ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

****

Cap. 123.

An Act for incloſing and improving a certain Tract of Common or Waſte Land, called *Beam Heath*, in the Townſhip of *Alvaſton*, in the Pariſh of *Nantwich*, in the County Palatine of *Cheſter*.

[11th *July* 1803.]

WHEREAS there is within the Townſhip of *Alvaſton*, in the Pariſh of *Nantwich*, in the County Palatine of *Cheſter*, a Tract of Common or Waſte Land called *Beam Heath*, containing by Eſtimation Four hundred Statute Acres or thereabouts, which hath been immemorially held in Truſt for or enjoyed by the Inhabitant Houſeholders of the Townſhip of *Nantwich* aforeſaid, excluſively of all other Perſons, except certain Owners or Occupiers of Lands and Tenements in the Townſhip of *Alvaſton* aforeſaid, in reſpect of Common of Paſture for Twenty-four Cows thereupon, commonly called *Twenty-four Cow Gates or Beaſt Gates*: And whereas it would be greatly for the Benefit of ſuch Houſeholders as aforeſaid, if the ſaid Common or Waſte Land were to be incloſed and improved, and placed under the Management of Truſtees, for thoſe and other Purpoſes herein-after mentioned; but ſuch beneficial Purpoſes cannot be effected without the Aid 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 Bayley*, *Thomas Bebbington* the younger, *Edward Bellyſe*, *George Cappur*, *Waſhington* Truſtees.

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ton Cliff, James Cooper, Thomas Clowes, Iſaac Church, William Garnett Clerk, *Richard Haſſall* the younger, *Benjamin Hewitt, Richard Leverſage, John Minſhull, Richard Parratt, John Pratchitt, Joſeph Skerrett, William Sprout, Thomas Steele, Thomas Taylor, Daniel Tomlinſon, James Wright*, and their Succeſſors to be elected in Manner herein-after mentioned, ſhall be Truſtees for incloſing and improving the ſaid Common and Waſte Land, and for carrying the ſeveral other Purpoſes of this Act into Execution, purſuant to the Powers, Regulations, and Directions herein-after contained.

Common to be deemed veſted in the Truſtees, and Majority of the Truſtees at a Meeting of not leſs than Eleven to act.

II. And be it further enacted, That the ſaid Common and Waſte Land ſhall, from and after the paſſing of this Act, always be deemed to be veſted in the Truſtees for the Time being, appointed or to be appointed under the Authority of this Act, in Truſt for the Purpoſes thereof; and that it ſhall be lawful for the Majority of the Truſtees for the Time being (who ſhall be preſent at any Meeting to be holden in purſuance of this Act, at which Eleven Truſtees at leaſt ſhall attend, and of the Time and Place of which Meeting Notice in Writing ſhall be affixed on One of the principal outer Doors of the Pariſh Church of *Nantwich* aforeſaid at leaſt Seven Days previouſly thereto) to do, execute, and perform any and every Act, Matter, and Thing, by this Act directed or appointed to be done, executed, or performed by the ſaid Truſtees, as fully and effectually, to all Intents and Purpoſes, as if all the ſaid Truſtees had concurred therein.

Truſtees to take an Oath for the due Diſcharge of their Office.

III. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act (except in adminiſtering the Oath next herein-after mentioned), until he ſhall have taken and ſubſcribed an Oath in the Form following; that is to ſay,

Truſtees Oath.

'I DO ſincerely promiſe and ſwear, That I will act in the Execution of the Powers, Authorities, and Truſts repoſed in me as a Truſtee by virtue or in purſuance of an Act, paſſed in the Forty-third Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act*], truly, impartially, and honeſtly, according to the beſt of my Skill, Judgement, and Ability, without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

And any One of the ſaid Truſtees is hereby authorized to adminiſter the ſaid Oath; and the Oaths, ſo taken and ſubſcribed by ſuch Truſtees, ſhall be kept and always remain with the publick Papers of or belonging to the ſaid Pariſh of *Nantwich*.

