

# Coddington

*An ACT for Dividing and In-  
closing the common Fields, com-  
mon Meadows, and other com-  
monable Lands and Grounds, in  
the Parish of Coddington, in the  
County of Nottingham.*

1760

W. E. J.



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*Dividing and Inclosing the common Fields,  
common Meadows, and other common-  
able Lands and Grounds, in the Parish  
of Coddington, in the County of Not-  
tingham.*



Whereas there are several common Fields, common Meadows, and common Grounds, situate, lying, and being, within the Township of *Coddington*, in the County of *Nottingham*, containing in the Whole, by Estimation, One thousand Eight hundred and Seventy Acres and Twenty-eight Perches:

Coddington  
common Fields  
and common  
Grounds, con-  
taining 1870  
Acres 28 Perches.

And whereas the said common Fields do, by Computation, contain and consist of Eighty-five Oxgangs; and the Owners and Proprietors of the said Eighty-five Oxgangs for the Time being have, for Time immemorial, used and enjoyed a Right of Common for their Cattle, in, over, and upon, the said common Fields, common Meadows, and common Grounds, within the said Township, by the Stint, and after the Rate, of Four Cow Commons, or Cattle-gates, for every Oxgang:

The cultivated  
Parts contain 85  
Oxgangs, which  
have Right of  
Common over  
the Whole.

By the Stint of  
Four Cow Com-  
mons, or Cattle-  
gates for every  
Oxgang.

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72 Cottages having Right of Common by the Stint of Two Cowgates and an half for each Cottage.

And whereas there are Twelve ancient Cottages situate and being in the said Township of *Coddington*, and the Owners and Proprietors of the same Cottages are, in respect thereof, intituled to Right of Common in the said common Fields, common Meadows, and common Grounds, by the Stint of Two Cow-gates and an Half for each Cottage :

Coddington within the Manor of Newark, of which the King is, in Right of his Crown, Lord.

And whereas the King's most Excellent Majesty is, in Right of his Crown, seised of and in the Manor and Hundred of *Newark*, in the County of *Nottingham*, within the Bounds and Limits whereof the said Township of *Coddington* is comprised and contained; and the said Manor and Hundred are now in the Possession of the most Noble *Thomas Holles* Duke of *Newcastle*, who holds the same by virtue of and under a Lease from the Crown :

The Duke of Newcastle Lessee of the Crown.

Dr. Reynolds, as Prebendary of the Prebend of Stoke, Patron of the Vicarage, and Proprietor of the great Tythes.

And whereas the Reverend *Charles Reynolds*, Doctor in Divinity, is Prebendary of the Prebend of *Stoke*, within the Church of *Lincoln*; and is, in Right of his said Prebend, Patron of the Advowson of the Vicarage of the Parish Church of *Stoke*, to which the Church of *Coddington* aforesaid doth appertain, and Owner and Proprietor of the great Tythes arising and renewing within the said Township of *Coddington*, and which are now held by; and in the Possession of, the Honourable *Thomas Howard*, by virtue of and under a Lease made to him for Three Lives, by the said Doctor *Charles Reynolds* :

The Hon. Thomas Howard Lessee of the great Tythes.

Thomas Wakefield is Vicar.

And whereas *Thomas Wakefield*, Clerk, is Vicar of *Stoke* aforesaid, and is intituled to the Vicarial or small Tythes arising within the said Township :

And whereas the Mayor and Aldermen of *Newark upon Trent*, in the County of *Nottingham*, are seised of One of the said ancient Cottages, and also of certain Lands in the Fields of *Coddington* aforesaid, containing about Two Acres and an Half, in Trust, for certain charitable Uses and Purposes mentioned in the Will of *Robert Brown*, Esquire, for the Benefit of the Town of *Newark* aforesaid :

And whereas *John Ashwell* of *Coddington* aforesaid, and *John Cooper* of *Coddington* aforesaid, are seised or possessed of certain Copyhold Lands in *Coddington*, in Trust for, and for the Benefit of, the Poor of *Coddington* aforesaid :

And whereas *Thomas Heron*, Esquire, *John Ashwell*, *Stephen Ashwell*, *Thomas Goss*, and *John Cooper*, and several other Persons,

