ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Rights of Common or Pasture during the entire Year, and contain together One hundred and eighty-one Acres or thereabouts: And whereas *Henry Smith*, *Samuel Fox*, *Richard Butler Brierley*, *Joseph Barrows*, *James Holwell Lee*, the Mayor, Aldermen, and Burgesses of the Borough of *Nottingham*, and divers other Persons, are or claim to be respectively the Owners or Proprietors of or to be otherwise interested in the said *Sand Field*, *Clay Field*, and *Meadows* respectively, or some or one of them: And whereas the said Mayor, Aldermen, and Burgesses are or claim to be the Owners or Proprietors of or to be otherwise interested in the said *East Croft Meadow*: And whereas the said Mayor, Aldermen, and Burgesses are or claim to be (as Lord of the Manor of *Nottingham*) Owners or Proprietors of the Soil of the said Commons called the *Forest* and *Mapperley Hill*, and of the Waste Lands (if any there be), or to be otherwise interested therein: And whereas the Freemen of the said Town of *Nottingham*, being or claiming to be 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 before-mentioned Lands or some of them, and the Occupiers of old Toftsteads, in the said Town and the Inhabitant Householders of the said Town, are or claim to be respectively entitled to certain Common of Pasture in, upon, and over the said Lands or some of them, and the said Freemen are or claim to be entitled to be interested in certain of the said Lands of the said Mayor, Aldermen, and Burgesses in respect of the Allotment thereof by them the said Mayor, Aldermen, and Burgesses in Burgess Parts: And whereas the Right Honourable *Charles Herbert* Earl *Manvers* is or claims to be entitled to the Corn Tithes arising and accruing from the Lands before described, or some Parts thereof, and the Reverend *Joshua William Brookes*, as the Vicar of the Parish of *Saint Mary* aforesaid, is or claims to be entitled to the Vicarial Tithes arising or issuing out of such Lands or some Parts thereof: And whereas *William Watson*, *John Fox*, and *Timothy Chouler* are or claim, as Devisees in Trust under the Will of *Micah Gedling* deceased, to be respectively entitled to the Tithes or Tenths of Hay arising or issuing out of certain Parts of the said Lands, 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 the Tithes or Tenths of Hay arising or issuing out of certain other Portions of the said Lands: And whereas by reason of such Rights of Common the said Lands cannot be improved and cultivated to the best Advantage: And whereas the Population of the said Town is very considerable, and would naturally increase, and large and important Manufactures are carried on, and would greatly extend therein, but the Want of proper Habitations and Sites for Building Purposes is now and hath long been felt to be a great Disadvantage, and the labouring Classes have thereby been necessitated to crowd together in bye Lanes and close Courts, and to live together in small and inadequate Tenements, and to reside in Places of Abode erected upon impure and improper Sites: And whereas the crowding together of the labouring Classes in manner aforesaid is extremely prejudicial to the Comfort, Education, and Morals of such Persons, and is subversive of social

Decency, productive of Disease, Mortality, and Destitution, and greatly injurious to the general Health and Well-being of the Inhabitants of the said Town: And whereas the Ratio of Mortality in the said Town is exceedingly great, and is strongly marked in those Districts where due Attention to Light, Ventilation, and Drainage hath not been observed, and where the poorer Classes are most densely crowded together, and it hath been found that the Drainage of Houses is frequently so imperfect as to endanger the Health of the Inhabitants, and that in many Places, by reason of the Narrowness of Streets, Lanes, Courts, and Alleys, the due Ventilation of crowded Neighbourhoods is often obstructed or impeded, and that many Buildings and Parts of Buildings unfit for Dwellings are used and occupied, whereby Disease is engendered, fostered, and propagated, and that by the carrying on in populous Neighbourhoods of certain Works of a noisome Kind, or in which deleterious Materials are used, or deleterious Products created, the Health and Comfort of the neighbouring Inhabitants are impaired and endangered; and it is therefore expedient (so far as concerns the said Lands intended to be divided, allotted, and inclosed, and any Dwellings or Buildings to be erected thereon,) to make Provision for regulating the Buildings, and for facilitating and promoting the Drainage thereof, and for securing a sufficient Width of Streets, and for discouraging and prohibiting the Use of improper Dwellings and Sites of Dwellings, and for the Prevention of noisome or offensive or dangerous Businesses being carried on close to any Dwelling House or public Way: And whereas it might greatly tend to the Avoidance of the Evils aforesaid, and also to the Advantage of the said Town in its social, moral, sanatory, commercial, and agricultural Relations, if the Rights of Common over the said Lands were extinguished, and if the same were divided, allotted, and inclosed, and thereby enabled to be appropriated to building and other Purposes, and if the Buildings and Works to be erected and made on any and every Portion of the said Lands were under and subject to the Conditions and Regulations in this Act contained and declared: And whereas an Act was passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas another Act was passed in the Second Year of the Reign of His Majesty 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 several Purposes aforesaid cannot be effected without the 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 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 from the passing of this Act be deemed to be and shall be

41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

Recited Inclosure Acts to form Part of this Act.

be executed as Part of this Act, except in such Cases wherein the same are hereby respectively repealed or varied, or wherein the same shall be inapplicable to the Purposes of this Act.

Appointment of Commissioners.

II. And be it enacted, That *Thomas Smith Woolley* of *South Collingham* in the County of *Nottingham*, Gentleman, and *John Ellis*, of *Beaumont Leys* near *Leicester* in the County of *Leicester*, Gentleman, and *George Sanderson* of *Mansfield* in the County of *Nottingham*, Gentleman, and their Successors for the Time being, to be elected or appointed in manner herein-after mentioned, shall be Commissioners for carrying this Act and the said recited Acts into execution; and it shall be lawful for the said Commissioners and they are hereby required to divide, allot, and inclose the said Commons, Commonable Lands, Common Fields, Common Meadows, Pastures, and Waste Lands and Grounds in the said Parish of *Saint Mary*, according to the Regulations and Provisions contained in the said recited Acts and this Act: Provided always, that no Person shall be capable of acting as such Commissioner (except in signing and giving Notice of the First Meeting of the Commissioners, and in receiving the Declaration herein-after directed,) until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in Schedule (A.) to this Act; and such Declaration shall be in lieu of the Oath or Affirmation required by the said 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.

Qualification of Commissioners.

Penalty on Persons acting not qualified.

III. And be it enacted, That if any Person, not having so qualified himself, shall act as a Commissioner, he shall for every such Offence forfeit the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Appointment of Commissioners on Vacancies.

IV. And be it enacted, That in case the said *Thomas Smith Woolley*, or any Person to be appointed a Commissioner in his Room by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of Two Months to act as such Commissioner, it shall be lawful for the said Mayor, Aldermen, and Burgesses, and their Successors, to appoint by any Writing under their Common Seal some fit Person to be a Commissioner in the Room of the said *Thomas Smith Woolley*, or of any Commissioner appointed in his Place, and so from Time to Time as often as any such Commissioner shall die, neglect or refuse or become incapable to act; and in case the said *John Ellis*, or any Person to be appointed a Commissioner in his Room by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of Two Months to act as such Commissioner, it shall be lawful for the major Part in Value (such Value to be ascertained by the Poor Rate Assessment for the Time being) of the several Proprietors of the said *Sand Field*, *Clay Field*, and the *Meadows* within the said Parish (exclusively of the said Mayor, Aldermen, and Burgesses), who shall attend, either personally or by their respective Agents, at any Meeting to be held for that Purpose (of which Meeting Notice shall be given by some One or more of the Persons

Persons interested in the said Inclosure by Advertisement, and also on the Church Door, as herein-after directed; at least Fourteen Days before such Meeting), to appoint by Writing under their Hands some fit Person to be a Commissioner in the Room of the said *John Ellis*, or of the Commissioner appointed in his Place, and so from Time to Time as often as any such Commissioner shall die, neglect or refuse or become incapable to act; and in case the said *George Sanderson*, or any Person to be appointed a Commissioner in his Room by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of Two Months to act as such Commissioner, it shall be lawful for the Freemen of the said Town of *Nottingham* resident in the same Town, or the major Part of them in Number, present at a Meeting held for that Purpose (of which Meeting Notice shall be given by the then acting Commissioners under this Act by Advertisement, and also on the Church Door, as herein-after directed, at least Fourteen Days before such Meeting), to nominate and appoint, by written Memorandum or Resolution, signed by the Chairman of the said Meeting, some fit Person to be a Commissioner in the Room of the said *George Sanderson*, or of the Commissioner appointed in his Place, and so from Time to Time as often as any such Commissioner shall die, or neglect or refuse or become incapable to act.

In case Parties neglect to appoint a new Commissioner the remaining Commissioners may appoint.

V. Provided always, and be it enacted, That in case any of the Parties herein-before authorized to appoint a new Commissioner shall not appoint a new Commissioner within the Space of Six Weeks next after Notice of such Death, Neglect, Refusal, or Incapacity shall have been given as aforesaid, the other Commissioner or Commissioners shall, within Three Weeks next after the Expiration of the Time so allowed for appointing such new Commissioner, by Writing under his or their Hand or Hands appoint some other fit Person to be a Commissioner in the Room of the Commissioner causing such Vacancy as aforesaid; and every new Commissioner appointed under either of the Powers herein-before given shall be invested with the same Powers and Authorities for carrying this Act into execution, and shall be subject to the same Regulations, as if he had been originally named a Commissioner in this Act; and every such Appointment shall be annexed to and deposited with the Award of the Commissioners.

Umpire to be appointed.

VI. And for the Purpose of settling and determining any Difference that may arise between the Commissioners concerning any of the Things to be done in pursuance of this Act, be it enacted, That the Commissioners shall, previously to acting in the Execution of this Act, by Writing under their Hands appoint some fit Person to be the Umpire; and such Umpire is hereby authorized to hear and determine every such Difference as may arise between the Commissioners relating to any of the Purposes of this Act, and the Determination of such Umpire shall be considered to be the Determination of the Commissioners, and shall be final and conclusive upon the Commissioners, and upon all other Persons concerned in the said Inclosure, so far as the Judgment and Acts of the Commissioners would in such Case have been final and conclusive: Provided always, that no Person

Umpire to make Declaration.

Person shall act as Umpire in the Execution of this Act until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in Schedule (A.) to this Act, which Declaration it shall be lawful for any Commissioner for the Time being or any Justice of the Peace to administer; and the Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioners.

Appointment of Umpire on Vacancies.

VII. And be it enacted, That in case any Umpire so to be appointed shall die, or become incapacitated, or neglect or refuse to act as such Umpire, and to decide any Matter referred to him, and to notify his Decision to the Commissioners, within One Month after such Matter shall be referred to him, it shall be lawful for the Commissioners by Writing under their Hands, at any Meeting to be holden for the Execution of this Act, to appoint some other fit Person to be an Umpire in the Stead of such Umpire; and so often as a Vacancy shall afterwards happen by the Death, Neglect, Refusal, or Incapacity of the Umpire, such Vacancy shall be supplied by the Commissioners in manner aforesaid, and the Umpire so to be appointed shall have the like Powers and Authorities as such first appointed Umpire; and in case the Commissioners shall make default in appointing such Umpire previous to their acting in the Execution of this Act, or in appointing a new Umpire within Twenty-eight Days next after any such Vacancy as aforesaid, the Commissioners shall, as soon as conveniently may be, give Notice thereof by Advertisement and on the Church Door, and thereupon it shall be lawful for the major Part in Value of the said Proprietors of the said Common Fields and Common Meadows (including the Lord of the said Manor), according to their respective Interests, to be ascertained as aforesaid at a Meeting to be holden in like Manner as is herein-before directed with respect to the Meeting to be held for the Appointment of a new Commissioner in the Place of the said *John Ellis*, to appoint another fit Person to be an Umpire in the Stead of the Umpire dying, becoming incapacitated, or neglecting or refusing to act as aforesaid, and so from Time to Time as Occasion shall require.

Appointment of Surveyor.

VIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, by Writing under their Hands, to appoint a fit Person to be the ordinary Surveyor for the Purposes of this Act (except as respects the taking of the preliminary Plan and Contour Levels, and the Formation of Roads and Sewers, as hereinafter provided,) during the Pleasure of the Commissioners, and on every Vacancy in like Manner to appoint some other ordinary Surveyor as often as there shall be Occasion: Provided always, that no Person shall act as such ordinary Surveyor until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in Schedule (A.) to this Act, which Declaration it shall be lawful for any Commissioners for the Time being or any Justice of the Peace to administer and receive; and the said Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioners.

Surveyor to make a Declaration.

IX. And

Penalty on making false Declaration.

IX. And be it enacted, That if any Person shall falsely or corruptly make and subscribe a Declaration under the Authority of this Act, knowing the same to be untrue in any material Particular, he shall be guilty of a Misdemeanor.

Appointment of Clerk.

X. And be it enacted, That it shall be lawful for the Commissioners to appoint a Clerk to assist them in carrying this Act into execution, and from Time to Time to remove such Clerk, and to appoint another in his Stead.

No Party interested to be appointed a Commissioner, &c.

XI. And be it enacted, That no Person shall be appointed or shall act as a Commissioner, Umpire, or Surveyor in execution of this Act who shall be in any Manner interested in the Lands to be inclosed, or who shall be the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested.

Allowances to Commissioners and Clerk.

XII. And be it enacted, That each of the said Commissioners and the said Clerk and Umpire shall be paid respectively, out of the Inclosure Expences Fund, for each Day they shall respectively travel or be engaged in any Business relating to the Execution of this Act, the Sum of Three Guineas for each Day they shall respectively be engaged as aforesaid for the first Two Years after the passing of this Act, and Two Guineas *per* Day afterwards; and such Payment shall be in full Satisfaction to the Commissioners and Clerk and Umpire respectively for their Time and Trouble, and for the several Expences incurred by them during their several Journeys and Attendance in the Execution of this Act, except the Expence of the Rooms in which the Meetings of the Commissioners shall be held, and the Expence of Appeals or other legal Proceedings against the Commissioners, and the Expence of Notices and Advertisements, and of preparing, proclaiming, and enrolling the Award, and such other like necessary Expences: Provided always, that it shall not be lawful for the Commissioners to retain or pay themselves or the said Clerk any Money on account of the before-mentioned Allowances respectively beyond One Third of the Allowance to which they shall be respectively entitled, until after the Expiration of Six Calendar Months from the Day of the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the Commissioners shall be appealed against then not until such Appeal shall have been heard and decided.

Length of Day for estimating Allowances.

XIII. And be it enacted, That in computing the aforesaid Allowance to the Commissioners and Clerk a Day shall be deemed to consist of Eight Hours during the Period between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours during the Period between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and where the Time occupied in going to and attending at and returning from any Meeting to be holden, or on other Business to be transacted under the Provisions of this Act, shall be of less Duration than Eight Hours in the First of the Periods aforesaid, or of Six Hours in the Second Period, the

same shall be charged as only Half a Day, and the Commissioners and Clerk shall be paid accordingly.

Allowance to Surveyor.

XIV. And be it enacted, That it shall be lawful for the Commissioners to pay to the ordinary Surveyor to be appointed by them, out of the Inclosure Expences Fund, the Sum of One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, and planning the Land requiring to be surveyed under the Provisions of this Act, and the Sum of Two Guineas for each Day that he shall be actually and wholly engaged in the Duties imposed by this Act, exclusive of the Time he may be engaged in surveying, measuring, mapping, and planning as aforesaid; and such Payments shall be in full Satisfaction for the Time and Trouble of the Surveyor, and for all travelling and other Expences of every Description to be incurred by him whilst engaged in the Duties of surveying under this Act.

Meetings and Notices thereof.

XV. And be it enacted, That the Commissioners shall cause Notice to be given by Advertisement or on the Church Door of the Time and Place when and where their First and every subsequent Meeting shall be held (Meetings by Adjournment only excepted), and they may from Time to Time adjourn any such Meetings; and if at the Time and Place appointed for any such Meeting the Commissioners shall not attend, it shall be lawful for their Clerk to adjourn such Meeting for not more than Twenty-one Days, to be held at the same Place, giving timely Notice thereof to the Commissioners: Provided always, that all Meetings of the Commissioners for executing this Act shall be held within the said Parish, or within Eight Miles thereof.

