



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. 28.

An Act for inclosing certain Lands called the *West Croft* and *Burton Leys*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*. [1st July 1839.]

WHEREAS there are in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham* a certain Meadow called the *West Croft*, containing Twenty-nine Acres and One Rood or thereabouts, a certain small Piece of Meadow adjoining to the said *West Croft*, containing One Acre or thereabouts, Part of the *Sweet Leys* Meadow, and a certain Piece of Land called *Burton Leys*, containing by Estimation Four Acres and a Half or thereabouts: And whereas the Freemen of the said Town of *Nottingham*, being the ancient prescriptive Burgesses of the said Town, are or claim to be entitled, when resident within the said Town, to certain Common of Pasture in, upon, and over the said Meadows and the said *Burton Leys*, and the Occupiers of old Toftsteads in the said Town also claim to be entitled to the same Common of Pasture in, upon, and over the said *Burton Leys*, and the said Freemen are or claim to be interested in the said Lands in respect of the Allotment thereof in Burgess Parts: And whereas the Mayor, Aldermen, and Burgesses of the Town of *Nottingham* are or claim to be, in their own Right, or as Trustees of an Estate called the Bridge Estate, the Owners of the Soil of the Whole of the said Meadows and Piece of Land, with the Exception of a Part of the herein-before mentioned Part of *Sweet*

[Private.]

Leys, and are also Lords of the Manor of *Nottingham*, within which Manor the said Meadows and Land are situated: And whereas *William Tomlin* is or claims to be entitled to all the Tithes or Tenths of Hay arising or issuing out of the said *West Croft*, and the charitable Trustees of the said Town, as Trustees of the Free Grammar School of the said Town, are or claim to be entitled to all the Tithes or Tenths of Hay arising or issuing out of the said *Sweet Leys* and *Burton Leys*: And whereas the Right Honourable Earl *Manvers* claims to be entitled to the Corn Tithes arising and to accrue from the said Lands, and the Reverend *George Wilkins*, as the Vicar of the Parish of *Saint Mary* aforesaid, further claims Five Tenths of One Sixth Part of the said *Burton Leys*, in compensation of the Right to the Vicarial Tithes of the same Land: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled

41G.3.c.109. *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*: And whereas an Act was passed in the Second Year of the Reign of His Majesty

1&2G.4.c.23. King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the said Meadows, from their Contiguity to the said Town of *Nottingham*, to the *Nottingham Canal*, to the *Trent Navigation*, to the great Turnpike Road called the *Flood Road*, leading from *Nottingham* to *London*, and to the Terminus or chief Station at *Nottingham* of the Midland Counties Railway, afford peculiarly advantageous Situations for the Erection of Warehouses, Factories, Mills, and other Buildings for the Purposes of Trade or Manufacture, and for the Formation of Wharfs, and it will be a great Benefit to the Trade, Commerce, and Manufactures of the said Town of *Nottingham*, and essentially increase the Borough Property and Finances, to the general Good of the Town at large, if the said Meadows and Land were inclosed and improved: And whereas it hath been proposed and agreed, between and by the Owners and Proprietors of the said Meadow Lands, and of the said Land called *Burton Leys*, and the Committee of the Freemen of the said Town called the Freemen's Rights Committee, acting on behalf of the Freemen entitled to Common of Pasture as aforesaid, that the said Meadows, and the said Piece of Land called *Burton Leys*, after discharging the Expence of obtaining and passing this Act, and of the said Inclosure, and the Award thereon, and the Expences of making certain Improvements in the said Meadow, and after compensating the said respective Tithe Owners for their Tithes, and setting out so much of the said Meadows intended to be inclosed as shall be necessary for the said Improvements, shall be allotted and divided in the following Proportions and Manner; (that is to say,) One Third Part in Quantity and Value of such Meadows or Land respectively to the said Persons entitled to the said Common Rights thereon, and the remaining Two Thirds thereof to the said Owners or Proprietors of the said Lands intended to be inclosed: And whereas the said Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *George Clark* of *Barnby Moor*, and *John Parkinson* of *Ley Fields* near *Ollerton*, both in the County of *Nottingham*, Gentlemen, and their Successors, to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for inclosing, setting out, dividing, and allotting the said Meadows, and the said Land called *Burton Leys*, herein-after more particularly mentioned and described; (that is to say,) a certain Meadow called the *West Croft*, in the Parish of *Saint Mary* in the Town and County aforesaid, bounded on or towards the North by the Hauling Path and Land of the *Nottingham Canal*, on or towards the West by the Terminus or Station of the *Midland Counties Railway*, on or towards the South by the adjoining Meadow called *Sweet Leys*, and on or towards the East by the Turnpike Road called the *Flood Road*, and containing by Estimation Twenty-nine Acres and One Rood or thereabouts; and also a certain other small Piece of Meadow Ground in the Parish and Town and County aforesaid, containing One Acre or thereabouts, being so much of the said Meadow Ground called *Sweet Leys*, lying between the Northernmost Arch of the *Seven Arch Bridge* on the said *Flood Road* and the South End of the *Meadow Foot Bridge* lying next West of the same, as will form into a straight Line the South Boundary of that Part of the Land so intended to be inclosed; and also a certain other Piece or Parcel of Land or Ground called *Burton Leys*, situate and being in the Parish and Town and County aforesaid, lying between and bounded on or towards the South by a public Street called *North Street*, on or towards the East by the Turnpike Road leading from the said Town of *Nottingham* to *Mansfield* in the County of *Nottingham*, on or towards the North by an Occupation Road leading from the said last-mentioned Turnpike Road to the Common Fields of the said Town of *Nottingham*, and on or towards the West by Lands of *Thomas Dickenson Hall* Esquire and *Benjamin Beeley*; and the said Commissioners shall and they are hereby empowered to put this Act and the said recited Acts into execution, in the Manner, and with the Powers and Authorities, and subject to the Rules, Orders, and Directions herein contained, and also with and subject to the Powers and Provisions of the said recited Acts, except where the same are hereby varied and altered.

Appointment
of Commis-
sioners.

II. And be it further enacted, That if the said *George Clark*, or any other Commissioner to be appointed in his Stead, as herein-after mentioned, shall die, or refuse to act, or become incapacitated, or neglect for the Space of Two Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts, before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed and performed, then and in every such Case it shall be lawful for the said Mayor, Aldermen, and Burgesses, and their Successors, by any Writing under their Common Seal, at any Time within Two Calendar Months next after such Death, Refusal, Incapacity, or Neglect shall happen or be made known to them, to appoint any other Person (not being interested in the said Inclosure, or the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of the said Mayor, Aldermen,

Appointment
of future
Commis-
sioners.