Election of Clerk to the Truſtees.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees annually, or whenever there ſhall be Occaſion, at a publick Meeting of the Truſtees (of the Time and Place of which Meeting Notice in Writing ſhall be affixed on One of the principal outer Doors of the Pariſh Church of *Nantwich* aforeſaid, at leaſt Seven Days previouſly thereto), to appoint a Clerk, to be employed by the ſaid Truſtees to keep their Accounts and attend their Meetings, and tranſact ſuch other Buſineſs as may appertain to the Office of Clerk to the ſaid Truſtees, to whom it ſhall be lawful for the ſaid Truſtees to order the Payment of a reaſonable Salary; and which Clerk ſhall, before he ſhall enter upon the Duties of the

the ſaid Office, take and ſubſcribe an Oath in the Form following; that is to ſay,

Clerk's Oath.

'I DO ſincerely promiſe and ſwear, That I will act in the Execution of the Office of Clerk to the Truſtees, appointed by or under the 'Authority of an Act of Parliament, paſſed in the Forty-third Year of the 'Reign of King *George* the Third, intituled, [*here ſet forth the Title of 'this Act*] truly, impartially, and honeſtly, according to the beſt of my 'Skill, Judgement, and Ability, without Favour or Affection, Prejudice 'or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

And any One of the ſaid Truſtees is hereby authorized to adminiſter the ſaid Oath; and the Oath, ſo taken and ſubſcribed by ſuch Clerk, ſhall be depoſited and always remain with the publick Papers of or belonging to the ſaid Pariſh; and alſo that it ſhall be lawful for the ſaid Truſtees annually, or whenever there ſhall be Occaſion, to appoint (at a publick Meeting holden purſuant to ſuch Notice as aforeſaid) a Treaſurer, and to allow him ſuch Salary as they ſhall deem reaſonable, and who ſhall be required to give a Security to their Satisfaction for the due Execution of his Office.

And of a Treaſurer.

V. And be it further enacted, That the ſaid Truſtees ſhall yearly appoint, by Writing under their Hands, Four fit Perſons to appear at the Court Leet and Court Baron of the Lord of the Manor and Barony of *Nantwich*, Two of whom ſhall be appointed and ſworn by the Steward of the ſaid Court as Heathkeepers; and ſuch Heathkeepers ſhall under the Direction and Controul of the ſaid Truſtees, do every Thing appertaining to the ſaid Office; and it ſhall be lawful for the ſaid Truſtees to allow the ſaid Heathkeepers ſuch Salaries as they the ſaid Truſtees ſhall deem reaſonable.

Heathkeepers to be yearly appointed.

VI. And be it further enacted, That ſo ſoon as conveniently may be after the paſſing of this Act, the ſaid Truſtees ſhall cauſe ſuch Part or Parts of the ſaid Common or Waſte Land, as they ſhall judge expedient, not exceeding Three Eighth Parts thereof, to be incloſed and divided into ſuch and ſo many Cloſes or Fields as they ſhall think fit, and to be marled and made to undergo a regular Courſe of Tillage, and then to be laid down into Paſture in a proper and huſbandlike Manner, and afterwards to be kept incloſed for Paſturage, and ſo remain and be uſed (ſubject to the Rates, for a Summer's Ley, mentioned in the Schedule to this Act) until the Whole of the ſaid Common or Waſte Land ſhall be incloſed and divided; and that when and ſo ſoon as ſuch Part or Parts firſt fixed upon for Incloſure as aforeſaid (not exceeding Three Eighth Parts of the ſaid Common or Waſte Land) ſhall be laid down for Paſture, the ſaid Truſtees ſhall cauſe a further Part or Parts thereof, not exceeding Three Eighth Parts of the Whole of the ſaid Common or Waſte Land to be incloſed, divided, and marled, and made to undergo a regular Courſe of Tillage, and then to be laid down into Paſture in like Manner, and afterwards to be kept incloſed for Paſturage, and ſo remain and be uſed (ſubject to the Rates, for a Summer's Ley, mentioned in the Schedule to this Act) until the Whole of the ſaid Common or Waſte Land ſhall be incloſed and divided, and when and ſo ſoon as the ſaid laſt mentioned Part or Parts ſhall be laid down for Paſture, the ſaid Truſtees

Common to be incloſed, divided into Cloſes and cultivated, and in what Manner and at what Times.