Notices how to be given.

XVI. And be it enacted, That all Notices by this Act directed to be given by Advertisement shall be given by Advertisement to be inserted in some One Newspaper printed or usually circulated in the said Town; and all Notices directed to be given on the Church Door shall be by Writing under the Hand of the Party giving such Notice, to be affixed on the principal outer Door of the Church of *Saint Mary* aforesaid on *Sunday* before Divine Service; and all Notices necessary to be given by the Commissioners (the Mode of giving which is not hereby particularly directed) shall be by one of the Methods aforesaid; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act to the contrary notwithstanding.

What shall be a Refusal to act.

XVII. And be it enacted, That if any One or more of the Commissioners shall not attend the First or Second Meeting appointed to be held for putting this Act into execution, and to qualify himself by making the Declaration in that Behalf prescribed, or if either of them shall at any Time, after having qualified himself as aforesaid, wilfully absent himself from any Two successive Meetings of such Commissioners, the Times of such Meetings being known to him by his having been present at the Appointment of the First thereof, or by a Notice thereof in Writing, under the Hand of the Clerk of the Commissioners, having been given to him, or left at his usual Place

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of Abode, (such Commissioner not being prevented by Sickness, or by other reasonable Cause, to be allowed by the other Commissioner or Commissioners attending such Meetings,) or if any Commissioner to be hereafter elected or appointed as aforesaid shall not attend and qualify himself at the First or Second Meeting to be held after his Appointment, or shall, after having qualified himself as aforesaid, wilfully absent himself in manner aforesaid after such Notice, and without Cause of Excuse as aforesaid, every such Absence or Non-attendance shall be deemed to be a Refusal to act.

Persons summoned by the Commissioners, and refusing to give Evidence to be punished.

XVIII. And be it enacted, That if any Person having been summoned by the Commissioners or any one of them to testify the Truth upon Oath touching any Matter relating to the Execution of this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the Commissioners, to defray the Charges of his Attendance, shall not appear before the Commissioners pursuant to such Summons without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn or to give Evidence touching the Premises, it shall be lawful for the Commissioners, upon Proof of such Summons and Tender made before them upon Oath (which Oath they may administer), by Warrant directed to any Person whomsoever, to cause any Sum of Money not exceeding Ten Pounds to be levied by Distress upon the Person so neglecting or refusing to appear or give Evidence, and the Money so to be levied as aforesaid shall be considered as Part of the Inclosure Expences Fund, and shall be applied accordingly.

Proceedings to be entered in a Book.

XIX. And be it enacted, That all the Orders, Proceedings, and Determinations of the Commissioners at any Meeting to be held in pursuance of this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by the Commissioners, and being so signed shall be deemed to be Originals; and all such Books shall be deposited with and kept by the Clerk to the Commissioners, and may be read as Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings touching any thing done in relation to this Act.

Proprietors to pay their own Expences at Meetings.

XX. Provided always, and be it enacted, That the several Persons interested in the said Inclosure, and their respective Agents, shall pay their own Expences whenever they shall attend any of the Meetings to be held in pursuance of this Act.

Debts to be paid, and Accounts to be audited.

XXI. And be it enacted, That the Commissioners shall not at any Time permit any just Claim or Demand upon them as such Commissioners to remain unpaid for a longer Period than Three Months; and once at least in every Twelve Months during the Execution of this Act, and until the Account of the Commissioners shall be finally allowed, (the first of such Periods to be computed from the Day of the passing hereof,) they shall make out a true and accurate Account of all Sums of Money by them received and expended in the Execution of this Act, and of all Sums due to them respectively for their own Trouble or Expences; and in such Account shall be particularly specified the several Items and

and Articles for which each particular Sum shall have been paid; and such Account, when so made out, together with the Vouchers relating thereto, shall be by the Commissioners laid before One or more of Her Majesty's Justices of the Peace not interested in the Premises, to be by him or them examined and balanced.

Accounts to be published.

XXII. And be it enacted, That the Balance of such Account shall be by such Justice or Justices stated in the Book of Account to be kept in the Office of the Person acting as Clerk to the 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 inserted in some Newspaper printed or usually circulated within the said Town; and no Charge or Item in any such Account shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by such Justice or Justices, nor until such Abstract thereof shall have been published in some such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

For shortening Boundaries.

XXIII. And be it enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Lands to be inclosed and the old inclosed Lands in the said Parish, or between such Allotments and inclosed Lands, or any of them, and any adjoining Lands, it shall be lawful for the Commissioners (with the Consent of the Lord of any Manor in which the Lands are situate, if he shall be interested therein as Lord of the Manor, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seal of any of them, being a Corporation Aggregate,) to set out and determine the Boundaries between the Lands to be inclosed and any adjoining Lands lying in the same or in any adjoining Manor as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall have been so set out and determined as aforesaid the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the Commissioners shall direct, and shall for ever thereafter be deemed the Boundaries between the allotted and the old inclosed Lands respectively, or (as the Case may be) between the allotted or old inclosed Lands and such adjoining Lands.

Commissioners to set out Drains, and enlarge and turn Watercourses.

XXIV. And be it enacted, That it shall be lawful for the Commissioners to set out and make such common Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges, of such Extent and Form and in such Situations as they shall deem necessary, in the Lands to be inclosed, and also to set out in the said Meadow Lands such Watercourses and Waterways as they shall deem necessary for the effectual Discharge and Removal of Flood Waters therefrom, and also to enlarge, cleanse, or alter the Course of and improve any of the present Ditches or Watercourses, Banks or Bridges, as well in and over the Lands to be inclosed as also in any ancient Inclosures or other Lands within the said Parish, as the Commissioners shall deem necessary (making such Satisfaction to the Proprietors of such ancient Inclosures or Lands for the Damage done thereby as the Commissioners shall think just); and the Expences of making

and enlarging, altering and cleansing, such Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first done in pursuance of this Act, if not otherwise provided for, shall be raised by the Commissioners in the same Manner as the other Expences of carrying this Act into execution; but all such Ponds, Ditches, Watercourses, Waterways, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, and maintained by such Persons and in such Manner as the Commissioners shall by their Award direct; provided that no Watercourse be diverted or turned without the Consent in Writing of the Persons from whose Lands the same may be diverted, and of the Persons into whose Lands the same may be turned, or to the Prejudice of any Person interested in such Watercourse, except with his Consent in Writing.

Power to widen Roads.

XXV. And be it enacted, That it shall be lawful for the Commissioners to widen any of the public Roads or Highways which may pass through or over the Lands to be allotted or inclosed to such Extent and in such Manner as is herein-after mentioned, and for that Purpose to take a sufficient Quantity of the Lands adjoining such Roads.

Power to stop up or divert Roads.

XXVI. And be it enacted, That in setting out the several public Carriage Roads, Highways, Bridle Roads, and Footpaths in pursuance of this Act or of the first-recited Act, the Commissioners may, if they think it necessary or proper, with the Consent and under the Order in Writing of any Two Justices of the Peace, discontinue, stop up, divert, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footpaths passing through any of the Lands to be allotted or inclosed or any of the old Inclosures within the said Parish, and the Soil of such of the Roads and Ways so to be discontinued and stopped up as pass through allottable Lands shall be deemed Part of the Lands to be allotted or inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting of any Turnpike Road, unless the Consent of the Majority of the Trustees of such Turnpike Road assembled at a public Meeting called for that Purpose on Ten Days Notice be first obtained.

Proceedings previously to stopping up and diverting Roads.

XXVII. Provided always, and be it enacted, That before any public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the Commissioners, or any such Order of Two Justices shall be made, the Commissioners shall cause to be affixed at each End of such public Carriage Road, Highway, Bridle Road, or Footpath a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered (as the Case may be) by the Commissioners; and the Commissioners shall also cause the same Notice to be given by Advertisement for Four successive Weeks, and also on the Church Door on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so given, and after such Order as herein-before mentioned shall have been made, such public Carriage Road, Highway, Bridle Road, or Footpath shall be and be deemed to

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be discontinued, stopped up, diverted, or altered (as the Case may be), subject however to such Appeal as is herein-after mentioned.

Appeal to the Quarter Sessions.

XXVIII. Provided also, and be it enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footpath should be discontinued, stopped up, diverted, or altered (as the Case may be), within Four Months after the making of the said Order, to appeal to the then next General Quarter Sessions of the Peace for the said Town, upon giving to the Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

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

XXIX. And be it enacted, That in case of such Appeal the Recorder of the said Town holding such Quarter Sessions shall, for the Purpose of determining whether such public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impannel 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 such public Carriage Road, Highway, Bridle Road, or Footpath is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court of Quarter Sessions shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Commissioners, and the same shall be recoverable in the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath 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 thereby, the said Court shall allow such Appeal, and such public Carriage Road, Highway, Bridle Road, or Footpath shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the Commissioners out of the Inclosure Expences Fund.

Expences of discontinuing or widening Roads.

XXX. And be it enacted, That the Expences attending the purchasing of the Soil of such Roads, or the stopping up, discontinuing, diverting, and altering of such Roads, and the Money Compensation in respect thereof, shall be paid out of the Inclosure Expences Fund.

XXXI. And

Justices may declare any of the Carriage Roads completed.

XXXI. And be it enacted, That when and so soon as Five or more of Her Majesty's Justices of the Peace for the said Town shall certify any of the public Carriage Roads to be set out in pursuance of this Act to be sufficiently formed and completed, such Roads shall thenceforth be kept in repair by such Persons and in such Manner as the public Roads within the said Parish are or ought by Law to be kept in repair; and every such Certificate shall, at the Quarter Sessions of the Peace to be holden for the said Town next after the Date thereof, be filed of Record by the Clerk of the Peace for the said Town.

Commissioners to appoint private Roads.

XXXII. And be it enacted, That the Commissioners shall set out such private Roads, Bridleways, and Footpaths through the Lands to be inclosed as they shall think requisite, giving such Notice and subject to such Examination as is required by the said first-recited Act in the Case of public Roads; and any Expences which the Commissioners may think fit to incur prior to the Time of making their Award, relative to the setting out or the Formation or Completion of such private Roads, Bridleways, and Footpaths, or any of them, shall be paid out of the Inclosure Expences Fund; and the said private Roads, Bridleways, and Footpaths shall thereafter be maintained and kept in repair by and at the Expence of the Owners and Proprietors for the Time being of any of the Lands within the said Parish in such Shares and Proportions and in such Manner as the Commissioners shall by their Award direct.

Extinguishment of Rights of Common.

XXXIII. And be it enacted, That all the said Rights of Common or Pasture, and all other Rights in, over, or upon the said Lands hereby intended to be divided, allotted, and inclosed, which the Freemen of the said Town and Owners of ancient Toftsteads, and Inhabitant Householders, 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 Rights and Privileges heretofore used and exercised in respect thereof, in, upon, or over the same Lands, shall cease at such Time or Times as the said Commissioners shall, by Notice in Writing to be given in Two Newspapers usually published in the said Town of *Nottingham*, and affixed to the outer Door of the said Parish Church of *Saint Mary*, order and direct, and the same Rights and every of them shall be thenceforth for ever utterly extinguished, any Law, Usage, or Custom to the contrary notwithstanding.

Cattle depasturing in breach of the Commissioners Order to be distrained.

XXXIV. And be it enacted, That if, after the Extinguishment of any such Rights of Common or other Rights as aforesaid, any Freeman, or the Occupier of an ancient Toftstead, or any other Person whomsoever, shall permit his Cattle, Sheep, or Beast to go or depasture upon any of the Lands over which such Rights shall be extinguished, it shall be lawful for the Commissioners, or any other Person by their Order (testified in Writing under their Hands), and also for any of the Owners of the Lands hereby divided, allotted, and inclosed, to distrain such Cattle, Sheep, or other Beast being upon such Lands or Grounds contrary to such Order, and to

impound the same until the Person so offending shall pay to the Person so distraining such Sum of Money as the Commissioners shall by Writing under their Hands, to be delivered to or left at the Place of Abode of the Person whose Cattle, Sheep, or other Beast shall be so distrained, have previously ordered, not exceeding Ten Shillings for each Head of Cattle and Five Shillings for each Sheep or other Beast so distrained; and in case the same shall not be paid within Seven Days after the Delivery of such Writing the Commissioners are hereby authorized, upon Proof of such Offence having been committed, and of Nonpayment of the Penalty hereby imposed, to cause the Cattle, Sheep, or other Beast so distrained or impounded, or such of them as they shall think necessary, or any other Goods or Chattels of the Person so offending, to be sold, for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress, rendering the Surplus (if any) to the Owner of such Cattle, Sheep, or other Beast.

Satisfaction to be made for growing Crops.

XXXV. And be it enacted, That the Commissioners shall by Writing under their Hands order what Recompence in Money shall be made to the Owner of any Crops growing, according to the customary Mode of Cultivation, within the said Parish, upon the Lands to be inclosed, at the Time such Division, Allotment, and Inclosure shall be made, for the said Crops, by the Person to whom the Lands upon which such Crops are growing shall be allotted, and also what Recompence in Money shall be paid, and by whom, to any Tenant or Occupier of any Land, as well for ploughing, tilling, cultivating, manuring, or folding any of the Lands to be inclosed, for the Benefit accruing thereby to the Person to whom such Lands shall be allotted, as for any Loss or Disadvantage which any such Tenant or Occupier may sustain by the Loss of his following or way-going Crops upon the Lands to be inclosed, and shall also in like Manner order what Recompence in Money shall be made to the Owner of any Building or Timber respectively standing or growing upon any Part of the Lands to be inclosed at the Time of the passing of this Act; and if in any of the said Cases the Money to be paid for such Recompence be not paid at the Time and in the Manner ordered by the Commissioners, they shall raise and levy the same on the Party liable thereto, for the Use of the Person entitled thereto, in the same Manner as the Inclosure Expences are herein directed to be raised and levied.

Claims to be delivered to the Commissioners.

XXXVI. And be it enacted, That all Persons claiming any Interest in any of the Lands to be inclosed shall deliver their respective Claims in Writing under their Hands, or the Hands of their Agents, unto the Commissioners, at the Meetings to be held for that Purpose, stating the several Particulars in respect whereof such Claims are made, and distinguishing Freehold and Leasehold Property from each other, and the Manors in which they are situate; and no such Claim shall be received by the Commissioners after the last Meeting to be held for that Purpose, of which due Notice shall have been given, and so expressed therein (except for some special Cause to be allowed by the Commissioners).

XXXVII. And

Adjudication upon Claims.

XXXVII. And be it enacted, That after the said Claims shall be so received the Commissioners shall cause Notice on the Church Door to be given of a Time (at least Ten Days distant) and a Place for all Parties concerned to appear before them and show Cause for or against the Allowance or Disallowance of the said Claims; and at such Meeting the Commissioners shall proceed to examine into and determine the same, except as herein-after mentioned, and shall make such Order therein as to them shall appear just; and in case any Doubts or Difficulties shall arise respecting such Claims, or any Differences shall happen between any of the said Proprietors touching their respective Rights or Claims, or touching the respective Shares which they ought to have in the Allotments, the Commissioners shall, by Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby empowered to administer), and by such other Evidence as to them shall seem proper, hear and determine the same, and shall make such Order therein as to the Commissioners shall appear just, which Order shall be final, unless any Party shall be dissatisfied with the Determination of the Commissioners, and shall proceed to try his Rights by an Issue at Law as herein-after mentioned.

Commissioners not to determine Titles contrary to Possession.

XXXVIII. And be it enacted, That this Act shall not authorize the Commissioners to determine the Title to any Lands, or to determine any Right between any Parties contrary to the actual Possession of such Parties (except in respect of Encroachments as herein-after mentioned), but in case the Commissioners shall be of opinion against the Rights of the Party in possession they shall forbear to make any Determination thereon until the Possession shall have been given up by such Party, or recovered from him by due Course of Law.