Persons, are the Owners and Proprietors of all the Lands lying in, and being Parcel of, the common Fields, common Meadows, and common Grounds, in the Township of *Coddington* aforesaid; and as the several Lands and Grounds of the respective Owners and Proprietors lie dispersedly in several Places, distant from each other, and in small Parcels, and in that respect are very inconvenient and incommodious to the said Proprietors, and, in their present Situation and Circumstances, incapable of Improvement, the said Owners and Proprietors, in order for the Improvement of their several Estates and Properties in the said Township of *Coddington*, have proposed, and are desirous, that the said common Fields, common Meadows, and common Grounds, herein before-mentioned and described, may be Inclosed, severed, and divided, and that a specifick Part and Share thereof may be assigned to each Proprietor, in lieu of, and as a Compensation for, and in proportion to, their respective Lands, Grounds, and Common Right, and other Interests, which they are now possessed of, or intitled to; and that such Recompence and Satisfaction may be made to the said Prebendary, and his Lessees of the said Tythes, and to the said Vicar, respectively, in lieu of their Tythes and Common Right, as is herein after in that Behalf mentioned, expressed, and declared:

*May it therefore please Your MAJESTY,*

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the common Fields, common Meadows, common Grounds, and commonable Places, within the said Township of *Coddington*, shall be divided, set out, and allotted, by *William Welby*, *John Disney*, *Robert Craycroft*, *Joseph Sikes*, *Samuel Forster*, *William Jepson*, *Joseph Tonge*, *John Kercheval*, and *William Landsdall*, Commissioners appointed by this Act, or their Successors, or any Five or more of them, in the Manner, and with and under, and subject to, the Rules, Orders, Directions, and Provisions, herein after-mentioned, prescribed, inserted, and contained.

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divide.

And, for the more just and regular Division and Distribution of the Lands and Gaounds, so to be divided and inclosed as aforesaid, and for the better ascertaining the same, **It is hereby further Enacted and Declared**, That a Survey and Admeasurement shall be made by the said Commissioners, and their Successors, or such Person or Persons as they, or any Five or more of them, shall for that Purpose nominate and appoint, of the said

A Survey to be  
made.

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common Fields, common Meadows, and common Grounds, so agreed and intended to be inclosed as aforesaid: Which Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, belonging to each Owner and Proprietor, and also of the said common Fields, common Meadows, and common Grounds, shall be therein specified and described; and such Survey shall be delivered to the said Commissioners, and their Successors, or any Five of them, to be resorted to at some or all of their Meetings, to be held in pursuance of this Act, on or before the Twenty-ninth Day of *September* One thousand Seven hundred and Sixty, or as soon after as conveniently may be; and that within Six Calendar Months after the said Survey shall be made, and delivered as aforesaid, or as soon after as conveniently may be, all the Lands and Grounds, lying and being within the said common Fields, common Meadows, and common Grounds, in the said Township of *Coddington*, shall, by the said Commissioners, and their Successors, or any Five or more of them, be set out, ascertained, divided, and allotted, unto and amongst the several Persons intitled to Lands, Grounds, and Common Right, in the said common Fields, common Meadows, and common Grounds, in such manner as is herein after-mentioned.

**Provided also, and it is hereby further Enacted,** That if any Dispute shall arise between the Parties interested in the said intended Division, or any of them, concerning their respective Shares and Interests in the said common Fields, common Meadows, and common Grounds, or touching the respective Shares and Proportions which they, or any of them, ought to have of and in the said intended Division, it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby required, by Examination of Witnesses, upon Oath (which Oath the said Commissioners, or any One or more of them, are hereby empowered to administer), and, upon other proper and sufficient Inquiry, Evidence, and Satisfaction, to hear and finally determine the same; and such Determinations shall be binding and conclusive to all Parties.

**Provided always,** That nothing herein contained shall extend, or be construed to extend, to impower or authorize the said Commissioners to give any undue Preference to any of the Parties interested or concerned in the said intended Inclosure or Division; but that the said Commissioners shall have a due Regard as well to the Quality as the Quantity of the Lands and Grounds so to be divided and allotted, and to the Situation and Contiguity of the same to the respective Habitations of the several

the Parties to and for whom the same shall respectively be assigned or appointed.