Aldermen, and Burgesses,) to be a Commissioner for the Purposes of this Act and the said recited Acts, in the Place of the said *George Clark*, or of any other Commissioner to be appointed in his Stead; and if the said *John Parkinson*, or any other Commissioner to be appointed in his Stead, as herein-after mentioned, shall die, or refuse to act, or become incapacitated, or neglect for the Space of Two Calendar Months to act as a Commissioner in the Execution of this Act and the recited Acts, before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed and performed, then and in every such Case it shall be lawful for the Freemen of the said Town, resident as aforesaid, or the major Part of them, at a Meeting held for that Purpose, within Two Calendar Months after such Death, Refusal, Incapacity, or Neglect shall happen or be known, (of which Meeting Seven Days Notice at least shall be given by the Town Clerk of the said Town and County, by affixing such Notice on the principal outer Door of the respective Churches of the Parishes of *Saint Mary*, *Saint Peter*, and *Saint Nicholas*, in the said Town and County, upon some *Sunday* before Divine Service, and causing the same to be inserted in each of the Newspapers then published in the said Town of *Nottingham* Seven Days at least before such Meeting,) to nominate and appoint, by written Memorandum or Resolution, signed by the Chairman of the said Meeting, a proper Person (not interested in the Inclosure, or an Agent of a Person so interested,) to be a Commissioner in the Place and Stead of the said *John Parkinson*, or of any other Commissioner to be appointed in his Stead; but if the said respective Parties shall neglect to make such Appointment or Appointments as aforesaid, then and in every such Case the surviving or remaining Commissioner shall and he is hereby required forthwith, by an Instrument or Writing under his Hand and Seal, to appoint another Person (not interested in the Premises, or such Agent as aforesaid,) to be a Commissioner for the Purposes of this Act and the said recited Acts in the Place or Stead of the Commissioner so dying, or refusing or becoming incapable of acting, or neglecting as aforesaid; and every Person so to be appointed a Commissioner as aforesaid shall take and subscribe the Declaration prescribed by this Act, and shall thereupon have such and the like Powers and Authorities in all respects for putting this Act and the said recited Acts into execution as if he had been named and appointed a Commissioner in and by this Act, which said several Instruments of Nomination and Appointment shall be enrolled in the same Place, and Evidence thereof given in the same Manner, as in and by the said recited Acts and this Act, or any of them, is directed concerning the Award to be made by the said Commissioners,

Appointment
of Umpire.

III. And be it further enacted, That the said Commissioners shall (after having taken and subscribed the Declaration prescribed by this Act, and before they proceed to any other Business touching the Execution of this Act,) and they are hereby authorized and required to name and appoint some fit and proper Person (not interested in the said Inclosure, or the Agent as aforesaid of the said Mayor, Aldermen, and Burgesses, or of any Person interested in the said Inclosure,) to be an Umpire for the Purposes of this Act; and
when

when the said Commissioners shall differ or disagree in Opinion touching any Matter or Thing to be done in the Execution of this Act or the said recited Acts, then the Matter upon which such Difference shall or may arise shall be settled and determined by such Umpire, whose Determination in Writing shall be binding and conclusive upon the said Commissioners and on all others, so far as the Judgment and Determination of the said Commissioners would in such Case have been binding and conclusive; and in case any such Umpire shall neglect to settle and determine any such Difference after the same shall have been referred to him by the said Commissioners, and a written Notice under the Hands of the said Commissioners, or One of them, shall have been served upon him, requiring him to settle such Difference within Thirty Days from the Service of such Notice, such Neglect shall be and be deemed and taken to be a Refusal to act, within the Intent and Meaning of this Act; and in every such Case, or in case of the Death or Incapacity to act of such Umpire, the said Commissioners acting in the Execution of this Act and of the said recited Acts shall forthwith proceed to nominate and appoint another fit and proper Person (not interested or concerned as aforesaid) to be such Umpire as aforesaid; and for the Purposes aforesaid, but not for any other Purpose, the acting Umpire shall have and he is hereby vested with the same Powers and Authorities as by this Act and the said recited Acts are given to or vested in the said Commissioners; and his Determination shall be deemed and considered to all Intents and Purposes the Determination of the said Commissioners.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner or Umpire in the Execution of this Act until he shall have made and subscribed the Declaration following; (that is to say,) Commissioners and Umpire to make Declaration.

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers and Authorities vested and reposed in me as a Commissioner [*or Umpire*] by virtue of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.’

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed; which Declaration any Justice of the Peace for the said Town and County is hereby empowered to administer; and such Declarations, and also the Writing appointing such Umpire, shall be annexed to and enrolled with the Award of the said Commissioners.

[*Private.*]

9 a

V. And

Appointment
of Clerk.

V. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to appoint a Clerk or Clerks to assist them in the Execution of the Powers of the said recited Acts and this Act, and from Time to Time to remove such Clerk or Clerks, and to appoint another or others in his or their Stead, as to such Commissioners shall seem meet.

Appointment
of Surveyor.

VI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Writing under their Hands, to nominate and appoint any Person or Persons, not interested in the said Inclosure, or the Agent of any Party so interested, to be Surveyor or Surveyors for the Purposes of the said Acts and this Act, so far as relates to the inclosing only of the said Lands; and if any Surveyor to be appointed by the said Commissioners shall die, neglect or refuse to act, or become incapable of acting in the Execution of the said recited Acts and of this Act, so far as relates to the inclosing only of the said Lands, before the Duties hereby or by the said recited Acts reposed in him or them are performed, then and in every such Case the said Commissioners shall have Power and they are hereby authorized and required to appoint some other fit and proper Person (not interested in the said Inclosure, or an Agent as aforesaid,) to succeed to such Office, and so from Time to Time as often as any future Vacancy in that Office shall happen; and in case any such Surveyor shall neglect to perform any of the Duties reposed in him, and a written Notice under the Hands of the said Commissioners, or One of them, shall have been served upon him, or left at his last or usual Place of Abode in *England*, requiring him to perform any such Duty so neglected within Thirty Days from the Service of such Notice, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

Surveyor to
make Decla-
ration.

VII. Provided always, and be it further enacted, That the Person or Persons so to be appointed Surveyor or Surveyors as aforesaid, before he or they shall proceed to act as such Surveyor or Surveyors, shall take and subscribe a Declaration in the Form or to the Effect following; (that is to say,)

Declaration.

‘ I *A. B.* do declare, That I will act in the Execution of the Powers, Authorities, and Trusts reposed in me as Surveyor by virtue of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [here set forth the Title to this Act], faithfully, impartially, and honestly, according to the best of my Skill, Judgment, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.’

Which Declaration the said Commissioners or either of them, or any Justice of the Peace for the said Town and County, are and is hereby empowered to administer; and such Declaration, and also the Writing appointing such Surveyor or Surveyors, shall be annexed to and enrolled with the Award of the said Commissioners.

Allowance to
Surveyor.

VIII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing

this Act, and executing the same and the said recited Acts, the Person for the Time being employed as Surveyor for the Purposes of this Act shall be paid and allowed, for his Time and Trouble in surveying, measuring, mapping, and planning the Meadows and Lands necessary to be surveyed for the Purposes of this Act, One Pound Eleven Shillings and Sixpence for each and every Day he shall be actually and wholly employed either in surveying, measuring, mapping, or planning, or otherwise as a Surveyor for the Purposes of this Act, and also his travelling Expences, which said Sum of One Pound Eleven Shillings and Sixpence *per* Day shall be in full Satisfaction for his Time and Trouble as such Surveyor in or about the Execution of this Act.