Parties dissatisfied authorized to try their Rights at Law.

XXXIX. And be it enacted, That if any Person claiming to be interested in the said Inclosure shall be dissatisfied with any Determination of the Commissioners concerning any Claim or any Right or Interest in or to the Lands to be inclosed, or concerning any Objection to such Claim, it shall be lawful for such Person to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made within Three Calendar Months next after such Determination shall have been notified in Writing to the Person against whom such Determination shall have been made, or to his known Agent, and thereupon the Person so dissatisfied may proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, which may be holden for the said Town after such Action shall have been commenced; and the Defendant in such Action shall, upon being served with the usual Process therein, appear and plead thereto, and accept One or more Issue or Issues, whereby such Claim, and the Right and Interest thereby insisted on, may be tried and determined (such Issues to be settled by the proper Officer of the Court in which such Action shall be commenced in case the Parties differ); and the Verdict given upon the Trial of such Action shall be binding and conclusive upon all the Parties thereto, unless the

Court

Court shall set aside such Verdict, and order a new Trial to be had; and after such Verdict shall be given, and final Judgment obtained thereon, the Commissioners shall act in conformity thereto, and allow or disallow the Claim thereby determined according to the Event of such Trial; and the Costs attending any such Action shall abide the Event of the Trial.

If no Action brought, Determination of Commissioners final.

XL. Provided always, and be it enacted, That if no such Action shall be commenced, or if the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose (unless the Court for sufficient Cause put off such Trial), the Determination of the Commissioners shall be final.

Deaths of Parties not to abate Proceedings;

If Parties die before Action brought, Suits to be carried on in their Names.

XLI. And be it enacted, That if any Person, Plaintiff or Defendant in any 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 (the Heir or Devisee, or other Person entitled to the Interest of the deceased Party in the Matter in question, being served with Process in the Action); and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before Action brought, it shall be lawful for the Person who might have brought such Action to bring the same, within the Time so limited as aforesaid, against such Person as if actually living, and to serve the Commissioners or their Clerk with the usual Process for commencing such Action, in the same Manner as the deceased Person might have been served therewith if living, and it shall thereupon be incumbent on such Clerk to serve with such Process the Heir or Devisee or personal Representative of the deceased Person, or other the Person who shall claim the Benefit of such Determination as aforesaid; and on such Process being served such Heir or Devisee or personal Representative or other Person shall appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had thereon in the same Manner as if such Person had been living; and the Rights, Interests, and Claims of all Parties shall be equally bound by the Event of any Action so brought or continued as aforesaid as if the Death of any of the Persons interested therein had not occurred.

If Parties die before Inclosure, &c. is completed, Allotments to be made to their Representatives.

XLII. And be it enacted, That if any Person interested in the said Inclosure shall die before the same shall have been completed the Powers and Authorities hereby vested in the Commissioners shall not be thereby determined or suspended, but they shall proceed in the Execution of such Powers and Authorities in such Manner as they might have done in case such Person had not died; and the Share of the Person so dying shall be allotted to such Person as by Law shall become entitled to the same, and shall be accepted and fenced by such Party according to the Directions of this Act, and he shall be liable to the Charges and Expences and other Conditions of this Act.

XLIII. And

Commissioners to award Costs.

XLIII. And be it enacted, That in case the Commissioners, upon the Determination of any Claim or Objection to be delivered to them in pursuance of this Act, shall see Cause to award any Costs, it shall be lawful for them, upon Application, to assess and award such Costs as they shall think reasonable to be paid by the Person whose Claim or Objection shall have been disallowed to the Person in whose Favour any Determination shall have been made; and in case any Person liable to pay such Costs shall refuse or neglect to pay the same, upon demand, the Commissioners shall, by Warrant directed to any Person whomsoever, cause the same to be levied by Distress, and if there be no Goods or Chattels whereon to levy such Costs, it shall be lawful for the Person 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 to him in the Sum specified in the Order of Adjudication made by the Commissioners, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Tofts to be deemed Commonable Messuages.

XLIV. And be it enacted, That all Tofts, Foundations, or Sites of ancient Commonable Messuages or Cottages in the said Parish shall, upon Proof being made to the Satisfaction of the Commissioners that Commonable Messuages or Cottages formerly stood thereon, be deemed Commonable Messuages or Cottages, and the respective Proprietors thereof shall be entitled to the same Compensation for the Rights of Common originally belonging thereto as if such Messuages or Cottages were still standing.

Leases at Rack Rent to be void.

XLV. And be it enacted, That immediately after the Allotments herein directed to be made shall have been marked and staked out, and the Commissioners shall have directed the same to be entered upon by the Persons respectively for whom the same shall be intended, every Lease and other Agreement at Rack Rent subsisting of all or any Part of the Lands to be inclosed, or of any Common Rights thereon, for any Term of Years not exceeding Twenty-one Years, (except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure,) shall determine and be void as to all such Lands or Common Rights, but not as to any other Lands comprised therein, such Compensation as between Lessor and Lessee being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the Commissioners shall by Writing under their Hands order in that Behalf; and if any such Compensation shall not be paid to the Party entitled to receive the same within One Month after Demand made in Writing under the Hand or Common Seal (as the Case may require) of the Party to whom the same shall be payable, the Commissioners shall raise and levy the same, for the Use of the Party entitled thereto, by such Ways and Means as the Rates to be levied for defraying Deficiency in the Inclosure Expences are directed to be raised and recovered; and it shall be lawful for the Commissioners by Writing under their Hands to ascertain and direct what Rent or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed, or Common Rights in their respective

Holdings, to their respective Landlords, from the Time of the passing of this Act until such Lands shall be marked and staked out, and be directed to be entered upon as aforesaid.

Beneficial Leases not to be vacated.

XLVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease of any Lands within the said Parish, but the Party entitled to such beneficial Lease shall be entitled to hold and enjoy his Term under the Rents and Covenants specified in his Lease.

Wills and Settlements not to be affected.

XLVII. Provided also, and be it enacted, That nothing in this Act contained shall extend to revoke, make void, or alter any Will or Settlement, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Charge, Rent, or Incumbrance out of or affecting any of the Lands to be inclosed, or any of the Lands which may be exchanged or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged as the Lands which shall be assigned in partition or in compensation for any other Estate or Right, by virtue of this Act, shall immediately after such Allotment, Exchange, or Partition be and enure, and the several Persons to whom the same shall be so allotted or given in exchange or partition as aforesaid shall be seised and possessed thereof respectively to, for, and upon the same Estates, Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands in respect whereof such Allotments, Exchanges, and Partitions shall have been made would have stood limited for or been subject to in case the same respectively had not been allotted, exchanged, or parted with as aforesaid, or as if this Act had not been passed, subject nevertheless to all such Mortgages and Sales as shall be made by virtue of this Act.

Persons may sell their Common Rights, and Persons entitled to have Allotments may mortgage, &c. before Execution of Award.

XLVIII. And be it enacted, That if at any Time before the Execution of the Award of the Commissioners any Person shall sell his Right or Interest in the Lands to be awarded, allotted, or inclosed, or any Part thereof, to any Person, the Commissioners shall, upon any such Sale being made, make an Allotment of Land to the Purchaser, or to his Heirs or Assigns, in respect of the Right or Interest so sold; and every such Purchaser, or his Heirs or Assigns, shall, from the Execution of the said Award, hold and enjoy the Land so to be allotted to him in the same Manner as the Vendor might or ought to have done in case such Sale had not been made; and it shall be lawful for any Person who shall be entitled to any Allotment under this Act to devise, grant, surrender, mortgage, or otherwise convey and assure the same Allotment, or all or any Part of his Interest therein, at any Time before the Execution of the said Award; and every such Devise, Grant, Surrender, and other Assurance shall be of the same Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person entitled to any Allotment to sell, dispose of, and convey the Estate in right of which he may be entitled to such Allotment separate from and retaining to himself such Allotment, Common

Right, and Interest, and the Commissioners are hereby required to award such Allotment accordingly.

XLIX. And be it enacted, That all Encroachments and Inclosures which shall have been made by any Person from or upon any Part of the Commons and Waste Lands to be inclosed within Twenty Years next before the passing of this Act, whether any Amerciament, annual Rent, or any Money Payment or Acknowledgment hath or hath not been paid in respect of the same to or for the Use of the Lord of the Soil or any other Person, and all Encroachments and Inclosures which shall have been made by any Person from or upon any Part of the said Commons and Waste Lands more than Twenty Years before the passing of this Act, in respect of which any Amerciament, annual Rent, Money Payment, or other Acknowledgment hath been paid as aforesaid within the said Period of Twenty Years, shall be deemed Parcel of the Lands to be inclosed, and shall be divided, allotted, and inclosed accordingly: Provided always, that it shall be lawful for the several Persons who shall be in possession of any such Encroachment or Inclosure, or in the Receipt of the Rent thereof, at the Time of the passing of this Act, to take down and remove all such Buildings, Fences, and other Erections as shall then be thereon, and to convert the Materials thereof to their own Use. Encroachments.

L. Provided always, and be it enacted, That it shall be lawful for the Commissioners, with the Consent in Writing and at the Request of any Proprietor of any Houses, Homesteads, Gardens, Orchards, or old inclosed Lands within the said Parish, whether such Owner or Proprietor shall be a Corporation, Tenant in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Lives, with the Consent of the Lessor of any such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, Committee, or Attorney of or acting for any such Proprietor as aforesaid who shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, (such Consent to be respectively testified in case of a Corporation by Writing under their Common Seal, or by Writing under the Hand of the Agent of such Corporation, and in case of an Individual under his Hand,) to order and direct such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands to be considered as allottable and Parcel of the Lands to be inclosed; and such Allowance shall be made to the Proprietors of such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands, on account of the Situation or other beneficial Circumstances thereof, as the Commissioners shall adjudge to be just and reasonable, and they shall allot and award unto such Proprietors so much and such Part of the Lands to be inclosed as they shall think reasonable and just. Allotment of old Inclosures with Consent of Proprietors.

LI. And be it enacted, That all inclosed Lands within the said Parish, whether lying in single Pieces or in several adjoining Pieces, which Insulated old Inclosures to be deemed

allotable Lands.

which are surrounded by open Field Land, and thereby placed in an insulated Situation, shall be deemed Part of the Lands to be inclosed.

Pieces of Land by the Side of the Road may be allotted.

LII. And be it enacted, That all small Parcels of Waste or Common Land (the Soil whereof shall belong to the Lords of any Manor in right thereof) lying by the Side of any Turnpike Road or other public Road or Lane within the said Parish, and which in the Judgment of the Commissioners may be conveniently inclosed without incommoding the public Intercourse on such Road or Lane, or rendering such Turnpike Road of less Breadth than Fifty Feet, and such other public Road or Lane of less Breadth than Forty Feet respectively, shall be deemed Part of the Lands to be inclosed.

Allotments to be set out for Recreation of the Inhabitants.

LIII. And be it enacted, That the Commissioners shall allot and award unto the Mayor, Aldermen, and Burgesses, and in such Sites as they the said Mayor, Aldermen, and Burgesses shall select, out of the Lands next following herein-before described; that is to say, the said Field, the *Clay Field*, the *Meadows*, and the *East Croft Meadow*, or any of them, One or more Piece or Pieces of Land not less than Forty-five Acres nor more than Fifty Acres, the Excess beyond the Forty-five Acres to be determined by the Mayor, Aldermen, and Burgesses in Council assembled, who shall also determine how much of the Land so allotted shall be appropriated to and for public Walks round or about the Town of *Nottingham*, and shall appoint and determine the Direction and Extent of such public Walks, and shall, if they think fit, appropriate so much of the Land so allotted, not exceeding Five Acres, and in such Situations as they shall think best, for the Purpose of forming and shall make and form thereon public Baths and Outbuildings, and Gardens connected therewith, for the Use of the Inhabitants of the said Town of *Nottingham* for ever; and the said public Walks, Paths, and Gardens shall be under and subject to such Rules, Orders, and Regulations for the Management and Sustentation thereof as the Mayor, Aldermen, and Burgesses in Council assembled shall from Time to Time think fit; and the Residue of the Land so allotted shall be used and appropriated as Places of public Recreation for the Inhabitants of the said Town in such and so many Places, and in such Proportions, and subject to such Rules and Regulations, from Time to Time, as the Mayor, Aldermen, and Burgesses shall appoint and determine; and the said Commissioners shall further allot and award unto the Mayor, Aldermen, and Burgesses, out of and from the said Commons and Waste Lands called the *Forest* and *Mapperley Hill*, such further Piece or Pieces of Land to the Extent of Eighty Acres or thereabouts as the said Mayor, Aldermen, and Burgesses shall select, the same or some Part thereof to comprise and include the present Race Ground, Cricket Ground, and Military Training Ground situated on the said Forest; and the whole of the said Allotments or Pieces of Land containing Eighty Acres or thereabouts shall be appropriated as and for public Places of Recreation, and subject to such Rules and Regulations from Time to Time as the said Mayor, Aldermen, and Burgesses shall appoint and determine; and such several Allotments of Forty-five Acres or thereabouts, and of Eighty Acres or thereabouts, shall for ever hereafter be held by the said Mayor, Aldermen,

and

and Burgesses for the Purposes aforesaid, and shall be in the first instance fenced out of the Inclosure Expences Fund, and the said several Fences shall for ever afterwards be repaired and maintained by and at the Expence of the said Mayor, Aldermen, and Burgesses; and the said public Walks and Places of public Recreation shall be in the first instance formed and made by and at the Expence of the said Mayor, Aldermen, and Burgesses, and shall for ever afterwards be repaired and maintained by and at the Expence of the said Mayor, Aldermen, and Burgesses.

Land may be set out for a Cemetery.

LIV. Provided always, and be it enacted, That it shall be lawful for the Commissioners, if requested so to do by the Mayor, Aldermen, and Burgesses, to set out and allot to such Person or Persons and in such Manner as the Mayor, Aldermen, and Burgesses, and the Bishop of the Diocese, shall jointly direct, from and out of the Lands to be allotted to the Mayor, Aldermen, and Burgesses for public Walks and Places of Recreation, from and out of any other Lands to be allotted to them under this Act, partly from the one Source and partly from the other, (whichever the Mayor, Aldermen, and Burgesses shall choose,) One or more Piece or Pieces of Land, containing in the whole not less than Eight Acres nor more than Twelve Acres, to be used and appropriated as and for a public Cemetery or Burial Ground, or public Cemeteries or Burial Grounds, for the Inhabitants of the said Town of *Nottingham*, in such Locality or Localities as the Mayor, Aldermen, and Burgesses shall fix and select, not being within Three hundred Yards of any House erected or in the course of Erection at the Time of making the Allotment for a Cemetery, except with the Consent of the Lessee, Owner, and Occupier thereof in Writing, and one Half Part of such Cemetery or Cemeteries shall be appropriated for Burials according to the Rites of the Church of *England*, and the other Half Part for the Interment of Persons dissenting from that Church, or not buried according to its Rites.

Allotments to be set out for the Lords of the Manor for Right of Soil.

LV. And be it enacted, That the Commissioners shall, after making the Allotments herein-before directed, allot and award unto the said Mayor, Aldermen, and Burgesses as Lord for the Time being of the said Manor of *Nottingham*, or to such Person as shall in the Judgment of the Commissioners be entitled to the Soil of the said Commons and Waste Lands in the said Parish, or any Part thereof, so much and such Part of such Commons or Waste Lands as shall in the Judgment of the Commissioners be equal in Value to One Fifteenth Part of the Residue of such Commons and Waste Lands, Quality and Value considered, in lieu of their Right and Interest in the Soil of the said Commons and Waste Lands, exclusive of any other Allotments which may be made to such Lord in lieu of or in satisfaction for any other Rights or Interests in such Commons or Waste Lands; and there shall be allotted to the said Mayor, Aldermen, and Burgesses, as Part of their Allotment as Lord of the Manor, the Site of the Windmills and Buildings thereto annexed now standing and being on and upon the said Forest Land.