ſhall

ſhall purſue the like Courſe as to the Reſidue of the ſaid Common or Waſte Land.

Truſtees may make Leaſes.

VII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time and at all Times, from and after the paſſing of this Act, to let and ſet the Whole, or ſuch Part or Parts of the ſaid Lands as ſhall be intended to be in Tillage, for any Term or Terms of Years, not exceeding Five Years from ſuch Letting, at the moſt improved yearly Rents, and ſubject to all uſual Covenants.

Never to be more than 200 Acres in Tillage.

VIII. Provided, That after the Whole of the ſaid Common or Waſte Land ſhall have been incloſed, there ſhall never be more than Two hundred Statute Acres in Tillage.

Allotment for Gravel Pits.

IX. And be it further enacted, That the ſaid Truſtees ſhall in the Firſt Place ſet out and allot ſo much of the ſaid Common or Waſte Land, as they ſhall think moſt proper, for getting Gravel, Sand, or other Materials, to be uſed for the Repair of the Roads thereon, or within any Part of the Townſhip of *Nantwich* aforeſaid, and not for any other Purpoſe.

Truſtees to appoint publick Carriage Roads, and prepare a Map thereof, &c.

X. Provided, and be it further enacted, That the ſaid Truſtees ſhall, before they begin ſuch Incloſure as aforeſaid, ſet out and appoint the publick Carriage Roads through and over the Lands intended to be incloſed; and that it ſhall be lawful for them the ſaid Truſtees, to divert, turn, and ſtop up, any of the Roads and Tracts upon and over all or any Part of the ſaid Lands, as they ſhall judge neceſſary, ſo as ſuch Roads ſo to be ſet out and appointed ſhall be and remain Thirty Feet wide at the leaſt, and ſo as the ſame ſhall be ſet out in ſuch Directions as ſhall upon the Whole appear to them moſt commodious to the Publick; and they are hereby further required to aſcertain the ſame by Marks and Bounds, and to prepare a Map, in which ſuch intended Roads ſhall be accurately laid down and deſcribed, and to cauſe the ſame, being ſigned by them the ſaid Truſtees, to be depoſited with the Clerk of the ſaid Truſtees for the Inſpection of all Perſons concerned; and as ſoon as may be, after ſuch Carriage Roads ſhall have been ſo ſet out, and ſuch Map ſo depoſited, to give Notice in One of the *Cheſter* Newſpapers, and alſo by affixing the ſame upon One of the principal outer Doors of the Pariſh Church of *Nantwich*, of their having ſet out ſuch Roads and depoſited ſuch Map, and alſo of the general Lines of ſuch intended Carriage Roads, and to appoint in and by the ſame Notice, a Meeting to be held by the ſaid Truſtees at ſome convenient Place in the ſame Pariſh, and not ſooner than Three Weeks from the Date and Publication of ſuch Notice, at which Meeting it ſhall and may be lawful for any Perſon or Perſons, who may be ſuppoſed to be injured or aggrieved by the ſetting out of ſuch Roads, to attend; and if any ſuch Perſon or Perſons ſhall object to the ſetting out of the ſame, then any Juſtice or Juſtices of the Peace acting in and for the ſaid County Palatine, and not being intereſted in the ſame, who may attend ſuch Meeting, ſhall hear and determine ſuch Objection, and the Objections of any other ſuch Perſon or Perſons to any Alteration that ſuch Juſtice or Juſtices may in conſequence propoſe to make, and ſuch Juſtice or Juſtices ſhall, and he or they is or are hereby required, according to the beſt of his or their Judgement upon the

the Whole, to order and finally direct how such Carriage Roads shall be set out, and either to confirm the said Map, or make such Alterations therein as the Case may require.

Trustees may appoint private Roads, &c.

