



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. 7.

An Act for altering and amending an Act passed in the Third Year of the Reign of Her present Majesty, for inclosing certain Lands in the Town and County of the Town of *Nottingham*.

[4th July 1844.]

WHEREAS an Act was passed in the Third Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for inclosing certain Lands, called the West Croft and Burton Leys, in the Parish of Saint Mary in the Town and County of the Town of Nottingham*: And whereas it is in the said recited Act recited, that the Mayor, Aldermen, and Burgesses of the Town of *Nottingham* had been in the Practice of allotting a certain Meadow therein described as *West Croft Meadow* to aged Freemen of the said Town of *Nottingham* according to Rotation of Admission on the Burgess Roll, or their Widows, in Sixteen small Parts or Divisions, called Burgess Parts, at different Rents, or of making Money Payments in lieu thereof, and of allotting in like Manner that Part of the Lands called *Burton Leys*, which belonged to the Bridge Estate of the said Town, in Five Burgess Parts, at different Rents, or of making Money Payments in lieu thereof, for the Ease and Benefit of such aged Freemen or their Widows; and that it had been stipulated

2 & 3 Vict.
c. 28.

[Private.]

lated and agreed between the said Mayor, Aldermen, and Burgesses and the Freemen that a Money Payment, as therein-after mentioned, of Five Pounds, in lieu of each such Burgess Part, should be granted to such aged Freemen and their Widows; and it was therefore enacted, that from and after the passing of that Act the said *West Croft* and *Burton Leys* should cease to be held, occupied, or enjoyed as or for Burgess Parts, and in lieu thereof there should be paid by the said Mayor, Aldermen, and Burgesses to each of the aged Freemen or Widows then enjoying the Benefit of the said Allotments in the said *West Croft* and *Burton Leys*, or Money Payments in lieu thereof, and after their respective Deceases to other aged Freemen of the said Town, or their Widows in succession, for the same Terms, in the same Rotation, and under the same Title, as the said Burgess Parts, or Money Payments in lieu thereof, would have been allotted and held in case that Act had not passed, the yearly Sum of Five Pounds Sterling, by Four equal quarterly Payments on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, in each and every Year, and the same should be so paid out of the Rents and Income of such Part of the Chamber Estate of the said Mayor, Aldermen, and Burgesses as they the said Mayor, Aldermen, and Burgesses should, by Writing under their Common Seal, and to be annexed to the Award of the Commissioners by the said recited Act appointed, select, and which should be of sufficient Value in the Judgment of the said Commissioners to secure such Payments to the said Freemen and their Widows in manner aforesaid, and which Part of the said Chamber Estate so selected should be particularly described by the said Commissioners in their said Award: And whereas, instead of the whole of such Money Payments of Five Pounds each being paid out of the Rents and Income of the Chamber Estate of the said Mayor, Aldermen, and Burgesses as aforesaid, Sixteen only of such Payments ought to be paid out of such Rents and Income, and the remaining Five of such Money Payments ought to be paid out of the Rents and Income of the said Bridge Estate: And whereas it is expedient to make certain other Alterations and Amendments in the Provisions of the said recited Act; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as enacts that when the several Streets, Roads, and Footways in the Meadows therein described, and also in *Burton Leys* therein mentioned, which the Commissioners by the said recited Act appointed were authorized to set out, should have been formed, levelled, paved, or macadamized and flagged respectively, it should be lawful for the said Commissioners, at any Meeting to be held by them, according to the Provisions of that Act, with the Consent of a Vestry Meeting of the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*, and of Two Justices of the Peace, to declare the same to be public Highways; and from and after such Declaration, and not sooner, the same should be and be deemed and taken to be public

Repeal of Provisions in recited Act as to Commissioners Power over Streets, and as to regulating the Buildings to be erected.

