Anno ſexto

Georgii III. Regis.

CAP. XXXVI.

An Act for encouraging the Cultivation, and for the better Preſervation, of Trees, Roots, Plants, and Shrubs.



WHEREAS divers Perſons have, of late Years, wilfully and maliciouſly cut down, barked, or otherwiſe deſtroyed, Timber Trees, and Trees ſtanding for, and likely to become, Timber, growing as well in the ſeveral Foreſts, Chaſes, and other open Grounds, as in the Woods, and Plantations, and incloſed Grounds, within this Kingdom; to the great Detriment of the Owners of ſuch Trees, and to the Diſcouragement of Planting in general, ſo beneficial to Great Britain: And whereas the Diſpoſition of Nurſery Men to Improvements in Planting and Gardening, through Great Britain, is alſo of great Uſe to the Publick; and many Nurſery Men, Gardeners, and others, have collected and cultivated, at great Expence, Roots, Shrubs, and Plants, of every Country, and imported, cultivated, and exported, great Quantities thereof, and do thereby ſupport themſelves and many others of His Majeſty's Subjects: And whereas many evil-diſpoſed Perſons, well knowing the Value of ſuch Roots, Shrubs, and Plants, have, of late Years, frequently entered into Nurſeries, Gardens, and other incloſed Grounds in general, and of the Nurſery Men and Preamble.

Gardeners in particular, and have dug up, taken, or carried away, out of such Nurseries, Gardens, and Grounds, Roots, Shrubs, and Plants, and likewise destroyed others on the Spot, to a very considerable Value: Be it therefore 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 Second Day of June, One thousand seven hundred and sixty six, all and every Person and Persons who shall, in the Night-time, lop, top, cut down, break, throw down, bark, burn, or otherwise spoil or destroy, or carry away, any Oak, Beach, Ash, Elm, Fir, Chesnut, or Asp, Timber Tree, or other Tree or Trees standing for Timber, or likely to become Timber, without the Consent of the Owner or Owners thereof first had and obtained; or shall, in the Night-time, pluck up, dig up, break, spoil, or destroy, or carry away, any Root, Shrub, or Plant, Roots, Shrubs, or Plants, of the Value of Five Shillings, and which shall be growing, standing, or being, in the Garden Ground, Nursery Ground, or other inclosed Ground, of any Person or Persons whomsoever; shall be deemed and construed to be guilty of Felony; and every such Person or Persons shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court, by and before whom such Person or Persons shall be tried, shall, and hereby have Authority to transport such Person or Persons, for the Space of Seven Years, to any of His Majesty's Plantations in America, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm: And all and every Person and Persons who shall be wilfully aiding, abetting, or assisting, in such cutting down, breaking, throwing down, barking, burning, or otherwise spoiling or destroying, or carrying away, any such Oak, Beach, Ash, Elm, Fir, Chesnut, or Asp, Timber Tree, or other Tree or Trees standing for Timber, or likely to become Timber, as aforesaid; or in such plucking up, digging up, cutting, breaking, spoiling, or destroying, or carrying away, such Root, Shrub, or Plant, Roots, Shrubs, or Plants, as aforesaid, of the Value aforesaid; or who shall buy or receive such Root, Shrub, or Plant, Roots, Shrubs, or Plants, of the Value aforesaid, knowing the same to be stolen; shall be subject and liable to the same Punishment, as if he, she, or they, had stolen the same; any Law to the contrary in any wise notwithstanding.

Penalty on cutting down, spoiling, carrying away, &c. in the Night-time, any Oak or other Timber Trees;

or Roots, Shrubs, or Plants, of 5s. Value, in any Garden, Nursery, or inclosed Ground; is Felony.

Court impowered to transport the Offender for 7 Years;

The Aiders and Abettors therein,

and Persons who shall buy, or receive such Roots, Shrubs, or Plants, knowing the same to be stolen, are liable to like Punishment, as if they had stolen the same.

FINIS.