And it is hereby further Enacted, That the said Commissioners, and their Successors, or any Five or more of them, shall and may, and they are hereby authorized and impowered to allot and appoint unto and for his said Majesty, his Heirs and Successors, and to the said *Thomas Holles* Duke of *Newcastle*, as Lessee of the Crown, in lieu of, and as a Compensation for, his and their Right to, and Interest in, the Soil of the Lands hereby intended to be divided, such Parcel of Land upon that Part of the Common called the *Moor*, wherein the Right to the Soil is in his said Majesty, as Lord of the said Manor and Hundred of *Newark*, or in the said *Thomas Holles* Duke of *Newcastle*, as Lessee thereof, as shall, in the Judgment of the said Commissioners, or any Five or more of them, be a just and equitable Recompence and Consideration for such Right and Interest in the said Soil of the Lands hereby intended to be divided; and shall then allot and appoint unto and for the said Prebendary of the Prebend of *Stoke* aforesaid, and his Successors, and the said *Thomas Howard*, his Lessee of the said impropriate Tythes, and to the said *Thomas Wakefield*, and his Successors, Vicars of *Stoke* aforesaid, Two Fifteenth Parts, the Whole into Fifteen equal Parts to be divided, and no more, Quality as well as Quantity to be considered, of all the Lands lying within and being Part of the said common Fields, common Meadows, and common Grounds, so intended to be inclosed as aforesaid, the said Two Fifteenth Parts to be divided between the said Prebendary and Vicar, in such manner as the said Commissioners, and their Successors, or any Five or more of them, shall adjudge; and which said Lands and Grounds, so to be allotted to and for the said Prebendary and his Lessee, and to the said Vicar, shall be in lieu of, and in Recompence and Compensation for, all Tythes both great and small, belonging to them the said Prebendary of the Prebend of *Stoke*, and the said Vicar of *Stoke*, respectively, their respective Successors, Lessees, and Assigns, arising, growing, and renewing, within the said Township of *Cuddington*; reserving unto the said *Thomas Wakefield*, and his Successors, Vicars of *Stoke* aforesaid, the usual and accustomed Mortuaries, *Easter Offerings*, and Surplice Fees.

Commissioners to allot Two Fifteenths to the Impropriator and Vicar in lieu of all Tythes great and small.

And it is hereby further Enacted, That such Part of the said Plot or Plots, Parcel or Parcels of Ground, which shall be respectively allotted and set out for his said Majesty, his Heirs and Successors, and the said Duke of *Newcastle*, and the said *Thomas Wakefield*, and his Successors, Vicars of *Stoke* as aforesaid, shall

The Lands allotted to his Majesty and the Vicar to be inclosed at the Expence of the other Proprietors.

shall be inclosed within Twelve Calendar Months, to be reckoned from the time the said Commissioners, or their Successors, or any Five or more of them, shall have signed the Award or Instrument in Writing herein after-mentioned; and that such Inclosure shall be made at the Expence of the other Proprietors, in such manner as the said Commissioners, or their Successors, or any Five or more of them, shall, by the said Award or Instrument in Writing herein after-mentioned, direct and appoint.

Commissioners to allot such of the Lands as shall not be allotted to his Majesty, the Prebendary, and Vicar, unto and among the other Owners.

**And it is hereby further Enacted and Declared,** That the said Commissioners, or their Successors, or any Five or more of them, shall and may set out, allot, and appoint, such of the Lands and Grounds, lying and being in the said common Fields, common Meadows, and common Grounds, so intended to be inclosed as aforesaid, as shall not be allotted and appointed unto and for his said Majesty, his Heirs and Successors, and the said Duke of *Newcastle*, the said Prebendary of *Stoke*, and his Lessee or Lessees, and the said Vicar, respectively, for the Time being, in lieu of their respective and separate Tythes as aforesaid, unto and among the other Owners and Proprietors of Lands, Grounds, and Common Right, in the said common Fields, common Meadows, and common Grounds, as the said Commissioners, or their Successors, or any Five or more of them, shall adjudge and determine to be an Equivalent and Compensation for their several Lands, Grounds, and Common Right, lying and being, and arising, within the said common Fields, common Meadows, and common Grounds, in the said Township of *Coddington*; and that when the said common Fields, common Meadows, and common Grounds, shall be set out, ascertained, and allotted, as aforesaid, by the said Commissioners, or their Successors, or any Five or more of them, by such Award or Instrument in Writing as is herein after-mentioned, the several Persons, to whom the said Lands and Grounds shall be allotted respectively (other than his Majesty, the said Duke of *Newcastle*, and the said Vicar, for the Time being), shall, within Twelve Calendar Months after the signing and sealing the said Award or Instrument in Writing, at their own Expence respectively inclose, hedge, ditch, and fence, their Lots, Shares, and Proportions, of the same, in such Manner, and within such Time, as the said Commissioners, or their Successors, or any Five or more of them, shall, by their Award herein after directed to be made, appoint.