public Highways to all Intents and Purposes, and should from thenceforth be supported and kept in repair by such Persons and in such Manner as public Roads within the said Parish of *Saint Mary* were or ought by Law to be supported and kept in repair; and as provides and enacts that no other Buildings should be erected or permitted on the said Meadow Lands, or any Part or Parts thereof, than Warehouses, Factories, Mills, or other Buildings for the mere Purpose of Trade, except Dwelling Houses of not less Value than Five hundred Pounds each, or except One Dwelling House or Two Dwelling Houses with each Set of Trade Premises, and connected therewith, and being, together with such Trade Premises, of not less Value than Five hundred Pounds, nor should any such House or other Building be at any Time divided into or let off as separate Tenements for the Residence of separate Families, nor be in any other Way used or occupied in contravention of the true Intent and Meaning of the reciting Proviso; and proper Clauses and Covenants for securing the Observance of the Conditions and Restrictions lastly therein-before contained should be inserted in every Grant, Conveyance, and Lease of the said Meadow Lands, or of any Part or Parts thereof; and as provides and enacts that the Causeways of the Streets to be made over the said *West Croft* should be flagged; shall be and the same is hereby repealed.

II. And be it enacted, That every Person who shall purchase or take on Lease any Land in the said Meadows, and also in *Burton Leys* aforesaid, lying immediately contiguous to and abutting upon any Street set out by the Commissioners for executing the said recited Act, shall at his own Expence, within Twelve Months from the Time of his purchasing or taking on Lease the same, form, as herein-after mentioned, a Footway of Eight Feet clear Breadth along the whole Extent of the Frontage of his Land where the same shall lie immediately contiguous to and abut upon a Street of the Breadth of Fifty Feet, and form, as herein-after mentioned, a Footway of Six Feet clear Breadth along the whole Extent of the Frontage of his Land where the same shall be immediately contiguous to and abut upon a Street of the Breadth of Forty Feet, and shall at his like Expence, within the Time aforesaid, macadamize a Moiety of each such Street along the whole Extent of the Frontage of his Land as aforesaid: Provided always, that the Level of the Portions of the said Footways and Streets so to be formed and completed shall from Time to Time be fixed and ascertained under the Direction of the Surveyor for the Time being of the Mayor, Aldermen, and Burgesses of the Town of *Nottingham*, in conformity (as to the *West Croft*) with the said recited Act; and the said Footways in *Burton Leys* aforesaid shall be formed with Flag Stones, and the said Footways in the said Meadows with Asphalt, or other suitable and durable Material; and all and singular the said Footways shall be also formed with Curbstones, with paved Gutters at the Side thereof, and proper Outlets for carrying off the Water, and to the Satisfaction of the Board of Highways for the Time being of the said Parish of *Saint Mary*.

Purchasers and Lessees to form Footways, and make Roads in the Front of their Lands.

III. Provided always, and be it enacted, That if, at the Expiration of Three Years from the passing of this Act, any Part or Parts of the Footways

If Footways and Streets be not

formed in
Three Years,
adjoining
Owners to
do so.

Footways or Streets in the said *West Croft* or *Burton Leys* aforesaid shall not have been formed or macadamized respectively by Purchasers or Lessees thereof, as herein-before required, the then respective Owners (except as herein-after mentioned) of Lands allotted or to be allotted under the said recited Act, abutting upon any of the said Footways or Streets, shall and they are hereby respectively required, within Twelve Months after the End of the said Three Years, to form the Footways, and macadamize the Moieties of Streets adjoining to their respective Lands, in the same Manner as is herein-before expressed with respect to Purchasers or Lessees, save only and except that the said Mayor, Aldermen, and Burgesses shall and they are hereby required, within Twelve Months after the End of the said Three Years, to form in manner aforesaid the Footways, and macadamize the Moieties of the Streets abutting upon the Land sold under the Authority of the said recited Act to the Trustees of the Church now erected and called *Trinity Church*, and also abutting upon the Land sold by the said Mayor, Aldermen, and Burgesses to the Trustees of the Mechanics Institution, and also abutting upon the Allotments respectively made under the said recited Act to the several Owners of Tithes; and the Costs to be incurred by the said Mayor, Aldermen, and Burgesses in respect of the Footways and Streets abutting upon their Allotments in *Burton Leys* aforesaid, forming Part of their said Bridge Estate, shall be paid and discharged out of the Funds of that Estate.

