

To all to whom these presents shall come We  
The Mayor Aldermen and Burgesses of the  
Borough of Hyde in the County of Chester (hereinafter  
called the Corporation) send greeting

Whereas in the War against Germany and other  
powers between the year One thousand nine hundred and  
fourteen and the year One thousand nine hundred and  
nineteen over six thousand men from the Borough of  
Hyde joined His Majesty's Forces and of these Seven  
hundred and ten either fell in battle or died from  
wounds or from sickness contracted in the War

And whereas there was a strong feeling that  
some adequate measures should be taken to commemorate  
the sacrifices of the men who helped to save the Country  
from a grave peril

And whereas at a representative Town's  
Meeting convened by the then Mayor Councillor Ebenezer  
Bury Justice of the Peace held on the Twenty third day of  
February One thousand nine hundred and twenty a scheme  
for a suitable War Memorial for Hyde was adopted and a  
Committee was formed to raise the necessary funds and  
to take the necessary steps to carry out the War  
Memorial Scheme

And whereas the Scheme included (amongst  
other things)

- (1) the erection of a Monument to serve as a  
perpetual reminder of the part played by the  
fallen sailors and soldiers from the Borough of  
Hyde in preserving the liberties of the World



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- (2) the purchase of Lower Higham Farm forming part of the hill known as Werneth Low for the benefit of the inhabitants of the Borough and—
- (3) the purchase of two ground rents secured on a messuage known as Werneth Lodge and the site thereof which had been given to the Town by Arthur Brook Aspland Esquire with a view to the extinction and merger of the said ground rents in the freehold and inheritance of the said messuage and site—

Ditrus ~~resolves~~ the necessary funds were raised by public subscription—

Ditrus ~~resolves~~ a Monument has been erected upon a part of Lower Higham Farm known as the "Hacking Knife" and a sum of Two hundred pounds has been set apart to be invested and the income therefrom is to be applied in the maintenance of the said Monument and as hereinafter mentioned—

Ditrus ~~resolves~~ Lower Higham Farm containing One hundred and fifty acres or thereabouts has been purchased out of the War Memorial Fund for the sum of Four thousand pounds—

Ditrus ~~resolves~~ the said War Memorial Committee have presented the said Monument the said sum of Two hundred pounds and the Farm to us the said Corporation upon the condition that the same shall be held upon the trusts hereinafter declared—

Ditrus ~~resolves~~ Lower Higham Farm aforesaid was purchased by the said Committee and was at their

request conveyed to us the Corporation by an Indenture dated the Tenth day of May One thousand nine hundred and twenty one made between Charles James Winterbotham of the first part Sarah Jane Winterbotham of the second part and us the Corporation of the third part upon condition that we should hold the same upon the trusts hereinafter declared

And we witness the said ground rents were purchased by the said Committee and at their request conveyed to us the Corporation by the said Indenture of the Tenth day of May One thousand nine hundred and twenty one with the intent that the same should merge in the freehold and inheritance of Werneth Lodge and the site thereof

And we witness witness that we the said Corporation hereby declare that we hold the said premises upon the trusts and that we will observe the conditions hereinafter mentioned that is to say:-

1. We will for ever hereafter maintain and keep in repair and in good condition and when necessary reinstate the said Monument and we will invest the said sum of Two hundred pounds and for ever apply the income arising therefrom for the purpose of maintaining and keeping in good repair and condition and when necessary reinstating the said Monument To the intent that the said Monument may be a perpetual memorial to the Seven hundred and ten men from Hyde who lost their lives in the Great War And we will on the Twenty Fifth day of June in every year purchase out of the income of the said sum of Two

hundred pounds a wreath and place the same at the foot of the said Monument in grateful recognition of the sacrifice these men made in defence of their country.—

2.

We hold the Lower Higham upon the following conditions :-

(1) The gift of the said Farm to us was made with the intention that it should be held generally for the good of the inhabitants of the Borough of Hyde and that part of it and particularly the parts known as the "Hacking Knife"

should be kept open and unbuilt upon and be available at all times for the resort and use of the inhabitants of the said Borough subject to such conditions and regulations as may from time to time be imposed or made by us subject as hereinafter mentioned

(2) We are to be at liberty to let for such periods upon such conditions subject to the provisions of sub-clause (1) and at such rents as we think fit the whole or any parts thereof for farming or allotment purposes or for games or sports

(3) We are to be at liberty to exchange portions of the land for other lands if in our opinion the value of the Farm for the purposes for which it was acquired will be thereby enhanced provided that the Ministry of Health do not otherwise direct

(4) We are to be at liberty to sell portions of the Farm provided that the Ministry of Health do not

otherwise direct.

- (5) The rentals to be received from letting any portions of the Farm are to be applied in maintaining and keeping in repair any buildings for the time being on the said lands or in improving the estate or in providing shelters and seats for public use or in planting trees or laying out portions of the Farm or in any other way calculated to enhance the value of the Farm for the purposes for which it was acquired or as hereinafter mentioned.
- (6) Any capital moneys arising from the sale of land shall either be expended in purchasing other land to be held upon the same conditions as hereinbefore mentioned or shall be invested and the income applied for the purposes mentioned in sub-clause (5) hereof.
- (7) Any surplus income not required for the purposes specified in sub-clause (5) hereof may be applied for such purposes for the public good similar in kind as nearly as possible to the purposes specified in sub-clause (5) hereof and preferably such purposes as cannot be provided for by the levying of rates.
- (8) Generally it is declared that the said lands have been acquired for the purpose of keeping large open spaces unbuilt upon to be available for the resort and recreation of the inhabitants of the said Borough and for promoting the health of the community.
- (9) No moneys whether capital or income are to be

added to the Borough Fund or District Fund—  
(10) We will cause these presents to be registered  
with the Charity Commissioners—

In witness whereof we the Mayor Aldermen  
and Burgesses of the Borough of Hyde have hereunto affixed  
our common Seal on the 10<sup>th</sup> day of May.  
One thousand nine hundred and twenty one—

The Common Seal of the  
Mayor Aldermen and Burgesses of  
the Borough of Hyde was hereunto  
affixed on the  
day of  
thousand nine hundred and twenty  
one—

L. James, Mayor.  
Town Clerk.