IX. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioners, Umpire, and Clerk shall respectively be paid, for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, as follows; namely, each of the said Commissioners, Umpire, and Clerk, the Sum of Three Pounds and Three Shillings, and their travelling Expences, and no more, in full Satisfaction for their Time and Trouble during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, engrossing, and enrolling the Award of the Commissioners, and of Notices and Advertisements.

Allowance to
Commis-
sioners.

X. And for regulating the Allowances to the said Commissioners, Umpire, and Clerk, under the Provisions of this Act, be it further enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that where the Time occupied in going to, attending at, and returning from any Meetings to be holden or other Business transacted for the Purposes of this Act shall be of less Duration than Eight or Six Hours (as the Case may be) the same shall be charged as only Half a Day, and the said Commissioners, Umpire, and Clerk shall be paid accordingly; and a Book shall be provided and kept by the Clerk of the said Commissioners, in which shall be entered the several Days on which the said Commissioners or Umpire shall hold their or his Meetings, and also at what Hour the said Commissioners, Umpire, and Clerk were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioners, Umpire, and Clerk, at the Termination of each Meeting, and be open to the Inspection of any Person interested in the said Inclosure, or the Agent or Attorney of any such Person or of any Corporation so interested, during any Meeting to be held in pursuance of this Act; and all such Persons may take Copies of

For regulat-
ing Duration
of Meetings

or

or Extracts from such Book without paying any thing for the same.

All Orders to be entered in a Book.

XI. And be it further enacted, That all Orders, Proceedings, and Determinations at any Meetings to be holden in pursuance of this Act shall be entered in a Book or Books, to be provided for that Purpose, and kept by the Clerk to the said Commissioners, and shall be signed by the said Commissioners at such Meetings, and being so signed shall be deemed and taken as Originals; and all such Books may be read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings touching any Matter or Thing to be done in relation to or in pursuance of this Act.

Notice of Meetings how to be given.

XII. And be it further enacted, That the said Commissioners shall and they are hereby required to give or cause to be given public Notice in each of the Newspapers then published in the said Town, and also Notice in Writing by affixing the same on the principal outer Door of the Exchange Hall in the said Town, or in some other public and conspicuous Situation, of the Time and Place of the First and every subsequent Meeting for the Execution of this Act, Ten Days at least before every such Meeting (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn such Meetings from Time to Time as they shall see Occasion for the Execution of this Act and the said recited Acts: Provided always, that if only One Commissioner shall attend at the Time and Place appointed for any such Meeting, it shall and may be lawful for such Commissioner to adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Day on which such Meeting was appointed to be held, giving Notice thereof to the absent Commissioner: Provided also, that in case neither of the said Commissioners shall be present at the Time and Place appointed for any such Meeting as aforesaid, then it shall be lawful for the Clerk or Clerks to the said Commissioners to adjourn the same to any future Day, not exceeding Fourteen Days from the Day on which such Meeting was appointed to be held, giving Notice thereof to the said Commissioners.

One Commissioner may adjourn a Meeting.

Clerk may adjourn a Meeting.

Other Notices how to be given.

XIII. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of the said recited Acts or of this Act, the Mode of giving which is not hereby particularly directed, shall be so given by Advertisement in each of the Newspapers then usually published in the said Town, and also by Notice in Writing to be affixed on the principal outer Door of the Exchange Hall aforesaid, or in some other public and conspicuous Situation.

Settling Commissioners Accounts.

XIV. And be it further enacted, That once at least in every Six Calendar Months during the Execution of this Act (to be computed from the Day of passing this Act) 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 applied in the Execution of this Act, or due to them, and to any other Person or Persons to be employed by them in carrying this Act into

into execution, for their Trouble and Expences in the Execution of this Act; and in every such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum shall have been paid or disbursed; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall once at least in every Six Calendar Months be by them laid before any One or more of Her Majesty's Justice of the Peace for the said Town and County, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the said Commissioners; and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be published in some Newspaper then printed and circulated within the said Town and County of the Town of *Nottingham*; and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been duly allowed by such Justice or Justices, and until such Account or Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

XV. And be it further enacted, That if any Question or Dispute shall arise between any Parties interested in the said Meadows and Land, or any of them, as Proprietors, Tithe Owners, Commoners, or otherwise, before setting out and allotting the same in manner herein-after mentioned, touching the Extent, Identity, or Possession of any Plot, Parcel, or Portion thereof, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in, upon, and over the said Meadows and Land, or any of them, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, then it shall be lawful for the said Commissioners or their Umpire, upon Examination of Witnesses upon Oath or Affirmation (which Oath or Affirmation such Commissioners or Umpire are or is hereby authorized to administer), or upon other Evidence satisfactory to them, to examine into and determine the same, and to make such Order therein as to them shall seem just and reasonable: Provided always, that nothing herein contained shall authorize the said Commissioners to alter or vary all or any of the several Matters or Arrangements herein-before stated to have been concluded between the Parties interested as aforesaid: Provided also, that nothing herein contained shall authorize or empower the said Commissioners to determine the Title to any Lands, or to determine any Right between any of the Parties contrary to their Possession, but in case the said Commissioners shall be of opinion against the Right of the Party so in possession they shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Party by due Course of Law.

Commis-
sioners to
determine
Disputes.

XVI. And be it further enacted, That in case the said Commissioners, upon the hearing and determining of any Claim or Objection to be delivered to them in pursuance of the said recited Acts or this Act, shall see Cause to award any Costs, it shall be lawful for the

Power to
award Costs.

[*Private.*]

said

said Commissioner and they are hereby empowered, upon Application made to them for that Purpose, to assess and award such Costs and Charges as they shall think reasonable to be paid to the Person or Persons, Body or Bodies Politic or Corporate, in whose Favour any Determination of the said Commissioners shall have been made by the Person or Persons, Body or Bodies Politic or Corporate, whose Claim or Objection shall be thereby disallowed; and in case any Person or Persons, Body or Bodies Politic or Corporate, liable to pay such Costs and Charges, shall refuse or neglect to pay the same, on Demand, the said Commissioners shall and they are hereby 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, Body or Bodies Politic or Corporate, so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Persons, Body or Bodies Politic or Corporate, whose Goods and Chattels shall have been so distrained and sold, after deducting all Expences attending such Distress and Sale; or if there shall be no Goods or Chattels whereon to levy such Costs, Charges, and Expences, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, in whose Favour such Costs shall be awarded, to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted in the Sum specified in the said Award or Order of Adjudication made by the said Commissioners, and in consequence of such Award or Order, without setting forth any other Proceedings under this Act.