XI. And be it further enacted, That the said Trustees shall and they are hereby empowered and required to set out and appoint such private Roads, Bridleways, Footways, Ditches, Drains, Watercourses, Watering Places, Quarries, Bridges, Gates, Stiles, Mounds, Fences, Banks, Bounds, and Landmarks, in, over, upon, and through any Part of the Lands intended to be inclosed, as they shall think requisite, giving such Notice, and subject to such Examination as to any private Roads or Paths, as are above required in the Case of publick Roads; and the same shall be made, and at all Times for ever thereafter be supported and kept in Repair, by the Trustees for the Purposes of this Act.

Trustees may cause Buildings to be erected on the Common, and may let the same.

XII. And be it further enacted, That it shall be lawful for the said Trustees to cause such Buildings, not exceeding Four Cottages and Four Barns, to be erected in some convenient Part or Parts of the said Common or Waste Land, as they shall think fit, and to let the same at and under such Rents as they shall judge reasonable.

Certain Householders to have Leys on the Common at the Rates set down in the Schedule to the Act.

XIII. And be it further enacted, That it shall be lawful for all the Inhabitant Householders of the said Township of *Nantwich*, who were resident there as such before *Lady-day* in the Year One thousand eight hundred and two, and all other Inhabitant Householders of the said Township, after they shall have been resident therein as such for the Space of Seven successive Years, or if born or having served a Seven Years Apprenticeship in the same Township, Two successive Years, to have the Benefit of Leys for all their Cattle (except Asses, uncut Horses of Two Years old or upwards, and Pigs) in such Part or Parts of the said Common or Waste Land as shall be in Pasture, paying for the Leys to the said Trustees, previously to their respectively turning their Cattle thereupon, after the Rates set down in the Schedule to this Act; but no One Person entitled to such Benefit, shall have the Privilege of a greater Number of Leys in any Year, than will amount together, according to such Rates, to the Sum of Three Pounds Ten Shillings, without paying to the said Trustees, for any surplus Leys after the current Price of such Leys in the Neighbourhood of *Nantwich*; and in case any Person or Persons entitled to the Benefit of such Leys as aforesaid, shall turn upon the said Common or Waste Land One or more Horse or Horses with other Cattle, then and in such Case the Horse or Horses shall be first charged for and the other Cattle shall be charged for in the Second, Third, Fourth, Fifth, Sixth, Seventh, or Eighth Division of the said Schedule of the Rates therein mentioned, according to the Number kept; each and every Head of Cattle, except Horses, to be marked before the same shall be turned out on the said Common, in such Manner as the said Trustees shall think proper.

Inhabitant Householders to have the Benefit of Leys upon uncultivated Part of the Common till the same is cultivated.

XIV. Provided, and be it further enacted, That such Inhabitant Householders as hereby shall be intitled to Leys as aforesaid, shall and may have the Benefit of Leys upon the uncultivated Part of the said Common, until the same shall be brought into Cultivation in the Manner herein-before directed, without paying any greater Sums of Money than have been heretofore accustomed to be paid for such Leys; but no Person

Perſon ſhall be allowed to have the Privilege of Leys upon any Part of the ſaid Common for a greater Number of Cattle than he would be entitled to have Leys for if the Whole of the ſaid Common were cultivated as aforeſaid.

Seaſons of the Ley Cattle may be removed and replaced.

XV. And be it further enacted, That the Ley for horned Cattle, Horſes, and Colts, ſhall be only from the Twelfth Day of *May* to the Twelfth Day of *October*, and for Sheep from the Twelfth Day of *May* to the Thirtieth Day of *December* in every Year; but it ſhall be lawful for any Perſon or Perſons taking the Benefit of ſuch Leys as aforeſaid, to remove any of the Cattle by him, her, or them, turned upon the ſaid Common or Waſte Land, and to turn upon the ſame, on giving Notice to the Heathkeepers for the Time being, a like Number of ſuch Cattle as may be ſo removed at any Time or Times during the Seaſon.

Part of the Common to be ſet apart annually as an Outlet or Boozey Paſture.