After Allotments made, the Parties to fence their respective Shares in.

Gaps to be left in the Fences for the Space of 18 Months.

**Provided nevertheless,** That convenient Gaps or Openings shall be left in the said Fences and Inclosures for the Space of Eighteen Calendar Months next ensuing the Execution of the said Instrument in Writing, for the Passage of Cattle, Carts, and Car-

Carriages, in, by, and through the same, unless the several Parties interested shall agree that the same be sooner fenced in, made up, and inclosed.

**And it is hereby further Enacted,** That the said Commissioners, and their Successors, or any Five or more of them, shall and may lay out, assign, and allot, in such Place or Places of the said common Fields, common Meadows, and common Grounds, so to be inclosed as aforesaid, as they shall judge most proper and convenient, public and private Roads and Ways for all Persons, Horses, Beasts, Carts, and Carriages, passing through the same, with the Assize or Breadth of each of them, respectively; so that the Breadth of the said public Roads shall remain Forty Feet wide at the least between the Ditches; and that it shall not be lawful for any Person thereafter to use any Roads or Ways, either public or private, over the said new Inclosures, either on Foot or with Horse, Cattle, or Carriage, other than such Roads or Ways as shall be so ascertained, set out, and appointed.

Commissioners to set out public and private Roads.

**And it is hereby also Enacted and Declared,** That all the Fences to be made for inclosing, separating, and dividing, the said common Fields, common Meadows, and common Grounds, pursuant to this Act, shall be made, repaired, and maintained, by such Person and Persons, and in such Manner, as the said Commissioners, and their Successors, or any Five or more of them, shall, in that behalf, order, direct, and appoint.

All the Fences to be made by the Persons the Commissioners shall direct.

**Provided always,** That any of the Proprietors of the new Inclosures, intended to be made as aforesaid, shall have full Liberty, for the Term of Eight Years, from the Time of the said Inclosure, to erect or set up any Gate or Gates, cross any Part of the Roads, against his, her, or their own Land, for keeping out Sheep or Cattle, and to prevent their destroying any Banks, Wood, Plants, Quicksets, and Fence, which shall be made or planted for inclosing or fencing any Part or Parcel of the common Fields and common Grounds so intended to be inclosed.

Proprietors of the new Inclosures to have Liberty for Eight Years to set up any Gate cross any Part of the said Roads against their own Lands, for protecting the Quicksets, &c.

**And it is hereby further Enacted,** That, within Six Calendar Months after the said Division and Allotments shall be made of the Lands and Grounds, so intended to be inclosed as aforesaid, the said Commissioners, and their Successors, or any Five or more of them, shall draw up an Award or Instrument in Writing, which shall express, denote, and contain, the Quantity and Contents, in Statute Measure, of the several common Fields and common Grounds, so proposed and intended to be inclosed, and the Quantity and Contents of each and every Part and

Commissioners to draw up an Award, which shall express the Quantities of the several common Fields, and of each Parcel allotted to each Proprietor.



The Award to  
be Inrolled.

and Parcel thereof, assigned and allotted to each of the Parties intitled to, and interested in, the same, and a Description of the Situation, Buttals, and Boundaries, of the same Parcels and Allotments, respectively, and Orders and Directions for fencing the same, and for making and laying out proper Roads, Ways, and Passages, in and through the same Premises; and shall also contain such other Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, in Conformity to, and according to the true Intent and Meaning of, this Act: And the said Award or Instrument shall be fairly ingrossed and written on Parchment, and signed by the said Commissioners, or their Successors, or any Five or more of them, and shall be inrolled in One of his Majesty's Courts of Record at *Westminster*, to the end Recourse may be had to the same, by any Person or Persons interested in the said intended Inclosure; and that a true Copy thereof shall, from time to time, and at all Times hereafter, be admitted and allowed in all Courts whatsoever as legal Evidence of the same.

