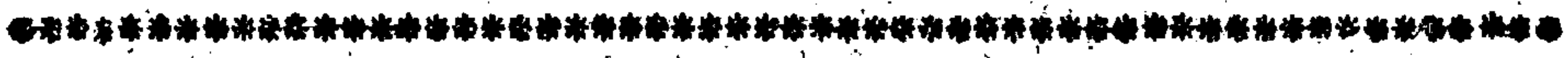


ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.



## Cap. 214.

An Act for exchanging an Estate belonging to *Michael Hicks Beach* Esquire, in Fee, for Part of his Estate under Settlement. [26th June 1811.]

**W**HEREAS *William Beach* late of *Netheravon*, in the County of *Wilts*, Esquire, deceased, in and by his last Will and Testament in Writing, bearing Date the Thirteenth Day of *August* One thousand seven hundred and eighty-five, devised several Manors, Messuages, Lands, Tenements and Hereditaments therein mentioned, and among them, all that his Messuage or Tenement, and the Lands, Tythes, and Hereditaments called *Bengafelds*, situate, lying and being in the Parish of *Gillingham*, in the County of *Dorset*, thentofore the Estate of his then late Uncle *Harding*, with the Appurtenances, to the Use of *Richard Hoare* of *Barn Elms*, in the County of *Surrey*, Esquire, and *Edward Poore* of *Tidworth*, in the County of *Wilts*, Esquire, their Executors, Administrators and Assigns, for and during the Term of Ninety-nine Years, to commence and be computed from the Time of the Testator's Death, without Impeachment of Waste, in Trust, that they the said *Richard Hoare* and *Edward Poore*, and the Survivor of them, and the Executors, Administrators and Assigns of such Survivor, should, by, with and out of the Rents and Profits of the Hereditaments comprized in the said Term, or by such other Ways or Means as they or he should think fit, levy and raise, during the Life of *Ann Beach* the Testator's Wife, the annual Sum of Six hundred Pounds, and pay the same to her the said *Ann Beach* in Manner therein mentioned,

Will of *William Beach*, dated 13th August 1785.

[*Loc. & Per.*]

for



for her own Use, and to raise, during the Life of the Testator's Son *William Wither Beach*, the clear annual Sum of One thousand and six hundred Pounds without any Deduction, and pay the same by Four equal Quarterly Payments, on or at such Days and Times as are therein mentioned, and to pay the same to his said Wife during the joint Lives of her and his said Son *William Wither Beach*, to be by her applied and disposed of in and for the Maintenance and Support of his said Son and his Servants, in such Manner as she should think would conduce most to his Comfort during the unhappy State of Mind under which he then laboured: And the Testator further directed, that from and after the Decease of his said Wife, if his said Son should survive her, then the Trustees and Trustee for the Time being should pay, apply, and dispose of the clear Annual Sum of One thousand and six hundred Pounds, in and for the Maintenance and Support of his said Son and his Servants, in such Manner as they the said Trustees and Trustee for the Time being should judge would most conduce to his Comfort; and in the said Will is contained a Proviso, that when the Trusts thereinbefore expressed of or concerning the said Term of Ninety-nine Years should be performed and at an End, and the Costs and Charges of the Trustees, if any, relating to the Trusts should be paid and satisfied, the said Term of Ninety-nine Years of and in all such of the said Hereditaments and Premises as should not have been mortgaged or disposed of, for the Purposes aforesaid should thenceforth cease, and from and after the End, Expiration, or other sooner Determination of the said Term of Ninety-nine Years, and in the mean Time subject thereto and to the Trusts thereof, to the Use of the Testator's Daughter *Henrietta Maria*, the Wife of *Michael Hicks*, the Elder, now called *Michael Hicks Beach* Esquire, for and during her Life; Remainder to the Use of *Charles Penruddocke*, and *Penruddocke Wyndham*, Esquires, and their Heirs, during the Life of her the said *Henrietta Maria*, in Trust to preserve contingent Remainders; Remainder, as to the said Messuage or Tenement, Lands, Tythes and Hereditaments situate, lying, and being in the said Parish of *Gillingham*, and as to divers other Parts of the Estates so limited to the said *Henrietta Maria Beach* for her Life as aforesaid; to the Use of the Testator's Grandson *William Hicks Beach* (the Second Son of her the said *Henrietta Maria Beach*) and his Assigns for his Life; Remainder to the Use of the said *Charles Penruddocke* and *Penruddocke Wyndham* and their Heirs, during the Life of the said *William Hicks Beach*, to preserve contingent Remainders; Remainder to the Use of the First and all and every other the Son and Sons of the said *William Hicks Beach* severally and successively according to their respective Seniorities in Tail Male; Remainder to the Use of the Third, Fourth, and Fifth Son and Sons and all and every other the younger Son and Sons of the Testator's said Daughter *Henrietta Maria Beach* severally and successively, according to their respective Seniorities in Tail Male; Remainder to the Use of the Testator's Grandson *Michael Beach Hicks Beach*, therein called *Michael Hicks* the younger, the Eldest Son of the said *Henrietta Maria Beach*, for the Term of his Life; Remainder to the Use of the said *Charles Penruddocke* and *Penruddocke Wyndham* and their Heirs, during the Life of the said *Michael Beach Hicks Beach*, in Trust to preserve contingent Remainders; Remainder to the Use of the First and other Sons of the said *Michael Beach Hicks Beach* severally and successively, according to their respective Seniorities in Tail Male; Remainder to the Use of all and every the Daughter and Daughters of the Testator's said Daughter *Henrietta Maria Hicks Beach*, as Tenants in Common in Tail with cross Remainders between them