XVI. Provided nevertheleſs, That the ſaid Truſtees ſhall cauſe ſuch Part of the ſaid Common or Waſte Land as they ſhall think fit, to be ſet apart annually for an Outlet or Boozey Paſture, for the Purpoſe of turning Cattle and Sheep upon, the Property of ſuch Houſeholders as aforeſaid, from the Thirtieth Day of *December* to the Twelfth Day of *May*, the Rate or Ley in reſpect of which not exceeding One Fifth Part of a Summer's Ley, ſhall be fixed by the ſaid Truſtees according to their Diſcretion, and paid previouſly to the Cattle being turned upon the ſame; but no Perſon ſhall turn into the ſaid Outlet or Boozey Paſture, more Cattle or Sheep than he or ſhe may have had in the Summer's Ley next preceding the Time of turning into the ſaid Outlet.

Penalty on Houſeholders entering Cattle in the Ley Book, as the Property of the Party, and not being really ſo.

XVII. And be it further enacted, That if any ſuch Houſeholder or Houſeholders as aforeſaid, ſhall enter or cauſe to be entered in the Ley Book, to be kept by the Clerk to the ſaid Truſtees for the Purpoſe of entering Leys, any Cattle as belonging to him, her, or them, which ſhall not be *bonâ fide* his, her, or their Property, and ſhall be convicted of ſuch Offence before a Juſtice of the Peace for the ſaid County Palatine, on Confeſſion or on Proof thereof by the Oath of One or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered to adminiſter), every Perſon ſo convicted ſhall forfeit and pay any Sum of Money not exceeding Five Pounds nor leſs than Forty Shillings, and every Perſon ſhall be allowed to give Evidence of ſuch Offence, notwithſtanding he or ſhe may be an Inhabitant Houſeholder of the ſaid Townſhip of *Nantwich*.

Part of the Common to be ſet apart for the Purpoſe of making Bricks, &c.

XVIII. And be it further enacted, That if the ſaid Truſtees ſhall judge it expedient to appropriate Part of the ſaid Common or Waſte Land for the Purpoſe of making Bricks or carrying away Soil, it ſhall be lawful for them ſo to do; but the Privilege of making ſuch Bricks or carrying away ſuch Soil ſhall be confined to ſuch Houſeholders as laſt aforeſaid only, and for their Uſe in the ſaid Townſhip of *Nantwich*, and who ſhall pay to the ſaid Truſtees, for ſuch Privilege or Privileges, ſuch Sum or Sums of Money as ſhall be fixed by the ſaid Truſtees according to their Diſcretion.

Part of the Common to be annually

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to cauſe a certain Part of the ſaid Common or Waſte Land, not exceeding

exceeding Thirty Statute Acres, to be appropriated yearly and every Year for the Growth of Potatoes, for Benefit of ſuch of the ſaid Houſeholders as ſhall require the ſame, and as the ſaid Truſtees ſhall in their Diſcretion think proper; and that the Quantity of Land to be allowed yearly to each Houſeholder for ſuch Purpoſe ſhall be determined by the ſaid Truſtees; and that the Perſons who ſhall take the Benefit of ſuch Privilege ſhall pay to the ſaid Truſtees ſuch Sum, not exceeding Threepence *per* Rood (reckoning Eight ſquare Yards to the Rood), as the ſaid Truſtees ſhall fix upon according to their Diſcretion.

appropriated for the Growth of Potatoes.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to cauſe ſuch Number of Trees to be planted annually in the Hedge Rows of the Fields or Cloſes into which the ſaid Common or Waſte Land ſhall be divided, and alſo upon or near to the Banks of any River or Rivulet, and (for the Purpoſe of affording Shade for Cattle) in ſuch other Part or Parts thereof as they ſhall think fit, ſo as no Trees be planted near the Sides of Roads at a leſs Diſtance from each other than Fifty Yards; and to cauſe ſuch Trees, when of ſufficient Growth, and not wanted for Shade for Cattle, to be cut down and ſold, and to apply the Money ariſing by Sale thereof for the Purpoſes of this Act.

Truſtees may plant Trees.