Allotments for Tithes.

LVI. And be it enacted, That the Commissioners shall allot and award unto the Vicar of the said Parish of *Saint Mary*, and unto the said

said Right Honourable *Charles Herbert* Earl *Manvers*, *William Watson*, *John Fox*, and *Timothy Chouler*, Devisees in Trust under the Will of *Micah Gedling* deceased, and the Charitable Trustees of the Town of *Nottingham*, Trustees of the Free Grammar School, or other the Persons who may be entitled to Corn Tithes, Vicarial Tithes, or Tithes or Tenths of Hay, or other Tithes, and to the said Vicar in respect of the Glebe Lands and Rights of Common belonging to such Vicar, such Parcels of the Lands to be inclosed as in the Judgment of the Commissioners shall be a full Equivalent and Compensation to such Persons severally and respectively for their several and respective Claims (when substantiated to the Satisfaction of the Commissioners) in, over, or upon the Lands to be inclosed.

Allotments to Persons entitled to Right of Common.

LVII. And be it enacted, That the Commissioners in the next place shall allot and award to the Freemen of the said Town, and Owners of ancient Toftsteads in the said Town, and Inhabitant Householders of the said Town, and others (if any) respectively who shall in the Judgment of the Commissioners establish any Right of Common or Pasturage over and upon the several Lands intended by this Act to be inclosed, so much of the same Lands as the Commissioners shall adjudge and determine to be a full Satisfaction and Compensation to such Freemen and others in respect of such Right of Common or Pasturage.

Mode of ascertaining Proportions.

LVIII. And for the Purpose of determining the Disputes which have arisen between the Owners of the Lands to be inclosed and the Persons entitled to Right of Common, and of preventing any Difficulties arising to the carrying out the said Inclosure, it is expedient that the Mode of settling such Compensation for Rights of Common should be defined in this Act, and the Owners of the Lands are willing that the Allotments to be made to such Owners, and to the Freemen and other Persons respectively entitled to Right of Common, should be so much of the said Lands as the Commissioners should consider to be proportionate to the several existing Shares and Interests of the said Owners and Freemen and other Commoners respectively in the Herbage of such Lands; be it enacted, That such Satisfaction and Compensation shall be estimated by the Commissioners in the same Ratio or Proportion as the several Rights and Interests of such Freemen and others in the Herbage growing over and upon the said Lands respectively bore to the several Rights and Interests of the Owners of the Soil in the Herbage growing over and upon the said Lands respectively previous to the passing of this Act.

How any Allotment to Householders to vest.

LIX. And whereas the Inhabitant Householders of the said Town claim to have some Right of Common over some Portion of the Lands by this Act intended to be inclosed, and such Inhabitant Householders are very numerous; be it therefore enacted, That if such Inhabitant Householders of the said Town shall establish any Claim to Right of Common, and any Allotment shall be made in respect thereof, such Allotment shall be awarded to the Mayor, Aldermen, and Burgesses, to be held and applied by them for or towards

towards upholding and maintaining the Places of Exercise and Recreation allotted and awarded by virtue of this Act.

How Allotment to Freemen to be made.

LX. And be it enacted, That the Commissioners shall, before the Execution of their Award, by giving Notice in manner herein-before directed for Meetings for appointing a new Commissioner, call a public Meeting of the resident Freemen of the Town of *Nottingham*, and the Freemen, or the major Part of them, respectively present at such Meeting, shall nominate and appoint such Persons, not exceeding Five in Number, as Trustees on their Behalf as they shall think proper; and the Allotments to or for the Freemen shall be made by the Commissioners to and be vested in such Persons so appointed by the Freemen as their Trustees.

Allotments to be held by Trustees.

LXI. And be it enacted, That such Allotments shall be held by the Trustees, with such Powers for appointing new Trustees, indemnifying the Trustees, defraying the Expences of the Trusts thereof, and such other Provisions or Directions as shall be determined at such public Meeting of the said Freemen, subject to the Approbation of the Lords Commissioners of Her Majesty's Treasury, or any Three of them.

Chairman at Meetings. Resolutions of Meetings to be Evidence.

LXII. And be it enacted, That at every such public Meeting the said *George Sanderson*, 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 Commissioners.

Application of Rents arising from Freemen's Allotments

LXIII. And be it enacted, That the Allotments so to be made to the Trustees for the said Freemen shall be let from Year to Year, or demised for a Term or Terms of Years not exceeding Ninety-nine Years, by the 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.

Powers of Sale.

LXIV. And be it enacted, That it shall be lawful for the said Trustees for the Time being, with the Consent of a Majority of the 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 Trustees of the Freemen, or any Part or Parts thereof, in One or more Lot or Lots, by Auction or private Contract; and every Conveyance 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 Hereditaments so

sold,

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.

Application of Proceeds.

LXV. And be it enacted, That the Proceeds of every such Sale shall be forthwith invested by the Trustees in the Purchase of Freehold Lands, or in Real Securities in *England*, or in Government Stocks or Funds of *Great Britain*, and the Rents and Profits of the Allotments until sold, and the Rents, Dividends, and Interests of the Lands, and Real and Government Securities in or upon which the Proceeds of any Sale thereof shall be so invested, shall be by the Trustees for the Time being applied, appropriated, and divided into so many Burgess Part Payments as the said Trustees shall think fit, but such Burgess Part Payments to be not less than Ten Pounds *per Annum* each; and such Burgess Part Payments shall be allotted by the Council of the said Town of *Nottingham* in the same Way and Manner as Burgess Parts, or Payments in lieu thereof, have hitherto been accustomed to be allotted by the Corporation of the said Town to the senior resident Freemen in rotation upon the Burgess or Freemen's Roll, or their Widows.

Allotment of Residue.

LXVI. And be it enacted, That after the several Allotments herein-before directed shall have been made the Commissioners shall divide, allot, and award all the Remainder of the Lands to be inclosed unto and amongst the several Owners and Proprietors thereof, and Persons who shall be entitled to any Estate, Right, or Interest therein, in such Shares and Proportions as the Commissioners shall adjudge and determine to be proportionate to the Value of their respective Rights and Interests therein.

Applications for Situations of Allotments.

LXVII. And be it enacted, That the Commissioners shall appoint a Meeting for receiving Applications from the several Proprietors of the Lands to be inclosed touching the Situations in which they would respectively choose to have their Allotments set out, and shall give Ten Days Notice of the Time and Place of such Meeting by Advertisement or on the Church Door; and such Allotments shall be set out, as far as may be practicable, upon the present Sites of the Lands to be inclosed in respect of which such Allotments shall be made, or as near thereto as Circumstances will in the Judgment of the Commissioners permit.

For determining Objections to Allotments.

LXVIII. And be it enacted, That as soon as the Commissioners shall have ascertained the respective Rights and Interests of the several Parties interested in the Lands to be inclosed, and also the Allotments by them proposed to be made to such Parties respectively in lieu of such Interests, they shall hold a Meeting, of which Ten Days Notice shall be given by Advertisement or on the Church Door, where such Parties may be informed of the Situation of such intended Allotments, and see the same delineated upon a Map or Plan to be produced for their Inspection; and if any of such Parties, upon such Inspection, shall be dissatisfied with the proposed

proposed Allotments, the Commissioners shall at such Meeting, or at some other Meeting to be appointed by them for that Purpose, receive Statements in Writing of Complaints and Objections thereto, and shall forthwith, or as soon after as conveniently may be, determine the same, and such Determination shall be final.

Allotments to be fenced.

LXIX. And be it enacted, That the several Allotments to be made in pursuance of this Act (except the Allotments to the Mayor, Aldermen, and Burgesses for Places of Recreation, public Walks, and Baths, and the Allotments to the said Vicar and other Persons in lieu of Tithes,) shall be inclosed, ditched, and fenced, at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Times as the Commissioners shall by their Award or any Writing under their Hands direct, and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the Commissioners shall by their Award direct.

Vicars Allotments to be fenced at the general Expence.

LXX. And be it enacted, That the Allotments to be made to the said Vicar and other Persons in lieu of Tithes shall be well and sufficiently inclosed and fenced on all such Parts and Sides as shall not be directed to be fenced by any other Proprietor, or as shall not adjoin any inclosed Land, or be bounded by any sufficient Watercourse or other sufficient Fence in the Judgment of the Commissioners, and the Expence attending the inclosing and fencing the same shall be discharged out of the Inclosure Expences Fund; and all such Inclosures and Fences, when made, shall for ever thereafter be kept in repair by the said Vicar, or by the Persons for the Time being entitled in possession to the said Allotments.

Equalizing the Share of Fencing.

LXXI. And be it enacted, That if, from Situation or from any other Circumstance, it shall happen that any of the Proprietors of the Lands to be inclosed, or any Person to whom any Allotments shall be made, shall not have a fair Proportion of the Boundary Hedges, Ditches, Mounds, or Fences assigned to him to make by virtue of this Act, it shall be lawful for the Commissioners to ascertain and appoint what Sum of Money shall be contributed by such Proprietor or Person towards making the Boundary Hedges, Ditches, Mounds, and Fences of the Allotments of such other of the said Proprietors and Persons as shall have too great a Proportion thereof to make; and such Money shall be paid to such Persons and in such Manner as the Commissioners shall by any Writing under their Hands direct, and the same may be recovered by any of the Means which by the first-recited Act are provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure in Cases where such Expences are directed to be paid in proportion by the Proprietors of Lands to whom any Allotments shall be made; and every such Order of the Commmissioners shall be final.

Cattle not to be depastured in the Occupation

LXXII. And be it enacted, That no Person shall graze or keep any Beast or Cattle upon any of the Occupation Roads or Ways which the Commissioners shall order to be set out, and which shall be fenced on

Ways for Seven Years.

on both Sides, for the Space of Seven Years next after the Execution of the Award of the Commissioners; and every Owner of Lands within the said Parish, his Servants and Labourers, and also every Peace Officer and Parish Officer of the said Parish for the Time being, is hereby empowered to take and impound any such Beast or Cattle which shall be found so grazing upon any Occupation Road as aforesaid, as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent the Proprietors of the Lands which shall next adjoin the said Occupation Roads and Ways from depasturing their Cattle thereon so far as the Frontage of their respective Lands extends.

Power to Vicar to lease his Allotment.

LXXIII. And be it enacted, That it shall be lawful for the Vicar for the Time being of the Parish of *Saint Mary* aforesaid, by Indenture under his Hand and Seal, with the Consent and Approbation of the Patron of the said Vicarage for the Time being, such Consent to be had previous to the Execution of such Indenture by the other Parties thereto, and with the Consent of the Bishop of the Diocese, to lease or demise all or any Part of the Allotment to be made to such Vicar in right of his Vicarage to any Person whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Months next after the passing of this Act, so that the Rent for the same shall be thereby reserved to the Vicar for the Time being by quarterly Payments in every Year, and so that there be thereby also reserved and made payable to such Vicar the best and most improved Rent that can be reasonably gotten for the same, without taking any Fine, Foregift, or other Consideration for granting such Lease, so that no such Lessee be made dispunishable for Waste by any express Words to be contained in such Lease, and so that there be inserted in every such Lease Power of Re-entry on Nonpayment of the Rent within a reasonable Time, to be therein limited, after the same shall become due, so that a Counterpart of each such Lease be duly executed by the Lessee: Provided always, that whenever any such Lease shall by any Means become forfeited or void, or be surrendered before the Expiration by Effluxion of Time of the Term thereby granted, then, and so often as the same shall happen, it shall be lawful for such Vicar for the Time being, with the previous Consent and Approbation of the Bishop of the Diocese and of the Patron of the Vicarage, to grant a new Lease of the Land so demised for such Term of Years as shall at the Time of such Avoidance be unexpired of the original Term, subject nevertheless to the Provisoes and Conditions contained in the original Lease, and then remaining unperformed and capable of taking effect; and every such Lease shall be valid and effectual, any thing in the said first-recited Act, or any Law or Usage, to the contrary notwithstanding.

The Allotments to be of the same Tenure as the Lands in lieu of which they were made.

LXXIV. And be it enacted, That all such Lands as shall be given in exchange or on partition or be allotted by virtue of this Act shall be held by the Person to whom they are given in exchange or on partition or allotted under the same Tenures, Rents, Customs, and Services as the Lands in respect of which such Lands are given in exchange or on partition or allotted would have been held

in case this Act had not been passed; and the Lands given in exchange or on partition or allotted in respect of Freeholds shall be deemed Freehold; and the Lands given in exchange or on partition or allotted in respect of Leasehold Lands shall in like Manner be deemed Leasehold, and shall be held under the same Rent and Covenants as the Lands in respect of which they may be allotted were held, and the Remainder or Reversion thereof shall be vested in the same Lessors respectively as the Remainder or Reversion of such other Lands was vested before the passing of this Act; except where otherwise particularly directed by this Act; any Law or Usage to the contrary notwithstanding.

Power for Commissioners to make Alterations in Allotments.

LXXV. And be it enacted, That it shall be lawful for the Commissioners, at any Time before the Execution of their Award, to make any Alterations which they may think right and expedient in the Allotments or in the Fences which they may have set out and ordered, or in the private Roads over such Allotments, or in any of the Orders or Directions relating thereto which they may have made in pursuance of this Act; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred or otherwise, the Commissioners shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Inclosure Expences Fund, or shall direct by whom and in what Manner such Recompence shall be made, and in case of Nonpayment thereof the same shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties or Forfeitures.

Separate Allotments for Land held by different Titles.

LXXVI. And be it enacted, That when any Person to whom any Allotment shall be made, or Lands assigned in exchange, by virtue of this Act, shall hold such Lands, or the Lands in respect of which such Allotment or Exchange is made, under different Titles and for different Estates, the Commissioners shall ascertain and distinguish the Lands held for each of such Estates and under each of such Titles respectively, and shall accordingly in their Award set out distinct and several Allotments for such respective Lands, and also in the said Award, and the Map annexed thereto, set out and distinguish the several Estates holden by several and distinct Quit Rents.

Where Allotments are omitted to be distinguished by the Award, the Defect may be remedied by a separate Instrument.

LXXVII. And be it enacted, That where the Commissioners shall have omitted to distinguish in their Award the several Tenures under which any of the said Lands shall be holden, or the different Estates or Titles for or under which the same shall be held, to set out and award several and distinct Allotments, as by this Act directed, it shall be lawful for them at any Time within Twelve Months after the Execution of their Award, and they are hereby required, upon Request in Writing to them made by any Proprietor of any such Allotments or Lands, or other Person interested therein, or his Agent, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and proceed as if their Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish and set out the Allotments and

Lands

Lands held by different Tenures, and also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as they are by this Act authorized and required to do in Cases where such Allotments and Lands are directed to be ascertained, distinguished, and set out by their Award; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said Award, and such Instrument shall be enrolled and deposited with the Award of the Commissioners, and shall thenceforth be deemed to be Part thereof to all Intents and Purposes; and all Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Party who shall have requested the Commissioners to make and execute the same, or by his Heirs, Executors, or Administrators.

Partitions may be made in certain Cases.