them and among them in Tail; and if all the said Daughters save one should die without Issue, or there should be but one such Daughter, to the Use of that one or only Daughter in Tail; and for Default of such Issue, to the Use of Testator's own right Heirs for ever; and in which said Will is contained a Proviso, that the Persons to whose Use the said Manors and other Lands were thereinbefore devised or limited in Remainder from and after the Decease of the Testator's said Daughter *Henrietta Maria*, should at such Times as are therein mentioned, assume and take upon themselves respectively and use the Surname of *Beach*, and bear and use the Arms of the Testator's Family, and use their utmost Endeavours for procuring and obtaining His Majesty's Royal Licence and Authority for so doing: And whereas the said *William Beach* the Testator did afterwards by a Codicil to his said Will, bearing Date the Twenty-first Day of *May* One thousand seven hundred and ninety, appoint and duly substitute *William Dyke* of *Syrencot*, in the said County of *Wilts*, Esquire, to be a Trustee in the Room of the said *Charles Penruddocke*, who was then deceased; and *Thomas Mansel Talbot* of *Margam*, in the County of *Glamorgan*, Esquire, and *Edward Loveden Loveden* of *Buscot*, in the County of *Berks*, Esquire, to be Trustees in the Room of the said *Richard Hoare* and *Edward Poore* who were then deceased: And whereas the said *William Beach* departed this Life in the Year One thousand seven hundred and ninety, without having revoked or altered his said Will in respect to the Limitations hereinbefore recited, save only to the Appointment and Substitution of new Trustees by his said Codicil, and the said *William Beach* left the said *William Wither Beach* his only Son and Heir at Law him surviving: And whereas the said *Ann Beach* the Wife of the said *William Beach* departed this Life in the Life-time of the said *William Beach*: And whereas, by Indenture bearing Date the Fourth Day of *January* in the Year One thousand eight hundred and eleven, and made or expressed to be made between the said *Michael Hicks Beach* and *Henrietta Maria* his Wife therein described, as the surviving Daughter of the said *William Beach* the Testator, of the one Part, and *Cornelius Pitt* Esquire, of the other Part; and by a Fine *sur Concesserunt* levied in *Hilary Term* in the same Year, by them the said *Michael Hicks Beach* and *Henrietta Maria* his Wife, in pursuance of a Covenant or Agreement in the said Release contained for that Purpose, the said Messuage or Tenement, Lands, Tythes and Hereditaments called *Benjafelds*, situate and being in the Parish of *Gillingham* in the County of *Dorset* aforesaid, with the Appurtenances, are by such Description as in the said Release or the Schedule thereto is mentioned, limited and assured unto and to the Use of the said *Michael Hicks Beach*, his Heirs and Assigns, during the Life of the said *Henrietta Maria* the Wife of him the said *Michael Hicks Beach*, subject nevertheless to the said Term of Ninety-nine Years created by the said in Part recited Will of the said *William Beach* deceased; and the subsisting Trusts of the same: And whereas the said *Henrietta Maria* the Wife of the said *Michael Hicks Beach* hath Issue the said *Michael Beach Hicks Beach*, her Eldest Son and Heir Apparent, the said *William Hicks Beach* her Second and only other Son, and *Jane Beach* her only Daughter who is an Infant, and no other Issue, and the said *Michael Beach Hicks Beach* hath intermarried with *Caroline Jane* his now Wife, and hath Issue Two Sons, *Michael Hicks Hicks Beach*, and *William Hicks Hicks Beach*, who are also Infants, but the said *William Hicks Beach* is a Bachelor: And whereas the said *William Wither Beach*, the Testator's Son and Heir, from great Imbecility of Mind which he hath laboured under