XXI. And be it further enacted, That the Sums of Money to be received from or in reſpect of Leys, Crops, or other Produce of the ſaid Common or Waſte Land, Rents and Profits, and all other Sums of Money which ſhall be received by the ſaid Truſtees under the Authority of this Act, not by this Act directed to be otherwiſe applied, ſhall be applied in the Firſt Place in diſcharging all the Coſts, Charges, and Expences attending the obtaining of this Act, the incloſing, fencing, or dividing, cultivating, and improving the ſaid Common or Waſte Land, the forming, making, and repairing Roads over the ſame, the Salaries of the Clerk and Treaſurer to the ſaid Truſtees, and of the Heathkeepers for the Time being reſpectively, and all other Coſts, Charges, and Expences incident to the Execution of the Truſts and Powers contained in this Act; and that the Surplus of all ſuch Monies ſhall be diſtributed annually on the Firſt *Monday* in the Month of *January* in every Year, among all ſuch Inhabitant Houſeholders of the ſaid Townſhip of *Nantwich*, as under this Act ſhall be entitled to have the Benefit of ſuch Leys as aforeſaid, in equal Shares and Proportions, and Share and Share alike; but the eſtimated Amount of the Benefit (ſuch Eſtimate to be from Time to Time fixed by the ſaid Truſtees) of each and every of the reſpective Leys which ſhall have been taken and enjoyed by all or any of ſuch Houſeholders as aforeſaid, in the Year preceding ſuch Diſtribution ſhall be accounted as ſo much of the Share of each of the ſaid Houſeholders by whom ſuch Benefit ſhall have been ſo taken and enjoyed, of and in ſuch Dividend of the ſaid Surplus of ſuch Truſt Monies as aforeſaid.

How the Truſt Money is to be diſpoſed of.

XXII. And be it further enacted, That the ſaid Truſtees ſhall, on the Twenty-fifth Day of *March* in every Year, ſtate an Account explaining all their Receipts and Payments and cauſe a ſufficient Number of Copies thereof to be printed, and One of ſuch Copies to be delivered to each of ſuch Houſeholders as aforeſaid Seven Days previouſly to ſuch Account being ſettled.

Truſtees to deliver an Account annually of the Truſt.

XXIII. And

The Twenty-four Beaſt Gates reſerved to the preſent Proprietors thereof.

XXIII. And be it further enacted, That it ſhall be lawful for the Perſons who, if this Act had not been paſſed, would have had a Right to the ſaid Twenty-four Cow Gates or Beaſt Gates upon the ſaid Common or Waſte Land to have the full Benefit of ſuch Cow Gates or Beaſt Gates upon ſuch Part or Parts of the ſaid Land as from Time to Time ſhall be in Paſture, but not upon any other Part or Parts thereof, freed and diſcharged from any Payments whatever; and that the Proprietors and Occupiers of Lands and Tenements in the Townſhip of *Alvaſton* aforeſaid, ſhall be freed and exempted from all Charges or Aſſeſſments for or towards Repairs of the Roads on or over the ſaid Common or Waſte Land (except Statute Duty and Compoſition).

Common not to be charged with any Aſſeſſment for the Benefit of *Alvaſton*.

XXIV. And be it further enacted, That the Lands to be incloſed by virtue of this Act, or any Part thereof, ſhall not be liable to be aſſeſſed to or charged with any Rates or Aſſeſſments made or to be made for the Relief of the Poor of the ſaid Townſhip of *Alvaſton*, nor to be aſſeſſed or charged for the Benefit of the ſaid Townſhip of *Alvaſton*, to or with any other Rate or Aſſeſſment whatſoever.

For aſcertaining the Boundaries.

XXV. And whereas Diſputes may ariſe concerning the Boundaries of the ſaid Common or Waſte Land, by this Act directed to be incloſed, be it therefore enacted, That the ſaid Truſtees ſhall and they are hereby authorized and required, by Examination of Witneſſes upon Oath or Affirmation (which Oath or Affirmation any One of ſuch Truſtees is hereby empowered to adminiſter), and by ſuch other legal Ways and Means as they ſhall think proper, to enquire into the Boundaries of the ſaid Common or Waſte Land; and in caſe it ſhall appear to the ſaid Truſtees, that the Boundaries of the ſame are not ſufficiently aſcertained and diſtinguiſhed, the ſaid Truſtees ſhall and they are hereby authorized and required to aſcertain, ſet out, determine, and fix the ſame, and after the ſaid Boundaries ſhall be ſo aſcertained, ſet out, and fixed, the ſame ſhall and are hereby declared to be the Boundaries of the ſaid Common or Waſte Land.