XVII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic or Corporate, interested or claiming to be interested in the said Division or Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of any Rights or Interests in, over, or upon or out of the Meadows or Land hereby intended to be divided, allotted, or inclosed, or any Part or Parts thereof, or any Objection or Objections to such Claim or Claims, or touching or concerning any Matter or Thing whatsoever relative to the Division, Allotment, or Inclosure by this Act directed, (except where the Determination of the said Commissioners is hereby declared to be final,) it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic or Corporate, in whose Favour any such Determination shall have been made, within Six Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to the Party or Parties against whom such Determination shall have been so made, or to his, her, or their Agent or Attorney; and thereupon the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied, shall proceed to a Trial at Law at the then next or the following Assizes to be holden for the County of *Nottingham* after such Action or Actions shall have been commenced; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required, to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept

of One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced (in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic or Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts 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 thereby determined, according to the Event of such Trial or Trials; and the Costs of any such Action or Actions shall abide the Event of the respective Trials of such Issue or Issues: Provided always, that if no such Action at Law shall be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioners shall be binding, final, and conclusive to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened.

XVIII. Provided also, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties so dying might have been served therewith if living; and such Clerk shall serve the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid with such Process, and it shall thereupon be incumbent upon the Heir or Heirs, or such other Person or Persons, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons were actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Death of
Parties not
to prevent
Actions.

XIX. And be it further enacted, That no Difference, Dispute, Action, or Proceeding as aforesaid, nor any Difference concerning the Title to any Lands, shall impede or delay the said Commissioners in

Suits not to
delay the
Execution of
the Act.

in the Execution of this Act, but the said Division, Allotment, and Inclosure shall be proceeded with, notwithstanding such Difference, Dispute, Action, or Proceeding; and the said Commissioners shall award the Allotment in respect of the Lands to which such Difference, Dispute, Action, or Proceeding shall relate to the Party who shall be in the actual Possession or Enjoyment of such Lands, and the same Allotment shall follow the Event of such Action or Proceeding, and after the Determination thereof shall be taken and held by the Person or Persons, Body or Bodies Politic or Corporate, who upon such Determination shall become entitled thereto.

Deaths not to prevent the Execution of the Act.

XX. And be it further enacted, That if any of the Parties interested in the said Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby suspended or determined, but the said Commissioners shall proceed in the Execution of the Powers given to them by this Act or the said recited Acts, in such Manner as they might have done in case such Party or Parties were still living, and the Share or Interest of the Person or Persons so dying shall be allotted or directed to be paid to the Person or Persons who by Law shall become entitled to the same, and shall be accepted, taken, and received by him, her, or them, according to the Directions of this Act or the said recited Acts.

Power to stop up or divert Highways.

XXI. And be it further enacted, That in setting out and appointing the several Streets in pursuance of this Act the said Commissioners shall and they are hereby authorized, if they shall think it necessary or proper, with the Consent and by the Order of Two Justices of the Peace, to discontinue, to stop up, divert, turn, or alter any of the Highways, Bridleways, or Footways passing or leading through or over any of the Lands to be divided by virtue of this Act, or passing or leading through or over any of the uninclosed Lands adjacent thereto within the said Parish of *Saint Mary*; and the Soil of the Roads and Ways so to be discontinued and stopped up when such Roads and Ways pass through allottable Land shall be deemed and taken to be Part of the Lands to be divided and allotted by virtue of this Act: Provided always, that if the present Footway leading across the said *West Croft* from the Wooden Bridge at the South End of *Trent Row* to the *Flood Road* shall be stopped up, the said Commissioners shall set out a Street or Road from the said Wooden Bridge in a Southerly Direction, until it shall intersect a Street leading from East to West immediately North of the Branch Canal herein-after mentioned.

Proceedings previously to diverting or stopping up Highways

XXII. Provided always, and be it further enacted, That before any public Highway, Bridle Road, or Footway shall be discontinued, stopped up, diverted, or altered by the said Commissioners, the said Commissioners shall cause to be affixed, at each End of the said public Highway, Bridle Road, or Footway so proposed to be discontinued, stopped up, diverted, or altered, a Notice to the Effect that such public Highway, Bridle Road, or Footway is intended to be discontinued, stopped up, diverted, or altered (as the Case may be) by the said Commissioners, and the said Commissioners shall also cause the same Notice to be inserted in One Newspaper published or generally circulated in
the

the said Town and County of the Town of *Nottingham* for Four successive Weeks, and shall also cause a like Notice to be affixed on some principal Door of the Church of the said Parish of *Saint Mary* on Four successive *Sundays*; and after the said several Notices shall have been so affixed and published as aforesaid, and such Order of the said Justices as herein-before mentioned shall have been obtained, the said Highway, Bridle Road, or Footway shall be and be deemed to be discontinued, stopped up, diverted, or altered, (as the Case may be,) subject however to such Appeal to the Court of General Quarter Sessions for the County of *Nottingham* as is herein-after mentioned.

XXIII. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Highway, Bridle Road, or Footway should be discontinued, stopped up, diverted, or altered, within the Space of Four Calendar Months after any Road shall be so discontinued, stopped up, altered, or diverted as aforesaid, to make his Complaint thereof, by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving to the said Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Persons who may think themselves aggrieved if such Highways should be ordered to be stopped up or diverted, may appeal.

XXIV. And be it further enacted, That in case of such Appeal the Justices of the said Quarter Sessions shall, for the Purpose of determining whether the said Highway, Bridle Road, or Footway so intended to be discontinued, stopped up, diverted, or altered is unnecessary, or whether the said Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions, and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that the Highway, Bridle Road, or Footway so intended to be discontinued, stopped up, altered, or diverted is unnecessary, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioners, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said recited Act passed in the Forty-first Year of the Reign of His Majesty King *George* the Third; but if the said Jury shall return a Verdict that the Highway, Bridle Road, or Footway so to be discontinued, stopped up, diverted, or altered is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved by such Highway, Bridle Road, or Footway being so discontinued, stopped up, diverted, or altered, (as the Case may be,) the said Court of Quarter Sessions shall allow such Appeal, and such Highway,

In case of Appeal, Jury at Sessions to determine whether old Highway shall be discontinued.

[*Private.*]

Bridle Road, or Footway shall not be discontinued, stopped up, diverted, or altered, and the said Court shall make an Order for restoring such Highway, Bridle Road, or Footway to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal; and such Costs and Expences shall be paid by the said Commissioners, and shall be raised by them in such and the same Manner as they are hereby directed or empowered to raise the Money for discharging the Costs, Charges, and Expences of this Act.

Expences of discontinuing or altering Roads provided for.

XXV. And be it further enacted, That the Charges and Expences attending the stopping up, discontinuing, diverting, and altering of such Roads shall be raised and paid in such and the like Manner as the Expences of obtaining and executing this Act are hereby directed to be raised and paid.

Extinguishment of all Common and other Rights and Tithes.