Codicil to  
the Will of  
the Testator  
*William  
Beach*, dated  
11<sup>th</sup> *May* 1790.

Indenture 4<sup>th</sup>  
*Jan.* 1811.



without Intermission for many Years last past, is wholly incapable of doing any legal Act to pass or effect his ultimate Remainder or Reversion in Fee Expectant on the Determination of the said Estate Tail and other Estates limited in and by the said recited Will of the said Premises thereby settled as aforesaid, and there is not any Probability of such Incapacity being removed: And whereas the said *Henrietta Maria* the Wife of the said *Michael Hicks Beach* is the only Sister and presumptive Heiress at Law of the said *William Withers Beach*: And whereas the said *Michael Hicks Beach* is seised, in Fee Simple free from Incumbrances, of a Messuage and several Inclosures of Land, containing in the whole One hundred and ninety-six Acres and One Rood, situate in the Parish of *Meyseyhampton* in the County of *Gloucester*, let to a Tenant with divers other Lands, and the said Messuage and Inclosures are of the clear yearly Value of Three hundred and two Pounds Eighteen Shillings and Nine-pence, exclusive of Land Tax: And whereas the said Estate at *Gillingham*, which consists of a Messuage and about One hundred and twenty-five Acres and Thirty Poles of Land of different Denominations, and the Tythes of the same, are let to a Tenant at the yearly Rent, after deducting the Land Tax, of the Sum of One hundred and ninety-two Pounds, and the same is estimated to be of the clear yearly Value of Two hundred and sixty-five Pounds Twelve Shillings and Sixpence, after deducting Land Tax thereout; and the Timber thereon is estimated to be of the Value of Eight hundred and six Pounds Fifteen Shillings: And whereas the said *Gillingham* Estate is distinct and separate, and situated at a considerable Distance from the other Estates so settled as aforesaid by the Will of the said *William Beach*, and the said *Michael Hicks Beach*, *William Hicks Beach*, and *Michael Beach Hicks Beach*, are desirous that the said *Gillingham* Estate should be exchanged for the said *Meyseyhampton* Estate; but inasmuch as by reason of the Limitations in the said recited Will of the said *William Beach*, such Exchange cannot be effected without the Aid and Authority of Parliament; therefore Your Majesty's most dutiful and loyal Subjects, the said *Michael Hicks Beach* on Behalf of himself and his Infant Daughter the said *Jane Beach*, the said *William Hicks Beach* on his own Behalf, and the said *Michael Beach Hicks Beach* on behalf of himself and his Infant Sons the said *Michael Hicks Hicks Beach* and *William Hicks Hicks Beach*, do most humbly beseech 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 from and after the passing of this Act, all and singular the Messuage, Lands, Tythes, and other Hereditaments, situate at *Gillingham* in the County of *Dorset*, and which are described and comprized in the First Schedule to this Act (being Part of the Hereditaments included in the said Will of the said *William Beach* and settled as aforesaid), with their and every of their Rights, Members, and Appurtenances, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits of all and singular the said Premises, shall be freed and discharged and be absolutely acquitted and exonerated of and from all and every the Uses, Trusts, Estates, Limitations, Powers, Provisoos and Declarations in the said Will of the said *William Beach* limited, expressed, and declared of and concerning the same; and shall (so freed, discharged, acquitted and exonerated) be vested in the said *Michael Hicks Beach* and his Heirs, who shall stand seised thereof to such Uses, upon such Trusts, and to and for such Intents and Purposes, and under and subject to such Powers,

