Anno tricesimo primo

# Georgii II. Regis.

An Act to amend and render more effectual an Act passed in the Twenty ninth Year of His present Majesty's Reign, intituled, *An Act for inclosing, by the mutual Consent of the Lords and Tenants, Part of any Common, for the Purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the unlawful Destruction of Trees.*



WHEREAS by an Act made in the Twenty ninth Year of the Reign of His present Majesty, intituled, An Act for inclosing, by the mutual Consent of the Lord and Tenants, Part of any Common, for the Purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the unlawful Destruction of Trees; it is, among other Things, enacted, That it shall and may be lawful to and for His Majesty, His Heirs, and

Preamble, reciting several Clauses in Act 29 *Geo.* II.

Successors, and all other Owners of Wastes, Woods, and Pastures, in that Part of Great Britain called England, wherein any Person or Persons, or Body or Bodies Politic or Corporate, hath or have a Right of Common of Pasture, by and with the Assent of the major Part in Number and Value of the Owners and Occupiers of Tenements, to which the said Right of Common of Pasture doth belong, and to and for the major Part in Number and Value of the Owners and Occupiers of such Tenements, by and with the Assent of the Owner or Owners of the said Wastes, Woods, and Pastures, and to and for any other Person or Persons, or Body Politic or Corporate, by and with the Assent and Grant of the Owner or Owners of such Wastes, Woods, and Pastures, and the major Part in Number and Value of the Owners and Occupiers of such Tenements, to inclose and keep in Severalty, for the Growth and Preservation of Timber or Underwood, any Part of such Wastes, Woods, and Pastures, for such Time, and in such Manner, and upon such Conditions, as shall be agreed by them respectively: And whereas it is by the said Act provided, That in case any Recompence shall be agreed to be given for such Inclosure, to or for the Benefit of the Owners and Occupiers of the Tenements to which the Right of Common in such Wastes, Woods, and Pastures, doth belong, such Recompence shall be made either by a Grant of a Share of the Profit which shall arise from the Sale of the Timber or Underwood growing on the Ground or Soil so inclosed, or by a Grant of other Lands, Tenements, or Hereditaments, or by some Annuity or Rent Charge issuing out of the said Ground or Soil so inclosed, or out of other Lands, Tenements, or Hereditaments, or shall be paid in Money, to be placed out at Interest on public Securities, or laid out in the Purchase of Lands, Tenements, or Hereditaments, or of some Annuity or Rent Charge issuing out of Lands, Tenements, or Hereditaments; and the Produce of such Lands, Tenements, or Hereditaments or such Annuity or Rent Charge, or the Interest of such Money, until the same shall be laid out in such Purchase, as aforesaid, shall be paid, from time to time, to the Overseers or Over-

seers

feet of the Poor of the said Parish or Township, and shall be by them or him applied towards the Relief of the Poor of the Parish or Township where such Wastes, Woods, or Pastures, shall lie, and accounted for in such Manner as the Rates for Relief of the Poor are by Law directed to be accounted for: And whereas, in many Cases, the Right of Common of Pasture in the Ground or Soil inclosed, or intended to be inclosed, may not belong to all the Owners and Occupiers of Tenements within the Parishes or Townships wherein such Wastes, Woods, or Pastures, shall lie: And whereas the Owners and Occupiers of such Tenements, to which such peculiar Right of Common doth belong, may refuse their Assent to an Inclosure, the Recompence for which is applicable to the general Relief of the Poor of the Parish, and not to them in Proportion to their particular Interests; and yet they may be willing to accept a different Recompence from that which is provided by the said Act; 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 First Day of August, One thousand seven hundred and fifty eight, every Recompence to be made by virtue of the said Act, shall be made to the Person or Persons interested in the said Right of Common, in Proportion to their respective Interest or Interests therein; and not to be paid to the Overseer or Overseers of the Poor, as is directed by the said Act.

The Recompence to be made under the recited Act in respect of the Rights of Common of Pasture in Grounds to be inclosed for planting Trees, is to be paid to the Persons respectively interested therein, and not to the Overseers of the Poor.

And whereas Doubts may arise whether Tenants for Life, or for Terms of Years, determinable upon One or more Life or Lives, be Owners, within the Meaning of this Act, and that of the Twenty ninth of his present Majesty's Reign; be it enacted by the Authority aforesaid, That the Powers given to such Owners by this Act, and the said Act of the Twenty ninth of his present Majesty's Reign, may be executed by such Tenants for Life or Years, during their respective Interests.

Tenants for Life, or for Terms of Years determinable thereupon, may execute the Powers given by the recited and this Act, during their respective Interests.

But no Act of theirs is to have Effect, after the Determination of such their Estate.

Provided always, That nothing done by such Tenants for Life, or Terms of Years, by virtue of this Act, or by the Act of the Twenty ninth of His present Majesty's Reign, shall have Effect or Continuance after the Determination of the Estate of such Tenants for Life or Terms of Years.

FINIS.