XXVI. And be it further enacted, That all the said Rights of Pasture, and all the said Tithes, and all other Rights in, over, or upon the said Meadows or Pieces of Meadow Ground, and in and over the said Land or Ground called *Burton Leys*, respectively hereby intended to be inclosed, which the Freemen of the said Town of *Nottingham*, or any other Person or Persons whomsoever, now have or claim to have in or upon the same, or any Part or Parts thereof, and all other Rights and Privileges heretofore used and exercised in or over the said Meadows or Pieces of Meadow Ground, and also in and over the said Land or Ground called *Burton Leys*, shall cease at such Time or Times as the said Commissioners shall, by Notice in Writing to be given in each of the Newspapers then usually published in the said Town of *Nottingham*, and by affixing or causing to be affixed a like Notice, under their Hands, upon the Door of the Exchange Hall in the said Town, or in or upon some other public and conspicuous Situation in the said Town, order and direct, and the same and every of them shall be thenceforth for ever utterly extinguished; any Law, Usage, or Custom to the contrary notwithstanding.

Land to be set out for Canal.

XXVII. And be it further enacted, That the said Commissioners shall, in the first place, set out so much Land in the said Meadow called the *West Croft* as shall be necessary for making a Branch Canal from the *Nottingham* Canal, and the Banks thereof, and the Hauling Path thereto, and which Branch Canal and other Works shall be set out in the Line or Course delineated on a Map or Plan deposited with the Clerk of the Peace for the said Town and County of the Town of *Nottingham* on the Thirtieth Day of *November* last: Provided always, that it shall be lawful for the said Commissioners, with the Consent of the said Mayor, Aldermen, and Burgesses, testified in Writing under their Common Seal, to vary the Course of the said Branch Canal and other Works; provided that no such Variation shall extend into any Lands except such as are by this Act authorized to be divided, allotted, and inclosed.

Commissioners to set out Streets.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to set out in the said Meadows, and also in *Burton Leys* aforesaid,

aforesaid, such and so many Streets, Roads, and Footways as shall be by the said Commissioners thought most for the Advantage, Improvement, and Convenience of the said Lands, and of the Buildings, to be erected thereon, and shall also set out as a public Street such Part of *Burton Leys* aforesaid as may be necessary to make the adjoining Part of the said Street called *North Street* Forty Feet wide; and also a Street Fifty Feet wide near the Terminus of the Midland Counties Railway, commencing at or near the *Tinkers Leen*, to join the intended Bridge across the *Nottingham Canal* towards *Carrington Street*; and when the same Streets, Roads, and Footways shall have been formed, levelled, paved, or macadamized, and flagged respectively, it shall be lawful for the said Commissioners, at any Meeting to be held by them according to the Provisions of this Act, with the Consent of a Vestry Meeting of the said Parish of *Saint Mary*, and of Two Justices of the Peace, to declare the same to be public Highways; and from and after such Declaration, and not sooner, the same shall be and be deemed and taken to be public Highways to all Intents and Purposes, and shall from thenceforth be supported and kept in repair by such Persons and in such Manner as public Roads within the said Parish of *Saint Mary* are or ought by Law to be supported and kept in repair.

XXIX. Provided always, and be it further enacted, That all Streets to be made over the said *West Croft* and *Burton Leys*, extending from East to West, shall be not less than Fifty Feet clear Breadth, with flagged Causeways of not less Width than Eight Feet; and all transverse Streets proceeding in a Direction from North to South shall be not less than Forty Feet clear Breadth, with flagged Causeways of not less Width than Six Feet; and all such Streets over the said *West Croft* shall have a Surface or Summit Level in accordance with the said Turnpike Road leading from *Nottingham* to *London*, called the *Flood Road*.

Regulating
Formation of
Streets.

XXX. And whereas Part of the said Piece of Land called *Burton Leys* is, from its central and commanding Situation, peculiarly adapted for the Erection of an additional Church proposed to be built in the said Town of *Nottingham*: And whereas the Erection of such Church would be very advantageous to the Inhabitants of the said Town; be it therefore enacted, That in case any Application in Writing shall be made to the said Commissioners within the Space of Six Calendar Months after the passing of this Act, by or on behalf of any Trustees of such intended Church, applying for any Portion of the said Land for such Purpose, the said Commissioners shall and they are hereby required to set out and mark any Quantity of such Land, not exceeding Four thousand Yards, adjoining to the Street and Road called *North Street* and *Mansfield Road*, and shall first offer to sell the same to such Trustees or Persons, at such Price and for such Consideration Money as the said Commissioners, with the Consent of the said Mayor, Aldermen, and Burgesses, and of the said Freeman's Rights Committee, shall think fit; and if such Trustees or Persons shall refuse or neglect, for the Space of Six Calendar Months after the same Land shall have been so set out, to purchase such Land, the same may be sold to any other Person or Persons, or may be divided and allotted in manner herein-

Certain
Lands to be
first offered
for Sale to
the Trustees
of the intend-
ed Church.

herein-after mentioned: Provided always, that the Sale and Conveyance of any such Land shall be made in manner next herein-after directed with respect to the Sale of Land for defraying the Expences of this Act, and the Money to arise from the Sale thereof shall be applied for any of the Purposes for which Money to be raised by virtue of this Act is herein-after directed to be applied.

Lands to be set out for Sale to defray Expences of Act.

XXXI. And be it further enacted, That the said Commissioners shall set out and allot such Parts and Parcels of the said Meadows intended to be hereby inclosed as they shall judge from Time to Time of sufficient Value, when sold, to defray the necessary Expences of applying for and obtaining this Act, and of carrying the same and the said recited Acts into execution, also of surveying, measuring, planning, valuing, dividing, and allotting the said Meadows and the said other Land, and of preparing and depositing their Award, and also of forming the said Branch Canal, and the Hauling Path thereof, and making the Bridges, Viaduct, and other Works necessary to be made for completing the Communications at both Ends with the *Nottingham* Canal, and making the Viaduct and Works under and through the said *Flood Road*; and the said Commissioners shall and may sell such Allotment or Allotments in the Manner and subject to the Regulations mentioned and contained in the said first-recited Act; and the said Commissioners shall, on Payment of the Purchase Money or Purchase Monies for such Allotment or Allotments so to be sold for the Purposes aforesaid, and they are hereby authorized and empowered, by Indenture or Indentures under their Hands and Seals duly executed and attested (to be prepared at the Expence of the Purchaser or Purchasers), to convey, assure, and confirm the same Allotment or Allotments, free from all Claims, Incumbrances, and Demands, by way of Lease and Release, or by Deed of Feoffment, to the Use of the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns for ever, or unto such Person or Persons, and to or for such Uses, Intents, and Purposes, and upon and for such Trusts, as such Purchaser or Purchasers shall by such Deeds of Lease and Release, or Deed of Feoffment, direct or appoint; and every such Conveyance shall be valid and effectual in the Law, according to the Form and Effect of such Conveyance or Conveyances, any thing in the said first-recited Act to the contrary notwithstanding.

Corporation and Freemen to have the Option of paying their Share in Money.