**And be it further Enacted**, by the Authority aforesaid, That, from the passing of this Act, until the Division and Allotment as aforesaid, such Course of Husbandry and Tillage shall be observed, with respect to such of the Lands in the said arable Fields as shall not be according to Usage fallow, as the said Commissioners, or any Five or more of them, shall, from time to time, order and direct; and that the Estate of every Person in the said open Fields shall be liable and subject to such Directions as they shall appoint, as well with regard to the stocking as to the plowing, tilling, sowing, or laying down, the same; and that no Part of the Lands, which have been used as Meadow or Pasture for Two Years preceding the First Day of *January* One thousand Seven hundred and Sixty, shall be plowed before the Division and Allotment as aforesaid.

**And whereas** it will be a great Detriment to such of the Proprietors as shall have any Shares or Allotments assigned or allotted to them by virtue of this Act in such of the said Fields as shall happen to be the fallow Field the Year in which such Allotments or Divisions shall be made as aforesaid, if the Tillage Parts of the said Fields have not Two several Tilts or Plowings in that Year, betwixt the Fifth Day of *April* and the Tenth Day of *October*; **It is therefore hereby further Enacted**, by the Authority aforesaid, That the Tillage Parts of such of the said Fields as shall happen to be fallow the Year wherein such Divisions and Allotments shall be made as aforesaid, shall be plowed in an husband-like manner Two several times in that Year, betwixt

twixt the Fifth Day of *April* and the Tenth Day of *October*, and that every Proprietor or Occupier, who shall neglect or refuse to plow his, her, or their, Part or Parts of the said Fields, in such manner as aforesaid, shall forfeit and pay to the new Proprietors respectively, by virtue of this Act, of such Parts respectively so not plowed as aforesaid, Six Shillings an Acre for every Tilt or Plowing omitted, and so in proportion for every less Quantity than an Acre, to be recovered by Application to the General or Quarter Sessions of the Peace for the County of *Nottingham*, in a summary Way; which Matter such Court of Sessions are hereby authorized and impowered to hear, and finally determine, and to cause the Money that shall appear to be due to any Person or Persons complaining, on the Account aforesaid, to be levied by Distress and Sale of the Offender or Offenders Goods and Chattels, by Warrant or Order of the same Court, with reasonable Costs: And also that if any of the said Proprietors shall not have as much Tillage Land allotted to him, her, or them, in that Field, by virtue of this Act, as they shall plow therein as aforesaid, they shall have and receive respectively, from the Proprietors of the new Allotments, such Allowances and Satisfaction for such their Plowing as aforesaid, and for folding their Sheep thereon, as the said Commissioners, or any Five or more of them, shall think reasonable and direct; and that such Allowance and Satisfaction shall be recovered as aforesaid, with Costs as aforesaid.

And it is hereby further Enacted, That all and every Person and Persons, to whom any Lands and Grounds shall be assigned and allotted in pursuance of this Act, shall accept his, her, and their respective Allotments and Shares, within the Space of Twelve Calendar Months next after the Execution of the said Award or Instrument, and Notice to him, her, or them, respectively given by the said Commissioners, and their Successors, or any Five or more of them, for that Purpose; and that in case any Person shall neglect or refuse to accept his, her, or their Share or Allotment within the Time aforementioned, such Person and Persons neglecting or refusing shall be totally excluded from having or receiving any Benefit or Advantage by this Act, and also from any Estate, Interest, or Right of Common whatsoever, in any of the Lands or Grounds assigned or allotted to any other Person or Persons by virtue thereof.

The Proprietors to accept of their respective Allotments within 12 Months after executing the Award.

Provided always, and it is hereby Enacted and Declared, That the Guardians, Husbands, Trustees, or Attornies, of any Person or Persons being Minors, under Coverture, beyond the Seas, or otherwise incapable by Law to accept such Allotments,

Guardians, &c. of Minors, &c. impowered to accept their Allotments.

ments, so to be made as aforesaid, shall be, and they are hereby, enabled, authorized, and required, to accept thereof, for the Use of such Person or Persons so incapacitated as aforesaid; and such Acceptance shall be, and is hereby declared to be, as valid and effectual as the Acceptance of such Person or Persons for whom the same shall be made respectively, would have been, if such Person or Persons was or were capable of acting for themselves; any thing herein contained to the contrary thereof notwithstanding.