When Foot-
ways and
Streets
formed and
macadamized
to be deemed
Highways.

IV. And be it enacted, That when the said Footways shall have been so formed respectively, and the said Streets shall have been so macadamized as aforesaid, it shall be lawful for any Two or more Justices of the Peace of the said Town of *Nottingham*, with the Consent of a Meeting of the Board for the Repair of the Highways in the said Parish of *Saint Mary*, if there be any such Board, and if none, then with the Consent of the Overseers of the Highways of the said Parish for the Time being, to declare the same, in Writing under their Hands and Seals, to be public Highways; and from and after such Declaration, being filed with the Clerk of the Peace of the said Town, and not sooner, the same shall be and shall be deemed and taken to be Highways to all Intents and Purposes, and shall from thenceforth be supported and kept in repair by such Persons and in such Manner as public Roads within the said Parish of *Saint Mary* are or ought by Law to be supported and kept in repair.

Describing
the Build-
ings to be
erected on
certain
Lands.

V. Provided always, and be it enacted, That no other Buildings shall be erected or permitted on the said Meadow Lands, or any Part thereof, abutting upon or lying immediately contiguous to any of the Streets set out by the said Commissioners, and called or intended to be called "*The Queen's Road*," "*Station Stree*," and "*Trent Street*," nor within Ten Yards of any One or more of the said Streets, otherwise than and except Buildings with dressed Brick or wrought Stone or Cement Fronts next such Streets respectively, with Sash Windows, Slated Roofs, and Gutters in Cornices of Stone, Wood, or Cement, such Buildings to be of not less Elevation than Two Stories, of the respective Heights of Ten and Nine Feet above the

Flag Pavement or Footway of the Street in front thereof; and if any such Building be of more than Two Stories, then that all such additional Stories shall be of not less Height than Eight Feet respectively; and if the Purchaser or Lessee of any Land abutting upon or lying immediately contiguous to any One or more of the said Streets do not, within Four Months after he shall have purchased or become Lessee of the same, erect thereon such a Building as aforesaid adjoining such Street, then and in such Case he shall, during the Occupation thereof by any Person, inclose the same Land by a Fence Wall of dressed Bricks, or partly of dressed Bricks and partly of Iron Palisades, Nine Feet high at least above the Pavement or Footway, and shall make such Fence within Four Months from the Time he shall purchase or become Lessee of the said Land; and no Dwelling House shall be erected or suffered upon any Part of the said Meadow Lands, nor shall any Building hereafter erected thereon be at any Time thereafter converted into or used or occupied as and for a Dwelling House, which shall not respectively have both Front and Back Windows, or Doors both at the Front and Back, so as to give and preserve entire and thorough Ventilation to such Dwelling House or Building: Provided always, that the Owner of any such Lands purchased before the passing of this Act shall and may at any Time erect or alter any Building on such Land, so that the same be made in all respects in conformity with and subject to the Provisions herein contained.