XXXII. Provided always, and be it further enacted, That if before the said Commissioners shall have made their Award, the said Mayor, Aldermen, and Burgesses shall otherwise provide, to the Satisfaction of the said Commissioners, for Two Thirds of all the Expences for which the said Allotment is lastly herein-before directed to be made, and the said Freemen shall, to the like Satisfaction of the Commissioners, otherwise provide for the remaining One Third thereof, and neither the said Mayor, Aldermen, and Burgesses, nor the said Freemen's Trustees, to be chosen as herein-after mentioned, shall in Writing require the said Commissioners to make the last-mentioned Allotment, in that Case, but not otherwise, the same shall not be made, and the same shall remain Part of the Lands to be allotted to the said Mayor, Aldermen, and Burgesses, and to the said Freemen, as herein-after mentioned.

XXXIII. And

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, of any Person willing to advance and lend the same, such Sum of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act and carrying the same into execution, until Money can be obtained for that Purpose under the Powers of this Act, when the Money so borrowed shall be paid off with legal Interest for the same.

Power to borrow Money until Sale of Land.

XXXIV. And be it further enacted, That the Monies to be raised by virtue of this Act shall be applied by the said Commissioners in defraying the necessary Expences of applying for and obtaining this Act, and of carrying the same and the said recited Acts into execution, and of surveying, measuring, planning, valuing, dividing, and allotting the said Meadows and the said other Land, and of preparing and depositing their Award; and out of the Remainder of such Monies the said Commissioners shall pay to the Treasurer of the said Town and County of the Town of *Nottingham* such Sum or Sums of Money as the Town Clerk of the said Town and County shall from Time to Time certify to be necessary for the Purpose of forming the said Canal, and making the Bridges, Viaducts, and other Works necessary to be made for completing the Communication at both Ends with the *Nottingham* Canal; and the Surplus of any such Monies shall be divided and appropriated in manner following; (that is to say,) One Third Part thereof to the Trustees of the Freemen, to be appointed as herein-after mentioned, and the other Two Third Parts thereof between the several other Persons and Bodies Politic or Corporate, according to their respective Interests in the Lands by this Act directed to be inclosed, and such proportional Parts shall be paid to those Parties who are Tenants in Fee Simple of the Estates in right of which they shall be entitled to such surplus Monies, or otherwise the said surplus Monies shall be appropriated in manner herein-after directed with respect to the Money to be paid for the Purchase or Exchange of any Lands, or of the Timber or Wood growing thereon.

Application of Money to be raised.

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next place, to set out and allot unto and for the said *William Tomlin*, the said Earl *Manvers*, and the said Vicar of the said Parish of *Saint Mary*, and unto and for the said charitable Trustees, for and on behalf of the said Free School, severally and respectively, so much and such Part and Parts of the said Lands hereby authorized to be inclosed as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation to the said *William Tomlin*, the said Earl *Manvers*, the said Vicar of *Saint Mary's*, and the said charitable Trustees for the said Free School, severally and respectively, for their said several and respective Claims (when substantiated to the Satisfaction of the said Commissioners) in, over, and upon the said Lands hereby authorized to be inclosed.

Allotments for Tithes.

XXXVI. And be it further enacted, That the said Commissioners shall and they are hereby required, after they shall have set out all the said several Allotments as herein-before mentioned, in the next

Allotments to Commissioners.

[*Private.*]

place, to divide, set out, and allot unto or for the Freemen of the said Town for the Time being, in full Compensation for all Rights of Common or Pasturage upon and over the said Meadow Lands called the *West Croft* and *Sweet Leys*, intended to be hereby inclosed, so much of the same Meadow Lands as in the Judgment of the said Commissioners shall be equal in Value to One Third of so much of the said Meadow Lands as shall then remain to be divided and allotted under and by Authority of this Act, and shall also divide, set out, and allot, unto or for the Freemen of the said Town for the Time being, and unto or for all other Persons (if any) who shall establish any Right of Common or Pasturage upon and over the Land called *Burton Leys*, in the Judgment and to the Satisfaction of the said Commissioners, to be declared in their said Award, in full Compensation for all such their said Rights of Common thereon, so much of the same Land called *Burton Leys* as in the Judgment of the said Commissioners shall be equal in Value to One Third of so much of the same Land as shall then remain to be divided and allotted under and by virtue of this Act, and shall divide and allot, in such Proportions as they shall see fit, the said last-mentioned Allotment between the said Freemen and the said other Commissioners (if any).

How Allotment to Freemen may be made.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, before the Execution of their Award, by giving Notice in manner herein-before directed for Meetings for appointing a new Commissioner, to call a public Meeting or Meetings of the resident Freemen of the said Town of *Nottingham*; and the Freemen, or the major Part of them, respectively present at such Meeting or Meetings, shall nominate and appoint such Persons, not exceeding Five in Number, as Trustees on their Behalf, as they shall think proper, and the said Allotment in the said Meadows and in the said *Burton Leys* to or for the said Freemen shall be made by the said Commissioners to and be vested in such Persons so appointed by the said Freemen as Trustees for the said Freemen; and such respective Allotments shall be by them the said Trustees held with such Powers for appointing new Trustees, indemnifying the Trustees, defraying the Expences of the Trusts thereof, and such other Provisoos or Directions as shall be ordered, directed, or determined at such public Meeting of the said Freemen: Provided always, that at every such public Meeting the said *John Parkinson*, or the Commissioner to be appointed in his Stead, shall preside as Chairman, and written Memoranda or Resolutions, signed by such Chairman, stating the Names of the Persons appointed to act as such Trustees, and also the Orders, Directions, or Determinations of such Meeting, shall be conclusive Evidence of the Appointment of such Persons as Trustees, and of the making of such Orders, Directions, or Determinations, and such written Memoranda or Resolutions shall be annexed to and deposited with the Award of the said Commissioners.

Application of Rents arising from Freemen's Allotments.

XXXVIII. And be it further enacted, That the said respective Allotments so to be made to the Trustees for the said Freemen in the said Meadows and in *Burton Leys* aforesaid shall and may be let from Year to Year, or demised for a Term or Terms of Years, by the said

