inclosure and Allotments hereby authorized shall absolutely require.

General  
Saving.

XXXIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons and Person, Bodies Politic or Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the several and respective Persons to and amongst whom the said Commonable Lands shall be allotted and divided in pursuance of this Act), all such Right, Title, and Interest (except such as are intended to be hereby barred and destroyed) as they, every, or any of them had and enjoyed of, in, to, or out of the said Open Common or Waste Land, called *Bolshaw Outwood*, and the said Open and Common Pastures, Commons, Wastes, and other Commonable Lands, at the Time of passing this Act, or could or might have had or enjoyed, in case this Act had not been made.

XL. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed shall be admitted as Evidence by all Judges, Justices, and others. Act may be  
given in  
Evidence.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1810.