LXXVIII. And whereas it may happen that some of the Proprietors of Lands in the said Parish, and Persons entitled to Allotments to be made by virtue of this Act, may be seised or possessed thereof or entitled thereto in undivided Moieties, Joint Tenancy, or as Coparceners, or Tenants in Common, and cannot, by reason of Infancy, Settlement, Absence beyond the Seas, or other Disability or Incapacity, make an effectual Division thereof; be it therefore enacted, That it shall be lawful for the Commissioners, upon the Request in Writing of any such Proprietors, being seised or possessed or entitled in undivided Moieties, or as Coparceners, Joint Tenants, or Tenants in Common, or of the Husbands, Guardians, Trustees, Committees, or Attornies, duly authorized, of such of them as may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other legal Disability or Incapacity, to make Partition and Division of the said Lands or Allotments coming to such of the said Proprietors as shall be so seised or possessed or entitled, and to allot the same to such Owners and Proprietors in Severalty; and immediately after the said Allotments shall be so made and declared the same shall be holden and enjoyed by the Persons to whom the same shall be allotted in Severalty in the same Manner, and subject to the same Uses and Trusts, as the undivided Parts or Shares of such Estates would have been in case such Partition and Division had not been made; and every such Partition shall be specified in the Award of the Commissioners, or some other Instrument under their Hands and Seals, and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Expences of Partitions.

LXXIX. And be it enacted, That all Costs and Expences attending any Partition to be made by virtue of this Act shall be borne and defrayed by the several Proprietors of or Persons interested in the Estates which shall be so parted, in such Manner and Proportions as the Commissioners shall order, and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Power of Exchange,

LXXX. And be it enacted, That it shall be lawful for the Commissioners to allot and award any Lands within the said Parish in exchange for any other Lands within the said Parish, or any adjoining Parish,

Parish, Township, or Place, provided that all such Exchanges be specified and declared in the Award of the Commissioners, and be made with the Consent in Writing of the Owner of the Lands so exchanged, whether such Owner shall be a Corporation, or a Tenant in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Lives, (with the Consent of the Lessor thereof, but not otherwise,) or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid, who at the Time of making such Exchange shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and every such Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands shall be situate: Provided also, that all Costs and Expences attending the making and completing of any Exchanges shall be borne by the several Parties making such Exchanges in such Manner and in such Proportions as the Commissioners shall by their Award direct, and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures,

Power to apply Compensation Money coming to Parties under Disability towards Inclosure Expences and substantial Improvements.

LXXXI. And be it enacted, That when any Money is, under the Provisions of the said first-recited Act or of this Act, directed to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Corporation, 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 whose Lands are limited in strict or other Settlement, or to any Person under any other 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 Commissioners out of such Money to defray the Proportion, if any, of the Inclosure Expences which shall be charged upon any of the Lands of the respective Parties in possession of the Lands, or of the Timber or Wood growing thereon, which shall be so purchased or exchanged, or on which such Timber or Wood actually grew, and also to defray the Expence of any permanent Improvement, such as building, subdividing, dividing, draining, or planting, and the like, which shall in the Judgment of the 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.

Investment of the Surplus when amounting to 200*l.*

LXXXII. And be it enacted, That if the Surplus of any such Monies 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 Chancery, 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 Twelfth Year of the
12 G. 1. c. 32. Reign of His Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and the Endorsements thereon, as likewise the Endorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to an Act passed in the Twelfth Year of the Reign of His Majesty King *George* the
12 G. 2. c. 24. Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*, 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 to either of the following Purposes; (that is to say,)

The Redemption or Discharge of the Land Tax, or of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses or Trusts:

The Purchase of other Lands, to be conveyed or settled upon the like Uses or Trusts, or such of them as shall be then existing undetermined or capable of taking effect.

Investment in Securities.

LXXXIII. And be it enacted, That in the meantime and until such Application shall be made the said Money may, by Order of the said Court, to be made upon the like Petition, 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 of other Government or Real Securities, and the Dividends or Interest of such 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 the Lands so to be purchased, conveyed, and settled.

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

LXXXIV. And be it enacted, That in case the Surplus of such Monies shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty 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, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England*

England in the Name and with the Privity of the said Accountant General of the Court of Chancery, 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 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 therefrom, shall be by them applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England*, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l.*

LXXXV. And be it enacted, That in case the Surplus of such Monies 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, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their Guardians, Committees, or Trustees, for the Use and Benefit of the Parties respectively entitled thereto.

Provision for Payment of Expences of Inclosure.

LXXXVI. And for the Purpose of raising Money for defraying the Expences of the Inclosure, (that is to say,) the Costs and Expences incident to and attending the passing of this Act, and the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the Commissioners, Umpire, Clerk, and Surveyors, for Expences, Time, and Trouble, and the Costs and Expences of preparing and enrolling the Award of the Commissioners, and all Costs and Expences that the Commissioners shall be put unto in respect of any Appeal against their Decision, or of any Suit at Law or in Equity that may be instituted by or against them as Commissioners in the Execution of this Act, either before or after the Execution of the Award, and all other Costs and Expences whatsoever of carrying this Act into execution, be it enacted, That the Commissioners shall, at such Period as they think proper, (before any Allotments are set out to the Persons entitled to Rights of Common, to the Lord of the Manor, Persons entitled to Tithes, and to the Owners and Proprietors of the Lands to be inclosed,) mark and allot in the said Parish such Parts of the Lands to be inclosed as they shall judge sufficient in Value to defray the Expences incurred preparatory to and in obtaining and in executing the Powers of this Act, and shall from Time to Time as they shall find expedient sell and dispose of the same, either by public Auction or private Contract; and the Purchase Monies to arise by such Sales shall be paid into the Hands of the Commissioners, and shall be by them applied in discharging the said Expences: Provided always, that in case any Part or Parts of the said Lands to be inclosed shall be sold for more Money than will be required to defray such Expences as aforesaid, then and in such Case such surplus Money shall be divided and apportioned

Appropriation of Surplus.

apportioned between and among the said respective Persons or Bodies Corporate to whom the said Lands shall have been allotted according to their several and respective Interests therein; and the Shares of such of them as shall be Tenant in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors shall be applied and disposed of in the Manner herein directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon.

Commissioners to sign Receipts for Purchase Monies, and make Conveyances to Purchasers.

LXXXVII. And be it enacted, That upon every Sale to be made by the Commissioners under the Provisions of this Act the Commissioners shall sign and deliver to each Purchaser a Receipt for his Purchase Monies, which shall be a sufficient Discharge for the same; and upon Receipt of the whole Purchase Money for any of the Lands which shall be sold as aforesaid the Commissioners shall convey such Lands, and the Fee Simple and Inheritance thereof in possession, by Deed under their Hands and Seals, upon and for such Uses, Trusts, and Purposes as such Purchaser shall direct; and after such Conveyance the Premises conveyed shall become vested, as Freehold of Inheritance, upon and for such Uses, Trusts, and Purposes as shall be expressed by such Deed; and any such Conveyance may be to the Effect set forth in the Schedule (B.) to this Act,

Application of Purchase Monies,

LXXXVIII. And be it enacted, That all such Purchase Monies as shall be from Time to Time raised or received by the Commissioners by such respective Sales as aforesaid shall, after Payment of the Charges and Expences attending such respective Sales, be paid and applied by the Commissioners towards the Inclosure Expences Fund, and the respective Purchasers or other Persons paying the same shall not in any Manner be liable to see to the Application or be answerable for any Misapplication thereof,

Power to make additional Rate in case of Deficiency.

LXXXIX. Provided always, and be it enacted, That if at any Time it shall appear to the Commissioners, either before or after the Execution of their Award, that the Money to arise by such Sales shall not be sufficient to defray the Expences aforesaid, the Deficiency shall be made up and raised from Time to Time by a Rate to be made and levied upon the several Persons interested in the Lands to be inclosed (except the said Vicar and Persons entitled to Tithes, and the Mayor, Aldermen, and Burgesses in respect of the Lands allotted for Places of Recreation, public Walks, and Baths), in such Shares and Proportions, within such Time, and to be paid to such Persons as the Commissioners shall from Time to Time direct.

Remedies in case of Non-payment.

XC. And be it enacted, That if any Person shall refuse or neglect to pay his Proportion of such Expences within the Time and to such Person as the Commissioners shall appoint, it shall be lawful for the Commissioners to recover the same, together with lawful Interest, to be computed from the Day on which the same ought to have been paid, by Action at Law in their own Names, in any of Her Majesty's Courts of Record at *Westminster*, or it shall be

lawful for them, by Warrant directed to any Person whomsoever, to cause the same, with such Interest thereon as aforesaid, to be levied by Distress, or it shall be lawful for the Commissioners, or any Person authorized by them, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person, and demise the same, and receive the Rents and Profits thereof, until thereby or otherwise such Share or Proportion, with lawful Interest as aforesaid, and also all the Costs and Expences attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Power for Commissioners to borrow Money.

XCI. And be it enacted, That if, before the said Monies herein authorized to be raised by the Commissioners can be raised and received by them, they shall find it necessary or expedient to obtain by Loan any Money for or towards the defraying the Expences of obtaining this Act and carrying the same into execution, it shall be lawful for them to borrow and take up at Interest such Sum of Money as they shall from Time to Time think necessary for the Purposes aforesaid, which Money so to be borrowed shall be repaid by the Commissioners, with Interest for the same, out of the Monies to be raised and received by them by any of the Means aforesaid.

Monies may be recovered after Execution of Award.

XCII. Provided always, and be it enacted, That if at the Time of the Execution of the said Award there shall remain due from any Person any Sum of Money which shall have been ordered to be paid by virtue of this Act, it shall be lawful for the Commissioners and they are hereby required to levy and raise the same in like Manner as they might have done before the Execution of their Award.

Persons having limited Interests may raise Money by Mortgage for Expences.

XCIII. And be it enacted, That it shall be lawful for the respective Proprietors of Allotments to be made by virtue of this Act, being Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors being under Coverture, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapacitated, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them, in respect of any Lands held by them in trust for any charitable, parochial, or other Uses, (with the Consent of the Commissioners, testified in Writing under their Hands and Seals,) from Time to Time to charge their Allotments with any Money not exceeding Five Pounds *per* Acre towards their respective Proportions of the Inclosure Expences, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Allotments unto or in trust for any Person who shall advance such Money for any Term of Years, but so that every such Mortgage or Demise be made with a Condition to cease and be void, or with an express Trust to be surrendered or reassigned, when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied; and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any such Allotment for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life, in such Manner

that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended; and every such Mortgagee and his Assigns shall have the like Remedies, in case of the Nonpayment of the Monies thereby secured, as in the Case of other Mortgages of the like Nature.

Empowering Commissioners, upon Application, to sell Part of Allotments to defray Expences.

XCIV. And be it enacted, That it shall be lawful for the Commissioners, on Application made to them in Writing by any of the Proprietors of Allotments to be made by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors, being Tenants in Tail, or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of any such Allotment for raising a Sum of Money sufficient to defray the proportionable Part of the Expences which shall in such Rates be charged upon such Parties, and of the Expences of making and completing such Sale: Provided always, that it shall not be lawful for any Proprietor of an Allotment to raise by any such Sale, or by Mortgage and Sale, any greater Sum of Money for the Purposes aforesaid than such Proprietor might have borrowed or charged upon his Allotment for such Purposes by virtue of the said first-recited Act, reckoning Five Pounds for each Acre thereof: Provided further, that in all Cases in which the Money so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Proprietor Part of whose Allotment shall be sold as aforesaid to charge his Allotment with any Sum not exceeding the Difference.

Sales to be made according to the general Inclosure Act.

XCV. And be it enacted, That such Sales shall be made by the Commissioners in the same Manner and subject to the same Regulations as are prescribed by the said first-recited Act in respect of the Sale of Land towards defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the Commissioners, and be conveyed by Release or other Deed executed by them, at the Expence of the Purchaser, unto and to the Use of or in trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed and held by such Purchaser in Severalty.

Application of Purchase Monies.

XCVI. And be it enacted, That the Receipt of the Commissioners shall be a sufficient Discharge to the Purchaser for the said Money; and such Purchase Money shall be applied by the Commissioners in or towards defraying the Costs and Expences for raising which such Sale shall have been made, and the Surplus (if any) shall be

be paid to the Parties from whose Allotment such Sale shall have been so made respectively; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Monies shall be applied and disposed of in manner by this Act directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon.

Award to be drawn up and proclaimed.

XCVII. And be it enacted, That as soon as conveniently may be after the said Inclosure shall be completed the Commissioner shall draw up and execute an Award, and the Execution of the said Award shall be proclaimed upon the next or some subsequent *Sunday*, by affixing a Proclamation on or near the outer Door of the Church of the said Parish previously to Divine Service, from the Time of which Proclamation only, and not before, such Award shall be considered as complete; and within Three Calendar Months after the Commissioners shall have so made and executed the said Award they shall cause the same, together with one of the reduced Plans herein-after directed to be made annexed thereto, to be delivered to the Clerk of the Peace of the said Town and County of the Town of *Nottingham*, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid; and the said Award shall from the Delivery thereof to the said Clerk of the Peace be deemed to be enrolled according to the Directions and within the Meaning of the said first-recited Act.

The Award, with a reduced Plan, to be deposited with the Clerk of the Peace.

Copy of the Award, with a reduced Plan, to be deposited in the Parish Church.

XCVIII. And be it enacted, That a Copy of the said Award, fairly transcribed in a Book on Paper or Parchment, with the other of the reduced Plans herein-after directed to be made, shall within the Time aforesaid be deposited in the Parish Church of *Saint Mary*, and there kept in a Box to be provided for that Purpose by the Commissioners; and the said Award, and the said Copy thereof, and any other Copy of the said Award or of any Part thereof, attested by the Clerk of the Peace for the Time being of the said Town, or his Deputy, (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid,) shall thereafter be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Reduced Plans to be made and annexed to the Award and Copy.

XCIX. And be it enacted, That the Commissioners shall cause Two reduced Plans of the Lands hereby directed to be inclosed to be drawn upon Parchment or Vellum, on which the public and private Roads, Paths, and Drains, with the Boundary Fences of the several Allotments mentioned and described in the said Award, and the Contour Lines, Levels, and Sections, and other Matters and Things in this Act mentioned, and such other Matters and Things as the Commissioners shall think fit, shall be fairly and distinctly delineated and expressed, and the Commissioners shall sign the said Plans, one of which shall be annexed to the said Award, and the other shall be annexed to or shall go and be kept with the Copy of the said Award

to

to be deposited in the Parish Church of *Saint Mary* aforesaid, which Plans or either of them shall be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Power of Appeal.

C. And be it enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act (except as to the Allotments, and except as to such other Determinations as are by this Act directed to be final, and except such Cases wherein an Issue at Law shall be tried as herein-before is mentioned, and except in any Case where any Appeal is herein otherwise specially provided,) he may appeal to the General or Quarter Sessions of the Peace which shall be held for the said Town and County of the Town of *Nottingham* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Party concerned (and to the Commissioners if they shall be interested) Ten Days previous Notice in Writing of such Appeal and of the Matter thereof (except with respect to the Accounts of the Commissioners, which, notwithstanding the same shall have been examined and published as aforesaid, may be appealed against at any Time within One Month after the Enrolment of the Award, on giving to the Commissioners such Notice as last aforesaid); and the Recorder holding such Sessions is hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages, as to him shall seem reasonable; and in case any such Appeal shall appear to the said Recorder holding such Sessions to be frivolous, vexatious, or without Foundation, he shall award such Costs to be paid by the Appellant as to him shall seem reasonable; and the Costs and Damages which shall be so awarded shall be levied by Distress, and the said Recorder shall issue his Warrant accordingly.

Order on Appeal to be final.

CI. And be it enacted, That every Order and Determination of the said Recorder upon every Appeal shall be final, and shall not be removed or removable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Limits of Act to which Building Regulations, &c. shall apply.

CII. And for the Purpose of preventing the Construction of any insufficient Roads or Sewers, or the Erection of any improper or unhealthy Buildings, be it enacted, That the Provisions herein-after contained, shall be put in force in respect of the Lands by this Act authorized to be divided, allotted, and inclosed.

Preliminary Survey of the Levels.