Premises  
situated at  
*Gillingham*  
vested in  
*Michael*  
*Hicks Beach*  
and his Heirs.



Powers, Provisoos, and Declarations as the said *Michael Hicks Beach* shall by any Deed or Deeds, Writing or Writings, with or without Power of Revocation, to be by him sealed and delivered in the Presence of and to be attested by Two or more credible Witnesses, from Time to Time direct, limit, or appoint, and for Default of and until such Direction, Limitation, or Appointment, and so far as every or any such Direction, Limitation, or Appointment shall not extend, to the Use of the said *Michael Hicks Beach* and his Assigns for his Life, without Impeachment of Waste; and from and after the Determination of that Estate by Forfeiture or otherwise in his Life-time; to the Use of *Joseph Pitt* of *Cirencester*, in the County of *Gloucester*, Esquire, and his Heirs, during the Life of him the said *Michael Hicks Beach*, in Trust for the said *Michael Hicks Beach* and his Assigns during his Life; and from and after the Determination of the Estate herein-before limited to the said *Joseph Pitt* and his Heirs during the Life of the said *Michael Hicks Beach* as aforesaid, to the Use of the said *Michael Hicks Beach* his Heirs and Assigns for ever; which said Messuage or Tenement, Lands, Tythes and Hereditaments, so by this Act limited to and for the Benefit of the said *Michael Hicks Beach*, his Heirs and Assigns as aforesaid, are so limited in lieu of and in Exchange for the Inclosures or Parcels of Land and Hereditaments of the said *Michael Hicks Beach*, in the said Parish of *Meyseyhampton* herein-after mentioned.

II. And be it further enacted, That from and immediately after the passing of this Act, all and singular the Inclosures or Parcels of Land in the Parish of *Meyseyhampton* aforesaid, (which are particularly described in the Second Schedule to this Act), together with all and every the Rights, Members, and Appurtenances thereunto belonging, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits of all and singular the same Premises, shall be and stand settled and assured, and remain and continue, and the same are hereby settled and assured, and declared to remain and continue freed and discharged of and from all the Estate, Right, Title, Interest, Claim, and Demand of the said *Michael Hicks Beach* and his Heirs, (save such as he the said *Michael Hicks Beach* will be entitled to under the Limitations herein-after referred unto), but nevertheless to, upon and for, and subject to such and so many of the Uses, Trusts, Ends, Intents and Purposes, Powers, Provisoos, Limitations and Declarations, in and by the said Will and Codicil, or any other Codicil or Codicils of the said *William Beach*, limited, expressed and declared of and concerning the Messuage, Lands, Tythes, and Hereditaments hereby vested in the said *Michael Hicks Beach* and his Heirs, to the Uses and in Manner herein-before in that Behalf mentioned as are now in being, undetermined and capable of taking Effect, in lieu of and in Exchange for the said Lands, Tythes, and Hereditaments heretofore Part of the settled Estates.

The Estate at *Meyseyhampton* to be settled to the Uses of the Will of the Testator, *William Beach*.