Guardians, &c. refusing to accept, not to exclude Infants, &c. who shall accept within One Year after their Disability shall be removed.

**Prohibited nevertheless,** That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Feme-covert, or other Person, under such Disability or Incapacity as aforesaid, who shall claim or accept within One Year after such Disability or Incapacity shall be removed, or of any Person or Persons intitled as Heir or in Remainder (after the Death of any Person dying under such Disability or Incapacity) who shall claim or accept within One Year after his, her, or their Right, Title, or Interest, shall have descended, vested, or accrued.

Commissioners to give Fourteen Days Notice of their First Meeting in the Parish Church of Coddington.

**And it is hereby further Enacted,** That the said Commissioners, and their Successors, or any Five or more of them, shall and are hereby obliged to give Notice in the Church of *Coddington* aforesaid, upon some *Sunday* immediately after Divine Service, and by a Writing affixed on the Door of the said Church, of the Time and Place of the First Meeting of the said Commissioners, for the Execution of the Powers hereby vested in them, at least Fourteen Days before such Meeting; and shall also give the like Notices of every subsequent Meeting, for the Purposes aforesaid (Meetings by Adjournment only excepted).

Commissioners refusing to act, or dying, the Survivors to choose new ones.

**And it is hereby Enacted,** by the Authority aforesaid, That when, and as often as, any of the said Commissioners, appointed by this Act, or to be elected in Manner herein after mentioned, shall die or refuse to act, the surviving or acting Commissioners, or the major Part of them, shall, from time to time, after the Death or Refusal of such Commissioner or Commissioners, by Writing under their Hands and Seals, appoint another Commissioner or other Commissioners (not interested in the said Inclosures) instead of any Commissioner or Commissioners dying or refusing to act as aforesaid; which Commissioner or Commissioners, so to be appointed, shall have the like Powers and Authorities by virtue of this Act, as were vested in the Commissioner or Commissioners, in whose place he or they is or are so appointed.

**Prohibited**

**Provided always,** That public Notice shall be given in the said Church, on some *Sunday* immediately after Divine Service, and by a Writing affixed on the Door of the said Church, of the Time and Place of such Meeting to chuse such Commissioner or Commissioners, at least Fourteen Days before such Meeting.

Notice to be given of the Time and Place to chuse such Commissioners.

**And whereas** several of the Owners and Proprietors of Lands and Grounds lying in the said common Fields and common Places, so intended and appointed to be divided and inclosed, may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences attending such Inclosure and Division, and the attaining this present Act, but cannot, by reason of some Settlement or Settlements, or other Incapacities or Disabilities, respectively, make effectual Securities for Repayment of the Money so to be borrowed; **It is hereby Enacted and Declared,** That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies, of any of the said Owners and Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, respectively, and to and for any of the said Owners and Proprietors, being Tenants in Tail, or Tenants for Life only, and for the said Mayor and Aldermen of *Newark* aforesaid, by and with the Consent and Approbation of the said Commissioners, and their Successors, or any Five or more of them, signified by Writing under their Hands and Seals, from time to time, to charge the Lands and Grounds, to be allotted to such Owners and Proprietors, respectively, by virtue of this Act, with any Sum or Sums of Money, for the Purposes aforementioned, not exceeding the Sum of Three Pounds for each Acre of Land so to be charged; and, for securing the Repayment thereof respectively, with Interest, to grant, mortgage, lease, and demise, the Lands and Grounds so to be charged, unto such Person or Persons as shall advance and lend the same, respectively, for any Term or Number of Years; so as such Grant, Lease, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum and Sums of Money thereby to be secured, with Interest thereof, shall be fully satisfied and paid; and that every such Grant, Mortgage, Lease, or Demise, so to be made as aforesaid, shall be good and valid in the Law, to all Intents and Purposes, and as fully and effectually, as if the Person or Persons executing such Grant, Mortgage, Lease, or Demise, was seised of an absolute Estate in Fee-simple of and in the Lands, Grounds, and Tenements, therein respectively comprised.