CIII. And for the Purpose of enabling the Commissioners to ascertain with Accuracy the Areas of the several Parcels of Land situated within the Limits of this Act, and the Value of the Rights of the several Parties interested therein, and also to award and set out the several Allotments to be made by virtue of this Act, and also to provide for the proper Direction, Inclination, and Situation of Roads, Drains, Sewers, Flood Watercourses, and Waterways, and the due and beneficial Increment of the Town of *Nottingham*, in all Time to come, and the proper and effective and economical Drainage of the Lands hereby inclosed, and of the Streets, Roads, and Ways thereon, be it enacted, That within Six Months from the

Time of the passing of this Act a preliminary Survey shall be commenced by a qualified Surveying Officer (not locally or otherwise interested), to be from Time to Time selected and appointed by the Master General and Board of Ordnance, at the Request in Writing of the Commissioners, which Request they are hereby required to make; and such Surveying Officer shall be removed on the Application of and on sufficient Cause being shown by the Commissioners to the Satisfaction of the Master General and Board of Ordnance, and on every Vacancy another such Surveying Officer shall be appointed in like Manner.

Duties of Surveying Officer.

CIV. And be it enacted, That the said Commissioners shall from Time to Time make a Communication in Writing to the Master General and Board of Ordnance, setting forth the Nature of the Surveys, Plans, and other Matters and Things required to be executed and performed by such Surveying Officer, for the Opinion and Decision of the Master General and Board, who shall make such Orders thereupon as they shall deem proper and necessary, and inform the Commissioners and such Surveying Officer thereof, and such Surveying Officer shall from Time to Time act in all Things in the Execution of the Duties intended so to be performed by him under the Authority of this Act in pursuance of the Orders of the Master General and Board; and such Surveying Officer shall make duplicate Copies of the Surveys, Plans, and Reports of the several Matters and Things to be done by him as aforesaid, and One Part thereof shall be deposited with the Clerk to the Commissioners, and a Duplicate thereof with the Clerk of the Peace of the Town of *Nottingham*; and such Duplicate Copies deposited with the Clerk of the Peace as aforesaid shall be at all reasonable Times open to public Inspection on Payment of One Shilling for each such Inspection.

Commissioners to signify their adoption of the Plan of Surveying Officer.

CV. And be it enacted, That when the Commissioners shall have adopted such Plan and Report they shall signify their Adoption thereof by appending their Signatures thereto, and the Plan so adopted shall be the Plan according to which the Allotments, Inclosures, and Arrangements authorized by this Act to be made shall be formed.

Payment of Surveying Officer.

CVI. And be it enacted, That such Surveying Officer shall be paid from and out of the Monies to be raised by virtue of this Act according to such Rate or Scale of Remuneration as shall be agreed upon by and between the Master General and Board of Ordnance and the Commissioners previous to the Commencement of such Survey; and such Surveying Officer may, if the Commissioners think fit, and the Master General and Board of Ordnance shall consent thereto, be by them appointed ordinary Surveyor.

For determining Datum Points.

CVII. And for the Purpose of perpetuating the Advantages of the Contour Levels by this Act authorized to be taken, and for affording Datum Points by which to determine in all Time to come the various Heights, Depths, Levels, and Inclinations necessary for accurately setting out Roads, Buildings, Sewers, Drains, and other Works, be it enacted, That the Surveying Officer shall and he is hereby

hereby authorized to affix such Number of Bench Marks and other Marks of a durable Nature upon Buildings and other permanent Objects, either within or beyond the Limits of this Act, as he shall deem useful for effectuating the Purposes aforesaid; and if no Buildings or other permanent Objects be found in any of the Situations in which it may be deemed desirable to fix such Marks, then such Surveying Officer may and he is hereby required to erect the permanent Objects necessary to bear and sustain such Bench Marks; and the Expences of such Marks and Objects, and of the erecting and affixing the same, shall be defrayed from and out of the Inclosure Expences Fund.

Width of Roads.

CVIII. And for the Purpose of providing for the Accommodation of the Public, and for the healthful and permanent Admission of Light and Air, be it enacted, That all Roads which may in the Opinion of the Commissioners be required for, or be likely to become hereafter principal or leading public Roads or Thoroughfares, shall be marked out of the clear Width of Sixty Feet; and that all Roads which may in the Opinion of the Commissioners be or be likely to become hereafter public Roads of medium Importance shall be marked out of the clear Width of Forty-eight Feet; and all Roads which may in the Opinion of the Commissioners be or be likely to become hereafter public Roads of inferior Importance shall be marked out of the clear Width of Thirty-six Feet; and all such Roads and the respective Widths thereof, and the longitudinal vertical Sections according to which such Roads are to be formed and maintained, and the least Depth, and the smallest Area of the Sewers to be formed therein, shall be marked or indicated upon the Plan annexed to the Award.

Certain Delays may take place.

CIX. And be it enacted, That in order to avoid undue Expence in the immediate making and subsequent Repair of such Roads respectively, or of any Part of such Roads respectively, the Commissioners may in the first instance allow any such Roads, or any Part of such Roads, to be made and maintained of smaller Width (as herein-after mentioned), and may authorize the Land set out for but not used as a Road to be inclosed and cultivated by the Owners or Occupiers of the adjoining Allotments till such Road shall be required (as herein-after mentioned) to be formed of the full Width specified on the Plan annexed to the Award; and no Length of Time for which such Land shall be so inclosed and cultivated shall confer any prescriptive or other Right to the Site or Soil thereof.

Roads to be immediately formed.

CX. And be it enacted, That the Commissioners shall determine how many and what of the Roads marked out by them shall be reasonably requisite or proper for the present Exercise and Recreation of the Inhabitants of the now built Portion of the Town of *Nottingham*, and such Roads shall be deemed to be marked out in lieu of existing Roads, and shall be forthwith completely formed and metalled, and the Expences of such complete forming and metalling shall be defrayed from and out of the Inclosure Expences Fund.

CXI. And

Primary Formation of future Roads.

CXI. And be it enacted, That with respect to other of the Roads marked out by the Commissioners the Commissioners shall order and direct of what Width and Levels and of what Materials such Roads shall be primarily formed and (if needful) metalled, and the Expences of such primary forming, and (if needful) metalling, shall be defrayed from and out of the Inclosure Expences Fund; but the subsequent Completion of such last-mentioned Roads, to the Width and Levels marked out by the Award and Plan annexed thereto, shall, when the Justices order and direct, as herein-after expressed, be done by and under the Superintendence of the Board of Highways of the Parish of *Saint Mary*, at the Expence of the Owners of the Lands abutting on such last-mentioned Roads, in proportion to the Sums to which they shall severally be assessed to the Relief of the Poor in respect of such Lands, any thing herein contained to the contrary notwithstanding.

Certain Sewers to be immediately formed.

CXII. And be it enacted, That the Commissioners shall in like Manner determine in how many and what of the Roads marked out by them Sewers shall be requisite and proper for the Health and Convenience of the said built Portion of the Town; and such Sewers shall be deemed to be in lieu of existing Sewers, and shall be formed in manner by this Act directed, and the Cost thereof shall be paid from and out of the Inclosure Expences Fund.

Formation of future Sewers.

CXIII. And be it enacted, That with respect to Sewers for other of the Roads marked out by the Commissioners, such Sewers shall, when and as the Justices of the Peace shall from Time to Time order and direct as herein-after expressed, be primarily made by and under the Superintendence of the Board of Highways of the Parish of *Saint Mary*, at the Expence of the Owners of the Lands abutting on the Roads in and along which such Sewers shall be formed, in proportion to the Sums to which such Owners shall severally be assessed to the Relief of the Poor, any thing herein contained to the contrary notwithstanding.

Road Surveyor to be appointed.

CXIV. And for the more effectual Formation of such of the Roads and Sewers as are directed to be formed or metalled (as the Case may be) at the Expence or Cost of the Inclosure Expences Fund, be it enacted, That such Roads and Sewers shall severally be completely and primarily formed and executed, according to the Intention of the Commissioners (as by their written Orders and Directions, and by the Award and Plan thereto annexed, shall appear), under the Regulation and Control of a competent Road Surveyor, to be from Time to Time appointed and at Pleasure removed by the Commissioners; and the Salary of such Road Surveyor, not exceeding Two Pounds *per Centum* upon the Amount of the Contracts herein-after mentioned, shall be paid from and out of the Inclosure Expences Fund.

Contracts to be made.

CXV. And be it enacted, That all Works in respect of the Formation of Roads and Sewers shall be done and executed by substantial Persons, under Contracts, to be founded on public Advertisement and Tender.

CXVI. And

When Roads to be increased to full Width, and Sewers made.

CXVI. And whereas, by reason of the Extension of Buildings and other Causes, it may from Time to Time become necessary for public Accommodation and Convenience that such Roads as may have been primarily formed of less than the full Width under the Provisions herein-before contained, or of other than the finished Level authorized by the Award, or some of them, or some Parts of them, should be increased to such full Width, and be formed according to such finished Level, and that Sewers should be made therein; be it enacted, That when it shall appear to Five Justices in Special Sessions assembled, on relation or memorial, that it would be of considerable public Advantage for the said Roads or some of them, or some Parts of them, to be increased to their full Width, and be formed according to the finished Level, or for Sewers to be formed therein, such Justices shall order that by a Day specified in such Order such Roads or some of them, or some Parts of them, shall be so increased to such Width, and formed according to such finished Level, or that Sewers shall be made therein, by and under the Superintendence of the Board of Highways of the said Parish.

Recovery of Expences.

CXVII. And be it enacted, That the Board of Highways may recover the Expences by them incurred in complying with the Order of the said Justices as last aforesaid from the Owners of the Lands adjoining to such Roads by Five equal annual Instalments, and in such Manner and by such Means as the Rates for the Repair of the Highways are levied and enforced; provided that no Owner shall be charged with more than the Expence of so much of the Works of widening and forming as shall be incurred in respect of the Half Width of the Road adjoining his Land, nor with more than Half the Expence of the Length of Sewer extending in front of his Land; and as respects Works done at the Corners or Crossings of Streets, the Expences incurred at Corners and Crossings shall be apportioned amongst the Owners of the adjacent Lands as the Board of Highways shall determine.

Provision for other Roads set out.

CXVIII. And for the Purpose of making Provision concerning Roads, Streets, and Ways other than those marked out by the Commissioners, and which may hereafter become needful by reason of the Extension or intended Extension of Buildings upon the Lands allotted and inclosed under the Provisions of this Act, be it enacted, That every Street or Way hereafter made or intended to communicate between any of the Roads or Ways marked out by the Commissioners shall be of the full Width of Thirty-six Feet at the least, and every Alley, Court, or Way not so made to communicate shall be of the full Width of Twenty Feet at the least; and every such Street or Way so communicating as aforesaid shall be open at both Ends for the full Width and Height thereof, and every such Alley, Court, or Way not so communicating shall be open at one End at the least, and for the full Width and Height thereof.

Heights of certain Buildings.

CXIX. And be it enacted, That the Height of any Building to be erected in any such last-mentioned Street, Alley, Court, or Way shall not exceed from the Level of the Footpath to the Eaves or Gutter thereof the clear Width of such Street, Alley, Court, or Way,

unless such Building shall be set back so far that the Distance between such Building and the opposite Side of such Street, Alley, Court, or Way shall be at least equal to the Height of the Building; and the Levels of the Surface of any and every such Street, Alley, Court, or Way, and the least Depth and least Area of the principal Sewer or Drain to be made therein, shall be determined and assigned by the Official Referee, to be appointed as herein-after mentioned, after an Inspection of the Premises, and an Examination of the Contour and other Levels marked upon and prescribed by the Award and Plan annexed thereto.

Principal Sewers and Paving.

CXX. And be it enacted, That the Owner of the Land upon which any Street, Alley, Court, or Way shall be made shall form the Surface and principal Sewer or Drain thereof, and as respects the Levels and least Depth and least Area, according to the Determination and Assignment of the Official Referee; and every such Street, Alley, Court, or Way shall be primarily paved or metalled, and the Footpaths or Causeways therein shall be formed and flagged or laid by and at the Expence of the Owner thereof, and according to the several Provisions herein contained relating to Roads marked out by the Commissioners; and if any Person in anywise offend in respect hereof he shall forfeit a Sum not exceeding Five Pounds for every Calendar Month he shall so continue to offend.

Width of Causeways.

CXXI. And be it enacted, That every public Road shall be formed with a raised Causeway or Footpath on each Side thereof, and the clear Width of such Causeway or Footpath shall not be less than One Sixth of the entire Width of such public Road; and the Inlet into every Drain from such public Road shall be well and effectually trapped.

Causeways to be paved and flagged.

CXXII. And be it enacted, That when and so soon as such Number of Houses or Dwellings shall be erected by the Side of or near to any public Road as shall, in the Opinion of Five Justices in Special Sessions assembled, require the Causeways or Footpaths of such public Road, or any Part thereof, to be paved or flagged or laid with Asphalte or other suitable Material for the Accommodation of the Public, such Causeways or Footpaths, or any Part thereof, shall be primarily and properly paved or flagged or laid with Asphalte, and curbed by and under the Superintendence of the Board of Highways of the Parish of *Saint Mary*, and at such Time, in such Manner, and to such Extent as such Justices so assembled in Special Sessions shall from Time to Time order and direct; and the Board of Highways may recover the Expence of the primary paving, flagging, laying, and curbing from the Owners for the Time being of the Lands adjoining to such Causeways or Footpaths by Five equal annual Instalments, and in such Manner and by such Means as the Rates for the Repair of the Highways are levied and enforced; provided that no Owner shall be charged with more than the Expence of so much of the Footpath or Causeway as shall adjoin his Land.

Buildings to be built under the Provisions of this Act.

CXXIII. And be it enacted, That all Buildings upon the said Lands shall be built under the Supervision of the Official Referee according to the Provisions of this Act in that Behalf, subject nevertheless to an Appeal, at the Instance of any Party interested, to the General Quarter Sessions of the Peace for the said Town as herein provided.

Dwelling Houses not to adjoin on more than Two Sides, and to have Yards.

CXXIV. And for the Purpose of insuring the Admission of Light and fresh Air to and amongst the Buildings which may be hereafter erected within the Limits of this Act, and for the Purpose of preventing the unhealthy and inconvenient overcrowding of the Dwellings of the Poor, and for the Purpose of securing due Accommodation and Privacy, be it enacted, That no Dwelling House shall adjoin any other Dwelling House or other Building (except an Outhouse ordinarily occupied with such Dwelling House) on more than Two Sides, and that every Dwelling House shall be provided with an attached Yard or Garden (separate and distinct from any other Yard or Garden) to extend at the least to a Distance of Thirty Feet from such Dwelling House, or so much on each of the Two opposite or adjacent Sides of such Dwelling House as shall together extend at the least to Thirty Feet, and that every Dwelling House shall have within its own Curtilage or Garden a separate Privy or Watercloset and Dustpit.

Each Dwelling to have Three distinct Bed-rooms.

CXXV. And in order to provide for the greater Convenience, and for the more decent Separation of the Sexes, and for the Improvement and Preservation of the moral and social Condition of the Population, be it enacted, That every Dwelling House shall be constructed with and possess at least Three distinct Bed-rooms above the Ground Floor thereof, each with a Fire-place or sufficient ventilating Flue and Window thereto, and a Ceiling, of which a Part at least equal to Two Thirds of the Area of the Floor shall be horizontal, and not less than Six Feet and Six Inches high above the Floor, and that no Apartment any Part of which shall be situated below the Level of the Ground, or which shall not contain a proper Fire-place and Chimney, or ventilating Flue and Window, shall be let off, or be used, occupied, or be suffered to be used or occupied as a Workshop or Sleeping Apartment, or be slept in, or be suffered to be slept in.

Privy, &c. not to be erected within Fifteen Feet of Dwelling.