Notice of ſetting out Boundaries to be given.

XXVI. Provided always, That the ſaid Truſtees (before they ſhall proceed to aſcertain and ſet out ſuch Boundaries) ſhall and they are hereby required to give publick Notice by Writing under the Hand of their Clerk, to be affixed on the moſt publick outer Doors of the Church of the ſaid Pariſh of *Nantwich*, and alſo by Advertiſement to be inſerted in One of the *Cheſter* Newſpapers Ten Days at leaſt before the ſetting out of ſuch Boundaries, of their Intention to aſcertain, ſet out, and fix the ſame; and the ſaid Truſtees ſhall, within One Calendar Month next after the aſcertaining and ſetting out the ſame Boundaries, cauſe a Deſcription thereof in Writing to be delivered to or left at the Places of Abode of One of the Churchwardens or Overſeers of the Poor of the Townſhip of *Alvaſton*, and the Townſhips adjoining to the ſaid Common.

Allowing an Appeal, &c. againſt the Determination of the Truſtees reſpecting Boundaries.

XXVII. Provided always, That if any Perſon or Perſons intereſted in the Determination of the ſaid Truſtees reſpecting the ſaid Boundaries, ſhall be diſſatisfied with ſuch Determination, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace acting in and for the ſaid County, at any General Quarter Seſſions of the Peace to be holden in and for the

the ſaid County, within Four Calendar Months next after the aforeſaid Publication of the ſaid Boundaries, by delivering or leaving ſuch Deſcription as aforeſaid, the Party or Parties making ſuch Appeal giving Eight Days Notice of ſuch Appeal, and of the Matter thereof in Writing to the ſaid Truſtees; and the Deciſion of the ſaid Juſtices therein ſhall be final and concluſive, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

For appointing new Truſtees.

XXVIII. And be it further enacted, That when and ſo often as any Truſtee hereby appointed, or who may be appointed in purſuance of this Act, ſhall die, or deſire to be diſcharged from, or decline to act, or become incapable of acting in the Execution of the Truſts of this Act, it ſhall be lawful for the other of the Truſtees for the Time being, or any Nine or more of them, within Two Calendar Months afterwards, to elect One other Perſon, being an Inhabitant Houſeholder of the ſaid Townſhip of *Nantwich*, to be a Truſtee in the Place of each of the Truſtees ſo dying, deſiring to be diſcharged, declining, or becoming incapable as aforeſaid, ſo that Notice in Writing of the Time and Place of Meeting, for every ſuch Election, ſhall be affixed upon the principal outer Door of the ſaid Pariſh Church, at leaſt Ten Days before every ſuch Meeting; and all Perſons who ſhall be ſo elected are hereby inveſted with the ſame Powers of putting this Act in Execution as the Perſons into whoſe Places they reſpectively ſhall be choſen were inveſted with.

Truſtees may be appointed by the Juſtices at the Quarter Seſſions, where Election has not been made.

XXIX. And be it further enacted, That if it ſhall happen at any Time after the paſſing of this Act, that more than One Year ſhall elapſe without an Election of a ſufficient Number of Truſtees being made, according to the true Intent and Meaning of this Act, then and ſo often it ſhall be lawful for the Juſtices of the Peace aſſembled at any General Quarterly Seſſions of the Peace for the ſaid County Palatine, to appoint, by Writing under their Hands, ſuch a Number of the Inhabitant Houſeholders of the ſaid Townſhip of *Nantwich* for the Time being, to be Truſtees for the Purpoſes aforeſaid as will be ſufficient to ſupply the then Vacancies; and that the Truſtees, to be appointed by ſuch Juſtices as aforeſaid, ſhall and may act in all Reſpects as fully and effectually, and with ſuch and the ſame Powers and Authorities, as if they had been elected in Manner herein-before mentioned.

Perſons advancing Money to be repaid with Intereſt.