said Trustees for the Time being, or the Survivors of them, either by public Auction or by private Contract, in such Lots, at such Times, and in such Manner, and at such Rent or Rents as they shall think fit; and further, that it shall and may be lawful to and for the said Trustees for the Time being, with the Consent of a Majority of the said Freemen present at some Meeting to be called as herein directed with respect to the Meetings for appointing a new Commissioner, and with the Approbation of the Lords Commissioners of Her Majesty's Treasury, or any Three of them, to sell the said Allotments so made to the said Trustees of the said Freemen, or any Part or Parts thereof, in One or more Lot or Lots, by Auction or private Contract; and the Conveyance or Conveyances of such Land so sold by such Trustees for the Time being, or the Survivors of them, shall be valid and effectual to all Intents and Purposes; and the Receipt of such Trustees, or the Survivors of them, for the Purchase Money of the said Hereditaments so sold shall be complete and effectual Discharges for the Money therein expressed to be received; and after such Conveyance and Receipt so made and given the said Lands and Hereditaments so sold in Fee Simple shall be and remain absolutely vested in such respective Purchasers, discharged of all prior Rights, Titles, Claims, and Demands whatsoever; and the Proceeds of such Sale or Sales shall be forthwith invested by the said Trustees in the Purchase of Freehold Lands or in Real Securities in *England*, or in the Government Stocks or Funds of *Great Britain*; and the Rents and Profits of the said Allotments until sold, and the Rents, Dividends, and Interests of the said Lands and Real and Government Securities in or upon which the Proceeds of any Sale or Sales thereof shall be so invested, shall be by the said Trustees for the Time being applied; appropriated, and divided in so many Burgess Part Payments as the said Trustees shall think fit, but such Burgess Parts to be not less than Ten Pounds *per Annum* each, and to be allotted by the Council of the said Town of *Nottingham* in the same Way and Manner as Burgess Parts have hitherto been accustomed to be allotted by the Corporation of the said Town to the senior Freemen in Rotation upon the Burgess or Freemen's Roll.

XXXIX. And be it further enacted, That the said Commissioners shall, in the next place, set out and allot, unto and for any other Parties having any Rights in the said Meadows, (except the said Mayor, Aldermen, and Burgesses,) so much of the said Meadows as shall in the Judgment of the said Commissioners be equal to their respective Interests and Rights in so much of the said Meadow Land as shall then remain to be divided and allotted under the Authority of this Act. Allotments to certain Owners.

XL. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot the Residue and Remainder of the said Meadows, and also of the said Land called *Burton Leys*, respectively intended to be hereby inclosed, unto and for the said Mayor, Aldermen, and Burgesses of the said Town of *Nottingham*, and shall by their said Award distinguish how much of the Allotment to the said Mayor, Aldermen, and Burgesses Allotment to Corporation.
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in *Burton Leys* shall be and form Part of their said Chamber Estate, and how much shall be and form Part of the said Bridge Estate.

Allotment of
5*l.* in lieu of
each Burgess
Part.

XLI. And whereas the said Mayor, Aldermen, and Burgesses have been in the Practice of allotting the said *West Croft* Meadow to aged Freemen of the said Town of *Nottingham*, according to Rotation of Admission on the Burgess Roll, or their Widows, in Sixteen small Parts or Divisions called Burgess Parts, at different Rents, or of making Money Payments in lieu thereof, and of allotting in like Manner that Part of the said *Burton Leys* which belongs to the Bridge Estate of the said Town, in Five Burgess Parts, at different Rents, or of making Money Payments in lieu thereof, for the Ease and Benefit of such aged Freemen or their Widows: And whereas it hath been futher stipulated and agreed between the said Mayor, Aldermen, and Burgesses, and the Freemen, that a Money Payment as herein-after mentioned of Five Pounds in lieu of each such Burgess Part shall be granted to such aged Freemen and their Widows; be it therefore enacted, That from and after the passing of this Act the said *West Croft* and *Burton Leys* shall cease to be held, occupied, or enjoyed as or for Burgess Parts, and in lieu thereof there shall be paid by the said Mayor, Aldermen, and Burgesses, to each of the aged Freemen or Widows now enjoying the Benefit of the said Allotments in the said *West Croft* and *Burton Leys*, or Money Payments in lieu thereof, and after their respective Deceases to other aged Freemen of the said Town, or their Widows, in Succession, for the same Terms, in the same Rotation, and under the same Title as the said Burgess Parts or Money Payments in lieu thereof would have been allotted and held in case this Act had not passed, the yearly Sum of Five Pounds Sterling, by Four equal quarterly Payments on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September* and the Twenty-fifth Day of *December*, in each and every Year, and the same shall be so paid out of the Rents and Income of such Part of the Chamber Estate of the said Mayor, Aldermen, and Burgesses as they the said Mayor, Aldermen, and Burgesses shall by Writing under their Common Seal, and to be annexed to the said Award of the said Commissioners, select, and which shall be of sufficient Value in the Judgment of the said Commissioners to secure such Payments to the said Freemen and their Widows in manner aforesaid, and which Part of the said Chamber Estate so selected shall be particularly described by the said Commissioners in their said Award.

Regulating
the Buildings
to be erected.

XLII. Provided always, and be it further enacted, That no other Buildings shall be erected or permitted on the said Meadow Lands, or any Part or Parts thereof, than Warehouses, Factories, Mills, or other Buildings for the mere Purpose of Trade, except Dwelling Houses of not less Value than Five hundred Pounds each, or except One Dwelling House or Two Dwelling Houses with each Set of Trade Premises, and connected therewith, and being, together with such Trade Premises, of not less Value than Five hundred Pounds, nor shall any such House or other Building be at any Time divided into or let off as separate Tenements for the Residence of separate Families, nor be

in any other Way used or occupied in contravention of the true Intent and Meaning of this Proviso; and proper Clauses and Covenants for securing the Observance of the Conditions and Restrictions lastly herein-before contained shall be inserted in every Grant, Conveyance, and Lease of the said Meadow Lands, or of any Part or Parts thereof: Provided also, that no Steam Engine Chimney shall be erected upon the said Meadow Lands, except as approved of by the said Mayor, Aldermen, and Burgesses, or the Chamber Committee: Provided also, that no Buildings shall be erected on the said *Burton Leys* abutting upon or next to any main Streets hereafter to be made thereupon otherwise than of dressed Bricks, with vertical sliding Sash Windows, roofed in with Slates, and the Water falling thereon to be conveyed away by Gutters lying within Stone, Wood, or Cement Cornices; and such Buildings, if of Two Stories, shall not be less than Twenty Feet Six Inches in Height, and if of Three Stories, then not less than Twenty-nine Feet; all of which Heights or Elevations shall be measured and determined from the Flag Pavement to be laid down in such main or public Streets on which such Buildings shall respectively abut to the Roof or Water Place thereof; and wherever the Owner of Land abutting upon such Streets shall be desirous of erecting or constructing only a Boundary Fence Wall, then such Boundary Wall shall not be constructed otherwise than of dressed Bricks, or partly of dressed Bricks and other Part of Iron Palisades, so that the entire Elevation be not less than Nine Feet; and also the Flag Pavements throughout the several Streets shall be the datum Line for determining all Questions in respect of the Heights or Elevations of such Buildings or Boundary Walls; and proper Clauses and Covenants for securing the Observance of the Conditions and Restrictions lastly herein-before contained shall be inserted in every Grant, Conveyance, and Lease of the said *Burton Leys*, or of any Part or Parts thereof.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed or adjudged to extend, to revoke, make void, annul, or alter any Settlement, Deed, or Will, or prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatsoever, in, out of, or upon or affecting any of the Lands hereby directed to be divided, allotted, and inclosed, but the Lands divided, allotted, and inclosed by virtue of this Act shall, immediately after such Division, Allotment, and Inclosure, remain and enure, and the several Persons to whom the same shall be allotted as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Trusts, Intents, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances; in all respects, as the Lands in respect whereof such Allotments shall have been made would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted respectively as aforesaid, and this Act had not been passed, except where any other of the Provisions of this Act are expressly to the contrary, and subject nevertheless to all such Mortgages and

Settlements,
Wills, &c.
not to be
affected.