III. And be it further enacted, That if any of the said Hereditaments respectively herein-before limited, settled, and assured as aforesaid, or any Part or Parts thereof respectively, shall at any Time or Times hereafter be lawfully evicted or taken away out of the Possession of the Person or Persons, his or their respective Heirs or Assigns, in or upon whom or to whose Use the same Premises are by this Act respectively settled and limited by any Right or Title precedent to the passing of this Act, without the Neglect or Default of such Person or Persons, then and from thenceforth it shall and may be lawful to and for all and every the Person and Persons, and

Eviction Clause.



his, her, or their Heirs or Assigns, out of whose Possession such Premises shall be so lawfully evicted and taken away, from and immediately after such Eviction or taking away of the Possession of the said Premises respectively, or any Part thereof as aforesaid, to enter into the several Hereditaments hereby settled and assured in lieu of and in Exchange for the said Hereditaments which shall be so lawfully evicted or taken away, and the same to have, hold, and enjoy again as in his, her, or their first and former Estate; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Guardian to  
be appointed  
for William  
Wither  
Beach.

IV. Provided always, and be it further enacted, That within the Expiration of Six Calendar Months next after the passing of this Act, the said *Michael Hicks Beach*, or other the Person who under the Limitations or Devises contained in the Will of the said *William Beach*, shall for the Time being be entitled to the actual Freehold of the Estate at *Gillingham* aforesaid, if such Person shall be of full Age, or his Guardian or Guardians for the Time being during his respective Minority, shall present a Petition to His Majesty's High Court of Chancery in a summary Way, and shall state therein the said Will of the said *William Beach*, and this present Act of Parliament, and the several Matters and Things therein recited; and shall thereupon petition the said Court to appoint a Guardian of the Rights and Interests of the said *William Wither Beach* under this present Act; and the Court shall thereupon, if to the said Court it shall seem fit, appoint such Guardian accordingly, either immediately upon such Application, or by Reference to a Master in the usual Way; and that when such Guardian shall be appointed, the said Court of Chancery shall refer it to One of the Masters of the said Court, to enquire whether the Exchange or Substitution proposed to be made by this present Act is for the Benefit of the said *William Wither Beach* his Heirs and Assigns; and the Master to whom the same shall be referred shall report thereupon accordingly; and if the said Court of Chancery shall on such Report be of Opinion that the said Substitution or Exchange is for the Benefit of the said *William Wither Beach*, his Heirs and Assigns, the Court of Chancery shall express the same by an Order to be made upon the said Report, and thereupon the said Messuage, Lands, Tythes, and other Hereditaments situate at *Gillingham* aforesaid, shall be discharged from the Uses and Trusts of the said Will of the said *William Beach*, and so discharged shall be vested in the said *Michael Hicks Beach*, his Heirs and Assigns; and the Messuage and Inclosures, or Parcels of Land in the Parish of *Meyseyhampton* aforesaid, shall be discharged from the Estate and Right of the said *Michael Hicks Beach* and his Heirs, and so discharged shall stand settled and assured to the Uses and upon the Trusts of the said Will and Codicil of the said *William Beach*, in the Manner herein-before expressed and contained, and according to the true Intent and Meaning of this present Act; and that until the said Order shall be so obtained as aforesaid, the Substitution or Exchange proposed to be made by this present Act shall be suspended, and that if such Order shall not be obtained within the said Space of Six Calendar Months, the said Substitution and Exchange shall not have Effect, and the same shall become absolutely null and void to all Intents and Purposes whatsoever.

Chancery  
to give  
Directions.

V. And be it further enacted, That for the Purposes aforesaid, or any of them, it shall be lawful for the said Court of Chancery to give such  
Directions,



Directions, and make such Orders, as the said Court shall in its Discretion think fit.