XXX. And be it further enacted, That the Perſon or Perſons who ſhall advance and lend any Sum or Sums of Money for defraying the Expences of applying for and obtaining this Act, ſhall be repaid the ſame out of the firſt Monies which ſhall be raiſed and collected in purſuance hereof, with Intereſt after the Rate of Five Pounds *per Centum per Annum*, from the Time of advancing the ſame.

Penalty on Perſons damaging, &c. the Incloſure.

XXXI. And be it further enacted, That in caſe any Perſon or Perſons ſhall wilfully and unlawfully break down, deſtroy, carry away, or damage any Fence, Stile, Poſt, Rail, Gate, Bridge, or Tunnel, which may be put up or placed under the Authority and for the Purpoſes of this Act, every Perſon ſo offending and being thereof convicted before any Juſtice of the Peace for the ſaid County, on Confeſſion or on Proof of the Offence by Oath of One or more credible Witneſs or Witneſſes

(which Oath the ſaid Juſtice is hereby authorized to adminiſter), ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and every Perſon ſhall be allowed to give Evidence of ſuch Offence, notwithſtanding he or ſhe may be a Houſeholder of the ſaid Townſhip of *Nantwich*.

Recovery and Application of Penalties.

XXXII. And be it further enacted, That all Penalties and Forfeitures impoſed by this Act, ſhall and may be levied and recovered by virtue of the Warrant of any One Juſtice of the Peace for the ſaid County, by Diſtreſs and Sale of the Offender's Goods and Chattels, together with reaſonable Coſts; all which Penalties and Forfeitures (the Application whereof is not particularly directed by this Act) ſhall, when and ſo ſoon as the ſame ſhall be levied, be paid and applied in Manner herein-after mentioned; (that is to ſay), One Moiety thereof to the Informer or Informers, and the other Moiety to and for ſuch Uſes, Intents, and Purpoſes, as the ſaid Truſtees, by any Writing or Writings under their Hands, ſhall order, direct, or appoint.

Saving the Rights of the Rector of *Nantwich* as to Tythes.

XXXIII. Provided, and it is hereby further enacted and declared, That nothing herein contained ſhall prejudice, leſſen, or defeat, the Right, Title, or Intereſt, of the Rector of the Pariſh Church of *Nantwich* aforeſaid, or his Succeſſors, to or in the Tythes of the Lands hereby authorized to be incloſed, or any of them.

General Saving.

XXXIV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, (except in reſpect of ſuch Rights and Intereſts as the Intent and Purpoſe of the Incloſure hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act), all ſuch Eſtates, Rights, and Intereſts as they, every, or any of them had or enjoyed of, in, and to or in reſpect of the ſaid Lands hereby authorized to be incloſed before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been made.

Declaring the Act publick.

XXXV. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and when ſo printed may be given in Evidence in all Courts of Juſtice, and before all Judges and Juſtices whomſoever, who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared to be a publick Act.

SCHEDULE

SCHEDULE to which this Act refers.

Horses and Colts.	Ley. £.	s.	d.
For 1 Horse	0	10	0
2d do.	1	0	0
3d do.	2	0	0
Two-year-old Colts.			
For 1 Colt	0	7	6
2d do.	0	12	6
3d do.	0	17	6
4th do.	1	2	6
One-year-old Colts.			
For 1 Colt	0	5	0
2d do.	0	7	6
3d do.	0	12	6
4th do.	0	17	6
5th do.	1	2	6

Cows and Heifers.	Ley. £.	s.	d.
For 1 Cow	0	7	0
2d do.	0	12	0
3d do.	1	1	0
4th do.	1	10	0
Two-year-old Heifers.			
For 1 Heifer	0	3	0
2d do.	0	5	6
3d do.	0	8	0
4th do.	0	12	6
5th do.	0	17	0
6th do.	1	4	0
Stirks, or One-year-old Calves.			
For 1 Calf	0	2	0
2d do.	0	3	0
3d do.	0	4	0
4th do.	0	6	0
5th do.	0	8	0
6th do.	0	10	6
7th do.	0	15	6
8th do.	1	1	0

Sheep.	Ley. £.	s.	d.
For 10 Sheep	0	5	0
2d do.	0	7	0
3d do.	0	10	0
4th do.	0	15	0
5th do.	1	5	0

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