[Private.]

Sales as shall be made by Authority of this Act or of the said recited Acts, or any of them.

Lands sold before Execution of the Award may be allotted to Purchasers.

XLIV. And be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the Award of the said Commissioner sell, his or their Right, Interest, and Property in the said Lands hereby directed to be divided, allotted, or inclosed, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon such Sale being made, to make an Allotment of Land unto the Purchaser or Purchasers in every such Sale, or to his, her, or their Heirs, Successors, or Assigns, for or in respect of such Right, Interest, and Property so sold as aforesaid; and every such Purchaser or Purchasers, or his, her, or their Heirs, Successors, or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid; and 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, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment or Allotments, or all or any Part of his, her, or their Estate and Interest therein or Right thereto, at any Time before the Execution of the said Award; and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person or Persons entitled to any Allotment as aforesaid to sell, dispose of, and convey the Estate in Right of which he, she, or they may be entitled to any such Allotment separate and apart from, and retaining to himself, herself, and themselves such Allotment, Common Right and Interest, and the said Commissioners are hereby required to award such Allotment or Allotments accordingly: Provided always, that nothing herein contained shall extend to authorize or enable any Freeman or other Commoner to sell, convey, or otherwise dispose of his Right of Common in or upon the Lands hereby intended to be inclosed, or any of them, or any Part thereof.

Application of Monies paid for Purchase or Exchange, if amounting to 200/.

XLV. And be it further enacted, That whenever any Money shall, under the Provisions of the said first herein-before recited Act or this Act, be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Body Politic or Corporate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person under any Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands to be settled to the same Uses, it shall be

lawful for the said Commissioners out of such Sums to defray the Proportion (if any) of the Expence of obtaining this Act, and of carrying the same and the said recited Acts into execution, which shall be charged upon any of the Lands of the respective Parties in possession of the Lands so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made, and shall be made, under their Direction, upon any Lands to be by virtue of this Act allotted to such Parties; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there, *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands settled therewith to the same Uses, as the said Court shall authorize to be purchased or redeemed or discharged, or such Parts thereof as shall be necessary; or until the same shall, upon the like Application in a summary Way, be laid out, by the Order of the said Court in the Purchase of other Lands, which shall be conveyed, limited, or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities or Government or Real Securities; and in the meantime, and until the said Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased, conveyed, and settled.

XLVI. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds,

Where less than 200*l.* and amounting to 20*l.*

Pounds, the same shall, at the Option of the Parties for the Time being entitled to the Rents and Profits of the Lands so purchased or exchanged, or their Guardians or Committees in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Parties who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal (as the Case may be) of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under
20l.

XLVII. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or exchanged, for their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, and other Incapacity, then such Money shall be paid to their Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

Alterations
may be made
in the Allot-
ments before
the Award.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time before the Execution of their final Award, to make any such Alterations in the Allotments, or in any of the Orders and Directions relating thereto, which they have made, as they may think right and expedient; and in case any Person, or Body Politic or Corporate, shall be injured by any such Alteration, on account of any Expences he or they may have incurred, or otherwise, the said Commissioners shall ascertain and determine what Recompence shall be made to him or them for such Injury, and shall either pay the Amount thereof out of the Monies to come to their Hands in the Execution of this Act, or shall order and direct by whom and in what Manner such Recompence shall be made; and in case of Nonpayment the same shall be levied and recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties or Forfeitures.

Award to be
made and
deposited.

XLIX. And be it further enacted, That as soon as conveniently may be after the said Division and Allotment shall be completed, the said Commissioners shall form, draw up, and execute an Award, which, together with a proper Map or Plan thereto annexed, shall, within Ten Days after the Execution thereof, be delivered to the Clerk of the Peace of the said Town and County, who is hereby
required

required to deposit and keep the same among the Records of the said Town and County, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling shall be paid, unless such Inspection and Perusal shall continue more than One Hour, in which Case the further Sum of One Shilling shall be paid for every Hour during which such Inspection or Perusal shall continue; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled within the Intent and Meaning of the said first-recited Act; and a Copy of the said Award and of the said Map or Plan, signed by the said Commissioners, shall, within the Time aforeaid, be deposited within the Parish Church of *Saint Mary* aforeaid, and there kept in a proper Box to be provided for that Purpose; and the said Award, and the said Copy thereof, and any other Copy of the said Award or of any Part or Parts thereof, attested by the Clerk of the Peace for the Time being of the said Town and County, or his Deputy, (for every Sheet of which containing Seventy-two Words Sixpence, and no more, shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

L. And be it further enacted, That if any Person, or Body Politic or Corporate, shall think himself or themselves aggrieved by any thing done in pursuance of the said recited Acts or this Act, (other than and except as to such of the Allotments, and as to such Determinations, Acts, or Proceedings of the said Commissioners, as are directed to be final or conclusive, and except in Cases wherein an Issue at Law shall be tried as herein-before provided, and also in Cases where the Mode of Appeal is herein-before directed,) he or they may appeal to any General or Quarter Sessions of the Peace which shall be holden for the said County of *Nottingham* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party concerned Fourteen Days Notice in Writing of such Appeal, and the Matter thereof, except with respect to the Accounts of the said Commissioners, which, notwithstanding the same shall have been examined as aforeaid, may be appealed against at any Time within Six Calendar Months after the depositing of the Award with the Clerk of the Peace for the said Town and County, on giving to the said Commissioners such Notice as last aforeaid; and the Justices (not interested in the Premises) in such Sessions assembled are hereby required, upon due Proof of such Notice having been given, to hear and determine the Matter of every such Appeal, and to make such Order thereon, and to award such Costs and Damages, as to them shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, tendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Warrant of Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive on all Parties concerned, and shall not be removed by Certiorari, or any other Writ or Process

Power of
Appeal.

[*Private.*]

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whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner aforesaid.

Recited In-
closure Acts
to form Part
of this Act.

LI. And be it further enacted, That the said Two recited Acts passed respectively in the Forty-first Year of the Reign of King *George* the Third and in the Second Year of the Reign of King *George* the Fourth, and the several Enactments and Provisions thereof, shall be deemed and taken to be and be applied and executed as Part of this Act, except in Cases wherein the same are hereby respectively repealed or varied, or become inapplicable to any Purposes of this Act.

General
Saving of
Rights.

LII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for and extinguished by this Act,) as they, every or any of them, could or might have had, held, and enjoyed of, in, to, or out of the said Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

Act as print-
ed by the
Queen's
Printers to be
Evidence.

LIII. And be it further enacted, That this Act shall be printed by the Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1839.