Power for the Guardians, &c. of Minors, &c. to raise Money, with the Consent of the Commissioners, to defray the Expence of Inclosure.

And

The Charges of this Act, and of the Division, to be paid by the Proprietors, according to their Shares.

And it is hereby further Enacted and Declared, That the said Charges and Expences of passing this Act, and of the surveying, dividing, and allotting, the Lands and Grounds, so intended to be inclosed, and all other the necessary Charges and Expences of the said Commissioners appointed, and to be appointed, for the Purposes aforesaid, and other necessary Expences in, about, and concerning, the Premises, shall be borne and defrayed by the Owners and Proprietors of the said Lands and Grounds, so appointed to be inclosed, other than his said Majesty, the said Duke of *Newcastle*, and the said Vicar of *Stoke*, for the Time being, by a Rate or Rates, in proportion to their several Shares and Interests therein, to be settled, and adjusted, ascertained, and determined, by the said Commissioners, and their Successors, or any Five or more of them; and that the said Commissioners, or their Successors, or any Five or more of them, shall and may order, direct, and appoint, to what Person or Persons the several Sums to be settled, rated, and ascertained, as aforesaid, shall be paid: And in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportions of such Charges or Expences to the Person or Persons, and within the Time so to be limited and appointed, then the said Commissioners, and their Successors, or any Five or more of them, shall and may, by Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whatsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of the said Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale, or otherwise it shall and may be lawful to and for the said Commissioners, and their Successors, or any Five or more of them, or any Person or Persons to be by them in that behalf appointed, to enter into and upon the Premises, so to be allotted to such Person or Persons so refusing or neglecting to pay as aforesaid, and to take the Rents and Profits thereof, until thereby or therewith, or otherwise, the Share or Proportions of the Costs and Expences, so to be directed, awarded, and appointed, by the said Commissioners, to be paid by such Person or Persons as aforesaid, and all Costs and Charges occasioned by or attending such Entry upon, and Perception of, the Rents and Profits of the said Premises shall respectively be fully paid and satisfied.

Not to revoke any Will, Settlement, or Lease, or prejudice any Claim of Dower, &c.

Provided always, That nothing herein contained shall extend, or be construed, deemed, adjudged, or taken, to revoke or make void, annul or alter, any Will, Settlement, or Lease, or to prejudice any Person having or claiming any Jointure, Dower,

Dower, Portion, Rent, Debt, Charge, or Incumbrance, out of, upon, or affecting, any of the Lands and Grounds, so intended and directed to be divided and inclosed as aforesaid, or any Part thereof, respectively; but that the several Lands and Grounds, so to be assigned and allotted, upon such Division and Inclosure as aforesaid, to the several Proprietors, shall, immediately after such Assignments and Allotments respectively, be, remain, and enure, and the several Persons to whom the same shall be assigned and allotted, shall from thenceforth stand and be seised thereof respectively, to such and the same Uses, and to and for such and the same Estates, and subject to such and the same Wills, Settlements, Leases, Limitations, Conditions, Remainders, Charges, Tenures, Rents, Services, Debts, Charges, and Incumbrances, as the Lands, Grounds, and Common Right, in respect whereof such Allotment shall, by virtue of this Act, be respectively made and assigned, should and would have been subject and liable to, and charged with and affected by, in case the same had remained uninclosed, or this Act had not been made.

**And whereas** some Parts of the Lands and Grounds hereby intended to be divided are Copyhold Lands, held of the Lord of the said Manor of *Newark*, and other Parts thereof are Freehold; **And**, for preventing Doubts that might otherwise arise touching the Nature or Tenure of the Land and Ground so to be allotted by the said Commissioners as aforesaid. **It is hereby further Enacted**, by the Authority aforesaid, That all such Lands and Grounds as shall, by virtue and in pursuance of this Act, be allotted to any of the said Proprietors in lieu or in respect of any Lands or Tenements, now belonging to such Proprietors, which are Copyhold, shall, from and for ever after such Award shall be made as aforesaid, be deemed to be Copyhold (though the same were before Freehold), and shall be held by and under the same Tenure, Rents, Customs, and Services, of the Lord of the same Manor of *Newark*, as the Copyhold Lands or Tenements, in lieu or in respect whereof such Allotments shall be made, are now held; and that the Lands or Tenements which are now Copyhold, held of the said Lord, and which shall be allotted as aforesaid to any of the said Proprietors in lieu or in respect of any Lands or Tenements now belonging to such Proprietors respectively which are Freehold, shall, from and for ever after such Award shall be made as aforesaid, be deemed to be Freehold (though the same were before Copyhold), and shall be held by, and vested in, such of the said Proprietors or Proprietors respectively, as Freehold Lands and Tenements.