CXXVI. And for the Purpose of insuring the Salubrity of the Air in and about such Dwellings, and in and about Workshops, Warehouses, and other Buildings in which the labouring Population are occupied or employed, be it enacted, That no Water Closet without a trapped Soilpan and a sufficient Supply of Water to cleanse the same, Privy, Ashpit, Stable, Cowhouse, Piggery, or other Building, from which any noxious Stench or Effluvium can or may arise or escape, shall be erected or used within Fifteen Feet from any living Room, Bedchamber, Workshop, Warehouse, or other Apartment or Building in which human Beings shall dwell, or in which they may by the Nature of their Employments be necessitated to remain during their usual Hours of Labour; and every such Apartment

Apartment or Building in which there shall not be an open Chimney and Fire-place capable of being used shall be constructed with a ventilating Shaft or Flue extending from or near the Ceiling to and through the Roof, and the Area of such ventilating Shaft or Flue shall be at least One Eighth of a Square Inch for every Square Foot of Surface in the Floor of such Apartment or Building. Ventilating Shaft.

CXXVII. And be it enacted, That no House or other Building shall be erected or used for or as a Dwelling within Sixty Feet from the Boundary of any Cemetery or public Burial Ground. No House within Sixty Feet of Burial Ground.

CXXVIII. And be it enacted, That no external Wall of any Building used as a Dwelling, Workshop, Warehouse, or Manufactory shall be of less Thickness in any Part thereof (excepting Flues) than Nine Inches, and that the Ground Floor of every such Building shall be elevated at least Twelve Inches above the assigned Level of the Causeway or Footpaths of the Street or Road upon which such Building shall abut, or otherwise be situated within Ten Yards thereof, and in case of Buildings situated at or beyond Ten Yards from any such Street or Road, then at least Twelve Inches above the finished Surface of the Ground round and about the same; and such Ground Floors shall either be laid hollow or upon Asphalte or other Material capable of effectually resisting the Ascent of Moisture and Damp from the Soil or Stratum beneath. Thickness of Walls.

CXXIX. And be it enacted, That every Apartment (except Store Cellars) any Part of which shall be below the Surface of the Ground shall have an Area extending along each Side which would otherwise be in contact with Earth, and the Width of such Area shall be at least equal to the Depth of such Apartment below the Surface of the Footpath or Causeway adjacent if such Footpath or Causeway be within Ten Yards thereof, or below the Surface of the Ground if such Footpath or Causeway be Ten or more Yards therefrom; and such Apartment and the Area thereto shall each be properly and effectually paved and drained. Apartments below Surface to have Areas.

CXXX. And for the Purpose of discouraging and prohibiting the Use of Buildings unfit for Dwellings, and the improper Appropriation of Buildings, and for the Purpose of diminishing the Evils arising from the Production, Introduction, and Communication of Disease, and for the better Security of the Morals of the Population, be it enacted, That every Person shall be liable to a Penalty of Twenty Shillings for every Day that he shall act contrary to any of the following Provisions; (that is to say,) every Person who shall let separately to Hire, or suffer to be occupied as a Dwelling, any Underground Room or Cellar, or any Room any Portion of the Floor of which shall be below the Level of the Causeway or Footpath of any public Road if within Ten Yards thereof, or below the Level of the adjacent Ground if Ten Yards or more from the Causeway or Footpath of any such public Road; every Person who shall let or hire, or suffer to be occupied, any such Room or Cellar (separate from a Dwelling House erected over or adjoining such Room or Cellar) for any Purpose except for a Ware Room or Store Room; Underground Cellars not to be used as Dwellings.

Room; every Person who shall let or suffer to be occupied, or use or appropriate, any Dwelling House, as and for a Lodging House for the Reception of accustomed Tramps and Vagrants; every Person who shall subdivide any Dwelling or other Building into separate Apartments, approached by a common Stair or Entrance in the Way and Manner of a Barrack Building, and shall let or suffer to be occupied any Dwelling or other Building, or any Part thereof, in such Way and Manner.

Owners of Houses to lay Pipes for Supply of Water.

CXXXI. And for the further and more effectual Improvement of the sanatory Condition and domestic Comfort of the Population in respect to the Supply of Water and Removal of Refuse, be it enacted, That when a Supply of Water can be obtained from the Pipes of any public Work lying within Twenty Yards of any Dwelling House, Workshop, or Manufactory, or the Inclosure thereof, the Owner of such Dwelling House, Workshop, or Manufactory shall forthwith lay down the necessary Communication Pipes, and convey the Water of such public Work to and into the same, and shall affix a proper and convenient Sink and Drain Pipe therein, and shall lay on a Supply of Water thereto, provided that the Proprietors of such public Work shall consent thereto, and provided that a Supply of Water shall not be otherwise laid on or obtained to and for such House, Warehouse, or Manufactory; and if the Owner of such Dwelling House, Shop, or Manufactory shall fail to perform any of the Matters aforesaid he shall forfeit a Sum not exceeding Twenty Pounds.

Drainage of Houses.

CXXXII. And for the Purpose of facilitating the Drainage of Houses, and preventing the injurious Effects of noxious Emanations from Drains, Cesspools, and Privies, and from Ground rendered impure by the Escape of foul Matters therefrom, so far as relates to the making thereof, be it enacted, That before the Walls of any such Building shall have been built to the Height of Ten Feet from their Foundations, the Drains thereof shall have been properly built and made good; (that is to say,) if there be within Fifty Feet from any Front of the Building, or from the Inclosure about the Building, a Common Sewer into which it is lawful and practicable to drain, then into such Common Sewer, and if there be not in such Situation, and within such Distance, any Common Sewer, then to the best Outlet that can be obtained, so as to render in either Case such Drains available for the Drainage of the lowest Floor of such Building or Addition thereto, and also of its Areas, Water Closets, Privies, and Offices (if any), and every Part of such Drains under and from every Building for carrying off Soil or other solid Refuse must be in transverse Section at the least equal to a circular Area of Nine Inches Diameter, unless the same be made of jointed Pipes or Tubes capable of safely and securely sustaining a Pressure of Water to force and clear the same.

Further Provision as to Drains.

CXXXIII. And be it enacted, That such Drains must be laid to a Fall or Current of at least One Eighth of an Inch to a Foot where practicable, and so that the whole of every such Drain within the Walls of such Building shall be wholly covered over under the lowest Floor, and be independent thereof; and every such Drain within the Walls

Walls of such Building shall be built and covered over so as to be and remain Air-tight, and every Part of such Drain, inside and outside the Walls of every Building, must be built so as to be and remain Water-tight; and every Opening into such Drain, or any other Drain or Pipe communicating therewith, must be properly and effectually trapped so as to prevent the Emanation of Effluvia therefrom.

Cesspools and Privies.

CXXXIV. And with regard to Cesspools and Privies, be it enacted, That the following Regulations shall apply to all Cesspools and Privies:

If there be a Common Sewer within Fifty Feet from any Front of or from the Inclosure about any House or other Building, then a Cesspool shall not be made for the Reception of Drainage from such House or other Building unless there be or shall be built a good and sufficient Drain from such Cesspool to such Common Sewer; and every Cesspool shall be built so as to be and remain Air and Water tight:

No Cesspool shall be built under any House or other Building, or nearer thereto than Ten Feet:

Every Privy shall have a Door, and be otherwise properly inclosed, screened, and fenced from public View.

Penalty for disobeying Regulations.

CXXXV. And be it enacted, That if any Person in anywise offend in respect of any of the Matters aforesaid relating to Drains, Cesspools, and Privies, he shall be liable to all the Penalties, Forfeitures, and Liabilities by this Act imposed in respect of any Buildings either built contrary thereto, or without due Notice to the Official Referee.

As to Furnaces.

CXXXVI. And for the more effectual insuring of the Purity of the Atmosphere in and about the Buildings to be erected within the Limits of this Act, be it enacted, That the Furnace of every Steam Engine, Brewery, Dyework, Bleachwork, Bakehouse, and of other the like Machine and Establishment shall consume its own Smoke, so far as the same may in the Opinion of the Justices before whom the Case may be heard be practicable; and if any Person being the Owner or User of such Furnace offend in respect hereof he shall forfeit a Sum not exceeding Forty Shillings for every Day during which he shall so offend.

Noxious Trades.

CXXXVII. And with regard to the following Businesses, that is to say, Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Sheep, or Horses, Soap-boiler, Tallow-melter, Tripe-boiler, Vitriol-maker, Soda-maker, Maker of ammoniacal Compounds from the Liquor of Gas Works, Maker of artificial Pitch or Asphalte, Maker of Gunpowder, Maker of detonating or other violently explosive Compounds, or of Compounds liable to sudden or violent Inflammation or Ignition by Friction, spontaneous Combustion, Contact with Fire, or otherwise, be it enacted, That it shall not be lawful to erect any Building for the carrying on of any such Business, or to carry on any such Business, (excepting as to the Conveyance of Articles to and fro,) within Fifty Feet from the Boundary of the Premises

mises upon which such Business shall be carried on; and as respects the Businesses of Makers of detonating and other violently explosive Compounds, or of Compounds liable to sudden or violent Inflammation or Ignition by Friction, spontaneous Combustion, Contact with Fire, or otherwise, it shall not be lawful to erect or continue any other Building within Fifty Feet from the Boundary of such Premises unless such other Building shall be Thirty Feet or more from the Building in which the Business or any Part thereof shall be carried on; and if any Person carry on any of the Businesses aforesaid, or erect any Building for the carrying on of such Businesses, or erect or continue any Building within the prescribed Distances, contrary to this Act, he shall forfeit for every Day during which such Business shall be carried on a Sum not exceeding Ten Pounds.

Further Provision as to other noxious Trades.

CXXXVIII. And with respect to the Business of Nightman, Offal Collector, Manure Dealer, and any other Business of a like Nature, so far as relates to the carrying on of such Business, be it enacted, That it shall not be lawful to carry on or to suffer to be carried on any such Business (except as to the Conveyance of Articles to and fro) within One hundred Yards of any Dwelling House, Warehouse, Workshop, or Manufactory to be erected upon any Part of the Lands by this Act authorized to be divided, allotted, and inclosed, whether such Dwelling House, Warehouse, Workshop, or Manufactory shall have been erected prior to or shall have succeeded the establishing of such Business, nor within One hundred Yards of the now built Part of the Town of *Nottingham*; and if any Person offend in any of the Matters aforesaid he shall forfeit for every Day which such Business shall be carried on a Sum not exceeding Ten Pounds.

Common Law and statutory Remedies not affected.

CXXXIX. Provided always, and be it enacted, That nothing in this Act contained shall protect any Person carrying on any Business or creating any Nuisance within the Limits of this Act, contrary to any public, local, or private Act of Parliament, or otherwise contrary to Law, from an Indictment for a Nuisance, or any other legal Proceeding to which he may be liable.

Appointment of Official Referee.

CXL. And be it enacted, That immediately after the First Meeting of the Commissioners, and from Time to Time thereafter as Occasion may require, the Town Council of the Town of *Nottingham* shall appoint some discreet Person of the full Age of Thirty Years, and properly educated, and skilled in the Art and Practice of building, as Official Referee under this Act; and the Town Council may, with the Consent of the Justices in Special Sessions assembled, not being less than Five in Number, remove such Official Referee at their Pleasure.

Duties of Official Referee.

CXLI. And be it enacted, That the Official Referee shall see that all the Rules and Directions of this Act are well and truly observed, and shall keep Minutes, Records, and Plans of all his Proceedings, and of all public Works and Alterations within his Review and Direction, and make and preserve general Plans of the Lands within

the Limits of this Act, and delineate all such public Works and Alterations thereon.

CXLII. And be it enacted, That such Official Referee, before he enter upon the Duties of his said Office, shall make before a Justice of the Peace the Declaration prescribed in Schedule (A.) to this Act annexed. Declaration.

CXLIII. And be it enacted, That the Official Referee may appoint a Deputy to act for him, but only during his Illness or unavoidable Absence. Deputy Official Referee.

CXLIV. And with regard to the Works to be executed in pursuance of this Act, so far as relates to the Supervision thereof by the Official Referee, be it enacted, That Two Days before the following Acts or Events, (that is to say,) Notice to be given to Official Referee.

Before any Building shall be begun to be built;

Before any Addition or Alteration which by this Act is placed under the Supervision of the Official Referee shall be made to any Building; and

Before any other Matter or Thing shall be done which by this Act is placed under the Supervision of the Official Referee, except as herein-after is provided,

the Builder shall give to the Official Referee at his Office Notice in the Terms specified in the Form (Number 1) contained in the Schedule (C.) annexed to this Act, or to the like Effect; and if any Builder neglect to give such Notice, or begin to build or do any of the Things aforesaid before such Notice, or before the Expiration of such Period of Two Days, then in every such Case the Party offending shall for every such Default forfeit and pay to such Surveyor Treble the Amount of the Fees which such Surveyor would have been entitled to receive for his Trouble in inspecting the same, and shall also forfeit for every such Default a Sum not exceeding Twenty Pounds. Penalty for neglecting to give Notice, &c.

CXLV. And be it enacted, That if for any Period exceeding Three Months any Builder, having duly begun any Building requiring Compliance with the Provisions of this Act, suspend the Progress of such Building, and again go on with the same, or if during the Progress thereof the Builder be changed, then Two Days before any Builder shall enter upon the Performance of the Work it shall be the Duty of such Builder to give Notice to the Surveyor, and such Notices shall be in the Terms specified in the Forms (Numbers 2 and 3) contained in the Schedule (C.) annexed to this Act, or to the like Effect, and must be given to the Official Referee, or left at his Office, in like Manner as is required upon beginning any new Building; and if any Builder make default, or neglect to give or leave such Notice, he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds; and if any such Building be begun to be built or altered, or be proceeded with after any Suspension of the Progress thereof, before such Notice has been given, or if such Official Referee be refused Admittance to inspect the same Premises, then Further Penalties. Penalty for beginning without Notice, or Refusal to

admit Official Referee.

then such Building or Work shall be liable to be abated as a Nuisance under the Provisions herein contained.

Emergency.

CXLVI. Provided always, and be it enacted, That if by reason of any Emergency any Act, Matter, or Thing placed under the Supervision of the Official Referee be required to be done immediately, or before Notice can be given to the Official Referee, then it shall be lawful for the Builder or any Person to do such Act, Matter, or Thing so requisite, but within Forty-eight Hours after beginning to execute such Work Notice thereof shall be given to the Official Referee.

To what Persons the Term "Builder" shall extend.

CXLVII. And be it enacted, That in the Construction of the Provisions of this Act relating to the Erection of any Building, or the Performance of any Work, the Term "Builder" shall be understood to mean the Master Builder or other Person employed to execute any Work, or if there be no Master Builder or other Person so employed then the Owner of the Building or other Person for whom or by whose Order such Work is or is to be done.

Supervision of Works.

CXLVIII. And with regard to such Buildings and Works, so far as relates to the Supervision thereof, be it enacted, That if in the building, altering, making, or doing of any Work, Matter, or Thing under this Act any thing be done or omitted to be done contrary to or not conformably with the Rules and Directions of this Act, then forthwith it shall be the Duty of the Official Referee to give

Notice of Irregularities to Builders and others.

Forty-eight Hours Notice, according to the Form (Number 4) in the Schedule (C.) or to the like Effect, to the Builder, Foreman, or principal Workman on the Premises, to amend any such Irregularity which he shall deem to have been committed, and forthwith after the Expiration of such Notice to proceed to inspect the Work, and if the Work be so far advanced that he cannot ascertain whether the Irregularity has been committed or not, or exists or not, then it shall

To cut into Works.

be lawful for such Official Referee to order any Work to be cut into, laid open, or pulled down which shall in his Opinion prevent his ascertaining whether any such Irregularity exists or not, and to direct that such Building or other Thing, or such Part thereof as he shall deem necessary, shall be amended, removed, cut into, laid

Costs.

open, or pulled down, and that all the Costs, Charges, and Expences of the said Work shall be borne by such Party as the Official Referee shall determine.

Entry on Premises.

CXLIX. And with regard to Buildings and Works, so far as relates to the Entry thereon for the Supervision thereof, be it enacted, That at all Times during the Progress of any Operations in respect thereof, within the Meaning of this Act, it shall be lawful for the Official Referee to enter upon the Premises upon which such Operations have been commenced.

Penalty for Refusal to permit Inspection.