VI. And be it enacted, That it shall be lawful for any Two or more Justices of the Peace acting for the Town or County of *Nottingham*, on Information and Complaint made to them against the Purchaser, Lessee, or Owner for the Time being of any of the said Meadow Land, or of Land on *Burton Leys* aforesaid, or of any Dwelling House or other Building thereon respectively, by any Person being a Proprietor of some Part of the said Meadow Land, or Land on *Burton Leys*, that such Purchaser, Lessee, or Owner respectively hath not formed the Footway, or macadamized the Moiety of the Street along the Extent of his Land, as respectively required by this Act, or that such Purchaser or Lessee hath not erected such Fence Wall, Dwelling House, or other Building, as also herein-before respectively required, and according to the Provisions and Conditions herein contained, to summon the Party complained against before them, and on such Summons to hear and determine the Matter of such Complaint; and in case they the said Justices shall find that the said Footway and Moiety of the said Street have not, or either of them hath not, respectively been formed or macadamized as by this Act required, or that such Fence Wall, Dwelling House, or other Building has not been erected according to the Provisions and Conditions aforesaid, the said Justices, or any other Two of the Justices of the Peace for the said Town or County of *Nottingham*, shall and they are hereby authorized and empowered, by Notice in Writing under their Hands, to order the said Footway or Street to be formed or macadamized, and such Fence Wall, Dwelling House, or other Building to be erected, enlarged, or altered, by the Party complained against in such Manner as the said Justices may direct, so as that the same shall be made and rendered in conformity with the said

Justices may
adjudicate
on Dwellings
and Roads
not accord-
ing to above
Directions.

[*Private.*]

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Provisions

Penalty for
Noncompli-
ance with
Magistrates
Order.

Provisions and Conditions, and in case of Neglect or Noncompliance with the said Order by the Party so complained against for the Period of Six Months next after the Service of the said Order, by leaving the same or a Copy thereof at the Place of Abode of the Party complained against, every such Party so complained against and convicted as aforesaid shall forfeit and pay any Sum not exceeding Twenty Pounds for every Month during which, after the Time mentioned in such Notice, Default shall be made in forming or macadamizing the said Footway or Street, or in the building of such Fence Wall, or making or altering such Dwelling House or other Building to the Satisfaction of the said Justices, to be recoverable and recovered, with such Costs as the said Justices shall order, by Distress and Sale, by virtue of the Warrant of the said Justices, in the same Manner as Rent in arrear on common Demises is and may be recovered by Law.

For paying
Expences of
the Act.

VII. And be it enacted, That the Expences of obtaining and passing this Act shall be paid and discharged out of the same Funds and in the same Manner as is provided by the recited Act for raising and defraying the Expences of obtaining and passing the same.

Parties may
appeal to
Quarter Ses-
sions on giv-
ing Security.

VIII. And be it enacted, That if any Person shall think himself aggrieved by any Order or Determination of any Justices under the Provisions of this Act he may appeal to the General Quarter Sessions for the Town or County of *Nottingham*, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order or Determination, and 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, and unless the Appellant forthwith after such Notice enter into Recognizance, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Courts to
make uch
Order as they
think rea-
sonable.

IX. 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 the Court 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 may confirm or quash the Order or Determination, and order any Money paid by the Appellant, or levied by Distress, 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.

Costs.

Altering
Provision in
recited Act
as to Allot-
ment of 5*l.*
in lieu of
each Burgess
Part.

X. And be it enacted, That instead of the Provision in the said recited Act herein-before recited, that the whole of the Money Payments therein directed to be made should be paid out of the Rents and Income of the said Chamber Estate, Sixteen only of the same shall be paid therefrom, and the remaining Five of such Money Payments shall be paid out of the Rents and Income of the said Bridge Estate, at the Times specified in the said recited Act; and such

such respective Payments shall be so made out of such respective Parts of the said Chamber Estate and of the said Bridge Estate as the said Mayor, Aldermen, and Burgesses shall respectively, by Writing under their Common Seal, and to be annexed to the said Award of the said Commissioners, select, and which shall be of sufficient Value in the Judgment of the said Commissioners to secure such respective Payments to the said Freemen and their Widows in manner therein provided, and which respective Parts of the said Chamber Estate and Bridge Estate so selected shall be particularly described by the said Commissioners in their said Award.

XI. And be it enacted, That in 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,)

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 shall include Females ;
The Word "Month" shall mean Calendar Month.

XII. 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.

Interpreta-
tion of Act.

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