The Lands to be allotted to the several Persons intituled to the same, to be in bar of the several Pieces of Ground they had before passing the Act, and of all Common whatsoever.

After making the Division, and executing the Award, all Right of Common to cease.

Nothing herein contained shall prejudice the Right of the King, or of any Lessee of the Crown, or of any Royalties incident to the Manor of Newark.

And it is hereby further Enacted and Declared, That the several Lands and Grounds, so to be divided, assigned, limited, set forth, allotted, and appointed, unto and for the several Persons who, by virtue of this Act, shall be intituled to the same, shall be in full Bar, Satisfaction, and Compensation, for his, her, and their, several Pieces and Parcels of Ground, which, before the passing this Act, were, and now are, lying dispersed in the common Fields, common Meadows, and common Grounds, of *Coddington* aforesaid, and also in full Bar of, and in Satisfaction and Compensation for, all Common of Pasture, and all other Right of Common whatsoever in, over, and upon, any common Fields, common Meadows, common Grounds, and commonable Places, lying within the said Township; and that from and immediately after the making the said Division and Allotments, and the Execution of the said Award or Instrument, of such Tenor or Purport as afore-mentioned, all Right of Common belonging to, or claimed by, all and every, or any, the Owners and Proprietors of Lands, Tenements, and Hereditaments, within the said Township of *Coddington*, in, over, and upon, all and every the Fields, Grounds, and commonable Places, so intended to be inclosed as aforesaid, shall cease and be extinguished.

Provided always, That nothing herein contained shall prejudice, lessen, impeach, or defeat, the Right, Title, or Interest, of his said Majesty, his Heirs or Successors, or of the said *Thomas Holles* Duke of *Newcastle*, or any other Lessee or Lessees of the Crown for the Time being, of, in, and to, the Seigniority or Royalties incident or belonging to the said Manor and Hundred of *Newark*, in, over, and upon, the common, Fields, common Meadows, and common Grounds, hereby directed to be inclosed as aforesaid; but that his said Majesty, his Heirs and Successors, and the said Lessees under the Crown of the said Manor and Hundred for the Time being, shall and may, from time to time, and at all times, hold and enjoy all Rents, Fines, Services, Courts, Perquisites and Profits of Courts, Mines, Goods and Chattels of Felons, Fugitives, Felons of themselves, and Persons put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Powers, Pre-eminencies, and Superiorities whatsoever, to the said Manor and Hundred, or to the Lord or Lords thereof for the Time being, incident, appendant, belonging, or appertaining, in as full, ample, and beneficial manner, to all Inten<sup>t</sup> and Purposes, as he or they could or might have held and enjoyed the same before the passing this Act, or in case the same had never been made; other than and except the Right  
to

to the Soil of such Parcels of Land as shall be allotted by virtue of this Act to any other Person or Persons, and also such Right of Common and other Depasturage as can and may be claimed by the Lord or Lords of the said Manor and Hundred upon the Lands hereby intended to be inclosed.

**Saving also** to the KING's most Excellent MAJESTY, <sup>Saving to the King, &c.</sup> his Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs and Successors, Executors and Administrators, respectively (Other than and except his said Majesty, his Heirs and Successors, his and their Lessee and Lessees, in respect of his and their said Right, as Lord of the said Manor, to the Soil and Depasturage aforesaid. and the several Owners and Proprietors of Lands, Grounds, Tythes, and Common Right, lying, being, or arising, within the said Township of *Coddington*. and all claiming under them respectively); All such Estate, Right, Title, Interest, as they, every or any of them, had of, in, to, or out of, the Lands and Grounds so intended and directed to be inclosed, before the passing this Act, or in case the same had never been made.



*An ACT for Dividing and In-  
closing the common Fields, com-  
mon Meadows, and other com-  
monable Lands and Grounds, in  
the Parish of Coddington, in the  
County of Nottingham.*

1760