CL. And be it enacted, That if at any Time whilst any Building is in course of Construction or Alteration any Person refuse to admit the Official Referee authorized under this Act during the customary working Hours to inspect such Building, or any Person neglect

neglect or refuse to afford such Official Referee every Assistance which may be reasonably required in and about such Inspection, then in every such Case, on Conviction thereof, the Party offending shall forfeit for every such Offence a Sum not exceeding Ten Pounds; and if at any Time during such customary working Hours the Official Referee be refused Admittance to make Inspection of any Work, then for that Purpose it shall be lawful for such Official Referee, accompanied by a Peace Officer, to enter upon the Ground, Building, and Premises where the same shall be.

Forcible Entry.

CLI. And for the Purpose of more effectually enforcing the Observance of the Provisions of this Act with regard to any Buildings, Walls, Drains, Sewers, Roads, or Ways, or other Thing, which shall be hereafter built, made, formed, or altered contrary to the Provisions hereof, be it enacted, That if the same be not built, made, formed, or altered in the Manner and according to and in conformity with this Act, and if any Person build or begin to build, or cause the building or beginning to build, or alter or cause to be altered, or make or form, or cause to be made or formed, or use or cause to be used, any Part of any Ground or Building, Drain, Sewer, Road, or Way, or other Thing, contrary to the Provisions in this Act contained, and if in any of such Cases it so appear by the Certificate of the Official Referee, then the said Building, Wall, Drain, Sewer, Road, Way, or other Thing, or such Part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered, or so formed or made, or begun to be formed or made, or so used, shall be deemed a Nuisance.

All Buildings not according to this Act declared a Nuisance.

CLII. And be it enacted, That at the Expiration of Seven Days after, or as soon after as conveniently may be, the Official Referee shall have caused such Certificate to be served upon the Builder, or left at his usual Place of Abode, he shall summon the Builder before any Two Justices of the Peace, and if at the Time and Place appointed on such Summons such Builder fail to appear, then it shall be lawful for the said Justices to issue a Warrant under their Hands and Seals to compel such Builder to appear before such Justices, or any other Two Justices, and thereupon, unless such Builder shall show Cause to the contrary, such Two Justices shall order and require such Builder to abate, take down, amend, or destroy the Building, Wall, Drain, Sewer, Road, or Way, or other Thing specified in such Certificate, within such convenient Time as the said Justices shall appoint, or otherwise to amend the same according to the Provisions of this Act, and also to pay the Costs, Charges, and Expences incurred by the said Official Referee in laying the Information and obtaining the Order of the said Justices, including such Compensation for the Official Referee's Loss of Time as the said Justices shall think fit; and if such Builder shall neglect or refuse to obey such Order of the said Justices, then such Justices shall order the Official Referee or any other Person to abate or demolish such Nuisance, and to order the Persons authorized by them so to abate or demolish the same to sell and dispose of the Materials thereof, and out of the Monies arising by such Sale to pay to themselves, and all Persons by them employed for that Purpose, the reasonable Charges

Summons before Justices;

compulsory Appearance.

Removal of Buildings declared Nuisances.

Charges for abating or demolishing such Nuisance, and also such Costs and Expences as aforesaid, and to pay the surplus Monies arising by such Sale (if any) to the Owner of the Building, Wall, Drain, Sewer, Road, Way, or other Thing.

Payment to Official Referee.

CLIII. And be it enacted, That upon the Expiration of One Month after any Building erected under this Act shall have been assessed to the Rate for the Relief of the Poor, and upon the Expiration of Fourteen Days after the Completion of any Alterations or other Work done within the Meaning of this Act, and upon delivering to the Owner of the Building, or leaving at his last or most usual Place of Abode, an Account of the Fees incurred, and upon tendering a Receipt and stating the Amount of such Account and the Work done, the Official Referee shall be entitled to receive from the Owner of the Building, for his Time and Trouble and Expences in causing the Rules, Regulations, and Directions of this Act to be observed, the several Fees specified in the Schedule (D.) hereunto annexed; and if on Tender of such Receipt any Owner who shall become liable to pay any such Fee shall neglect or refuse to pay the same, the Official Referee may recover the Amount thereof in the same Manner as any Penalties for the Recovery of which no special Provision is made are hereby directed to be recovered.

Official Referee taking greater Fees than allowed.

CLIV. And be it enacted, That if any Official Referee demand or wilfully receive any higher Fee than he shall be entitled to under this Act, or if in his Capacity of Official Referee he receive a Fee for any Act or Omission in respect of which he is not entitled to receive any Remuneration, or if he shall maliciously or without reasonable Cause exercise any Authority hereby vested in him, then

Complaint to Justices.

and in any such Case it shall be lawful for any Person aggrieved to present a Complaint thereof in Writing to any Justice of the Peace, which shall set forth the Nature and Particulars of the Offence charged by the Complainant against any such Official Referee, and such Justice shall appoint a Time (being a Special Sessions) for the

Proceedings thereon.

hearing of the said Complaint; and a Copy of such Order and of the said Complaint shall be served on the said Official Referee Ten Days at least before the Time appointed for the hearing of such Complaint, and the said Official Referee shall appear before the Justices assembled at the said Sessions so appointed for hearing the said Complaint to answer the same; and if upon the hearing of the Complainant and of the Official Referee, and the Evidence respectively produced by or for them, it shall appear unto the said Justices at the said Special Sessions that such Complaint in the whole or in part is well founded, or that any Authority hereby vested in the Official Referee was ever used by him maliciously or without reasonable Cause, then it shall be lawful for any Two Justices at the said Special Sessions, and they are hereby required, either to fine such Official Referee in such Sum of Money, not exceeding Fifty Pounds, as they shall think fit, or to discharge him forthwith

Incapacity of Official Referee.

from his said Office; and if from any such Cause such Official Referee be discharged he shall be incapable of being again appointed an Official Referee for the Purposes of this Act.

CLV. And

Appeal from Decision of Official Referee.

CLV. And be it enacted, That if any Person shall think himself aggrieved by any Order or Decision of any Official Referee under this Act he may appeal to the next General Quarter Sessions of the Peace for the said Town; but no such Appeal shall be entertained unless it be made within Four Months next after such Order or Decision, nor unless within Fourteen Days after such Order or Decision of the Official Referee being made known to him the Appellant give Notice in Writing to the Official Referee of his Intention to appeal, and such Notice shall contain the Grounds of Appeal, and unless the Appellant shall, within Three Days after giving such Notice, enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned to prosecute such Appeal, and abide the Order of the Court thereon.

Court to make Order as they think reasonable.

CLVI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions, and upon the hearing of such Appeal the Court may confirm or quash the Order or Decision, and make such Order in the Premises as they may think reasonable, and they may make such Order concerning the Costs of the Appeal as they may think reasonable, and the Court may, if they think fit, call to their Assistance some One practical Surveyor not locally or otherwise interested, and the Costs of such Surveyor shall be Costs in the Appeal.

Tender of Amends.

CLVII. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Method of Proceeding before Justices in Questions of Damages, &c.

CLVIII. And be it enacted, That where in this Act any Question of Compensation, Expences, Charges, or Damages is referred to the Determination of any One Justice or more, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before One Justice, or before Two Justices, as the Case may require, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or in the Absence of any of them upon Proof of due Service of the Summons, it shall be lawful for such One Justice or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, on Oath; and the Costs of every such Inquiry shall be in the

the Discretion of such Justices, and they shall determine the Amount thereof.

Penalties not otherwise provided for.

CLIX. And be it enacted, That if any Person shall offend against any of the Provisions of this Act, contrary to any express Direction or Prohibition herein contained, and no specific Penalty, Fine, or Forfeiture in Money is attached to such Offence, every Person so offending shall for every Offence forfeit and pay any Sum not exceeding Five Pounds, in addition to any Liability, Forfeiture, or Penalty, not being a specific Money Penalty, Fine, or Forfeiture, herein contained.

Penalties to be summarily recovered before Two Justices.

CLX. And be it enacted, That every Penalty or Forfeiture imposed by this Act the Recovery of which is not otherwise provided for may be recovered by summary Proceedings before Two Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear before Two Justices at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence after Proof of the due Service of such Summons, it shall be lawful for any Two Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CLXI. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices or either of them, or any other Justice, shall issue their or his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CLXII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for the levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of the said Justices whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from

issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall, by Warrant, cause such Offender to be committed to the Gaol of the said Town of *Nottingham*, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CLXIII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed may award not more than one Half thereof to the Informer, and shall award the Remainder to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CLXIV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence made cognizable before a Justice unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witness making default.

CLXV. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness, in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Form of Conviction.

CLXVI. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (E.) to this Act annexed.

Proceedings not to be quashed for Want of Form, &c.

CLXVII. And be it enacted, That no Proceedings in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CLXVIII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and

and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CLXIX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Parties allowed to appeal to Quarter Sessions on giving Security.

CLXX. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, or other Matter or Thing with reference to which an Appeal is by this Act allowed, but not otherwise specially provided for, he may appeal to the General Quarter Sessions for the said Town, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLXXI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

As to Claim of Freemen.

CLXXII. And be it enacted, That nothing in this Act contained shall prejudice, vary, or affect any Interest as to Burgess Parts which any of the resident Freemen of the said Town for the Time being, or their Widows, may have or claim to have in or over the Lands which shall be allotted to the said Mayor, Aldermen, and Burgesses, in lieu or in respect of the Lands which at the Time of the passing of this Act shall be held or enjoyed under the said Mayor, Aldermen, and Burgesses by any of the aged resident Freemen of the said Town, or their Widows.

CLXXIII. Saving

CLXXIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all other Persons, Bodies Politic, Corporate, or Collegiate, their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for, and extinguished by this Act,) which they or any of them could or might have had in, to, or in respect of the Lands hereby authorized to be divided, allotted, and inclosed in case this Act had not been passed. General Saving.

CLXXIV. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall extend to Females as well as Males:

Words importing an Individual are to be understood to apply also to a Corporation or Company, or other Body of Persons:

The Word "Month" shall mean Calendar Month:

The Word "Lands" shall include Tenements and Hereditaments:

The Expression "Lands to be inclosed" shall be understood to mean the Lands by this Act authorized to be divided, allotted, and inclosed:

The Expression "the Inclosure Expences Fund" shall be understood to mean the Monies by this Act authorized to be raised for defraying the Expences of obtaining this Act, and carrying the same into execution:

The Expression "the Commissioners" shall mean the Commissioners appointed and for the Time being acting by virtue of this Act:

The Expression "Justice" or "Justice of the Peace" shall mean any Justice of the Peace acting in and for or having Jurisdiction within the Town and County of the Town of *Nottingham*:

The Expression "the Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Nottingham*:

The Word "Street" shall include every Square, Circus, Crescent, Street, Road, Place, Row, Mews, Lane, or Place along which Carriages can pass or are intended to pass, and that whether there be or be not, in addition to the Carriageway, a Footway, paved or otherwise:

The Words "Court and Alley" to include any Court, Alley, Passage, or other public Place which can be used as a Footway only:

The Term "Official Referee" to mean the Person appointed by the Town Council in pursuance of this Act:

The Word "Owner" to apply generally to every Person in possession or receipt either of the whole or of any Part of the Rents or Profits of any Ground or Tenement:

The

The Term "Town Council" to mean the Town Council of the Borough of *Nottingham*:

The Word "Town" and the Word "Borough" shall each of them imply either the Town and County of the Town of *Nottingham*, or the Borough of *Nottingham*, as the Context may require:

The Word "Parish" shall mean the Parish of *Saint Mary* in the Town of *Nottingham*.

Copy of Act as printed by Queen's Printers to be Evidence.

CLXXV. And be it enacted, That this Act shall be printed by the several 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.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Declaration by Commissioner, Umpire, Surveyor, or Official Referee.

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

SCHEDULE (B.)

Form of Conveyance by Commissioners.

We the Commissioners acting in execution of an Act of Parliament passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], by virtue of the Power and Authority to us given by the said Act, and in consideration of the Sum of paid into our Hands by which Sum is the whole Purchase Money agreed to be paid by him to us for the Purchase of the Lands and Hereditaments herein-after described, being Part and Parcel of the Lands by the said Act authorized to be sold and disposed of by us, and the Receipt of which said Sum we do hereby acknowledge, do by this Deed under our Hands and Seals, by the Direction of the said testified by his Execution of these Presents, grant and convey unto his Heirs and Assigns, all that [*here describe the Premises*], together with the Appurtenances to the said Premises belonging, and the Fee Simple and Inheritance thereof in possession, to have and to hold the same unto the said his Heirs and Assigns [*here state*

state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require]. In witness whereof we have hereunto set our Hands and Seals, this Day of .

SCHEDULE (C.)

Forms of Notices.

Nottingham Inclosure Act.

(1)—Notice by the Builder to the Official Referee Two Days before commencing Operations.

I DO hereby give you Notice, That I intend to [*describing the Erection or intended Operation in general Terms, and whether it relate to any of the following Matters: "the Erection of any Building," or "the making of any Addition to or Alteration in any Building," or "the making or opening of any new Road, Street, Court, Alley, or "Way," or "the doing of any Matter or Thing by this Act placed under the Superintendence of the Official Referee,"*] and that *C. D.*, of is to be the Architect or Builder or other Superintendent to have Charge of the Works to be erected, and that the said Works will be begun on the Day of

Dated this Day of

[*Signature and Address.*]

Nottingham Inclosure Act.

(2)—Notice by the Builder to the Official Referee Two Days before resuming Operations.

I DO hereby give you Notice, That I intend to re-commence the and that of is to be the of the Works to be resumed, and that the said Works will be continued on the Day of

Dated this Day of

[*Signature and Address.*]

Nottingham Inclosure Act.

(3)—Notice by the Builder to the Official Referee as to Change of Builder.

I DO hereby give you Notice, That with reference to the Works specified in my Notice of last is to be placed in charge of the said Works instead of the mentioned in the said Notice.

Dated this Day of

[*Signature and Address.*]

Nottingham

(4)—Notice by the Official Referee to the Builder as to any thing done in the Erection of any Building not conformably to the Act.

I DO hereby give you Notice, That the ["Building," *or* "Alterations," *or* "Building Alterations," *as the Case may be*], now in progress ["under your Superintendence," *or* "in the Building belonging to you," *as the Case may be*], situate in [*the Situation, as the Case may be*], is not conformable to the Statute in the Portions thereof undermentioned, and I require you within Forty-eight Hours from the Date hereof to amend the same.

Dated this Day of at the Hour of by the Clock.

[*Signature.*]

SCHEDULE (D.)

Table of Fees payable to the Official Referee,

	£	s.	d.
For the Erection of any Building:			
If the Building be assessed to the Poor Rate at or under the net annual Value of £10 -	0	10	0
If above £10 and at or under £25 - -	1	0	0
If above £25 and at or under £50 - -	1	10	0
If £50 or above - - - -	2	0	0
For the Alteration of any Building:			
If the Building be assessed to the Poor Rate at or under the net annual Value of 10*l.* -	0	5	0
If above 10*l.* and at or under 25*l.* - -	0	10	0
If above 25*l.* and at or under 50*l.* - -	0	15	0
If 50*l.* or above - - - -	1	0	0
For assigning the Level of any new Road, Street, Court, Alley, Way, Sewer, Drain, or Building -	0	5	0
For any Business done in surveying, levelling, or setting out for or in respect of any new Road, Street, Court, Alley, Way, Sewer, Drain, or Building, or for any other Business done in pursuance of this Act for which no Fee is provided, *per* Hour - - - -	0	4	0

SCHEDULE (E.)

Form of Conviction.

} Be it remembered, That on the Day of
to wit. } in the Year of our Lord *A. B.* is convicted before us, *C. D.* and *E. F.*, Two of Her Majesty's Justices of the Peace for the [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here insert the Title of this Act*]. Given under our Hands and Seals, the Day and Year first above written.

C. D.
E. F.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1845.