VI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his; her, and their Heirs, Successors, Executors, and Administrators respectively (other than and except the said *Michael Hicks Beach*, his Heirs and Assigns, and the Trustees of the said Term of Ninety-nine Years, and all Persons claiming or to claim under the Trusts thereof or any of them, and the said *William Hicks Beach* and his Sons, and the Heirs Male of their respective Bodies, and the future Sons of the said *Henrietta Maria Hicks Beach* and the Heirs Male of their respective Bodies, and the said *Michael Beach Hicks Beach* and his present and future Sons and the Heirs Male of their respective Bodies, and the said present and future Daughter and Daughters of the said *Henrietta Maria Hicks Beach* and the Heirs Male of their respective Bodies, and the said *William Wither Beach* (the Testator's Son) and his Heirs, and all other Persons claiming any Estate, Right, or Interest, under the Limitations contained in the said recited Will and Codicil,) all such Estate, Right, Title, Interest, Claim and Demand of, in, to, and out of the Lands, Tythes, and Hereditaments hereby respectively limited, vested, settled and assured as aforesaid, as they, every, or any of them had before the passing of this Act, or could or might have had, held, or enjoyed, in case this Act had not been made. General Saying.

VII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof, by all Judges, Justices, and others. Evidence Clause.

The FIRST SCHEDULE referred to by this Act, containing a Description of  
in Settlement, to be

Names of Places.	Names of Tenants.	Premises.	Quantity.		
			A.	R.	P.
Benjafield Estate, in the Parish of Gillingham, in the County of Dorset	Edward Sly	Barton and Orchard House, Garden, and Withy Bed	1	0	18
		Water Meadow	15	1	10
		Horfingtons	19	2	0
		Little Summer Leaze	27	0	25
		Great Summer Leaze	38	3	27
		Grove Meadow	7	2	15
		The Lanes	2	2	21
		Allotment	6	2	23
		Coxe's Meadow	5	0	24
				125	0
		Deduct Land-tax	-	-	-

The Timber upon the Estate described

N. B. There is a Right of Common belonging to this Estate, upon the Waste  
after deducting Expences, I presume will be small,



the Estate of the said MICHAEL HICKS BEACH, in the County of Dorset, taken out of Settlement.

Annual Rent.			Annual Value.			Observations, &c.	Value in Fee.			
£	s.	d.	£	s.	d.		£	s.	d.	
-	-	-	5	-	-	The great Floods in Winter occasion a very heavy Expence in keeping the Hatches in Repair.				
-	-	-	65	16	6					
-	-	-	44	17	-	Part of this is Tythe-free, and in the Tything of Milton upon Stower.				
-	-	-	132	2	6					
-	-	-	15	7	-	Part of the Lanes is now thrown open to Grove Mead, and Remainder open to the Allotment.				
-	-	-	11	5	-					
-	-	-	9	4	6					
192	0	0	283	12	6					
-	-	-	18	-	-					
			265	12	6	At 28 Years purchase	-	7,437	10	-
						Deduct for Repairs	-	100	5	-
							£.	7,337	5	-

in the First Schedule is valued at £806. 15s.

Lands within the Parish, which is now inclosing; but the Value of the Allotment, and have considered it in the annual Value of the Estate.

Robert Wright Hall,  
of Cirencester, in the County of Gloucester.



The SECOND SCHEDULE referred to by this Act, containing a Description of the Fee Simple Estate of the said MICHAEL HICKS BEACH, in the County of Gloucester, to be put in Settlement.

Names of Places.	Names of Tenants.	Premises.	Quantity.	Annual Rent.	Annual Value.	Observations, &c.	Value in Fee.
Part of Heartwell Farm, in the Parish of Maltzey Hampton in the County of Gloucester	William Hall	House and Homestall	A. 1 P. 20	£ - - -	£ 15 - -	Buildings all in capital Repair.	
		Pool Ground	10 3 30	- - -	- - -		
		Crane Furlong	32 1 12	- - -	- - -		
		Heartwell Bottom	19 2 11	- - -	- - -		
		Ufe Hill Bottom	29 2 6	- - -	- - -		
		Home Ground	31 0 11	- - -	291 18 9		
		Ready Token Road Ground	29 1 32	- - -	- - -		
		The Furze Ground	4 0 0	- - -	- - -		
		Street Way Ground	37 2 38	- - -	- - -		
					196 1 0		
		Deduct Land-tax	- - -	4 10 - -			
				302 18 9	At 28 Years Purchase	£ 8,468 5 -	

Robert Wright Hall,  
of Cirencester, in the County of Gloucester.