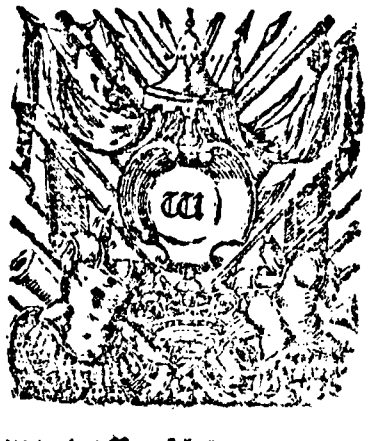
Anno ſexto

Georgii III. Regis.

CAP. XLVIII.

An Act for the better Preſervation of Timber Trees, and of Woods and Underwoods; and for the further Preſervation of Roots, Shrubs, and Plants.



WHEREAS the Preſervation of Timber Trees, or Trees likely to become Timber, is of great Conſequence to this Kingdom: 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 from and after the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty ſix, every Perſon who ſhall wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwiſe deface, damage, ſpoil, or deſtroy, or carry away, any Timber Tree or Trees, or Trees likely to become Timber, or any Part thereof, or the Lops or Tops thereof, without the Conſent of the Owner or Owners thereof firſt had and obtained, or, in any of his Majeſty's Foreſts or Chaſes, without the Conſent of the Surveyor or Surveyors, or his or their

Preamble.

From and after 24 *June*, 1766, Perſons convicted of damaging, deſtroying, or carrying away any Timber Trees, &c. or the Lops or Tops thereof, without Conſent of the Owner, &c.

Deputy or Deputies, or Perſon or Perſons intruſted with the Care of the ſame, and ſhall be thereof convicted upon the Oath of One or more credible Witneſs or Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace for the County, City, Riding, Diviſion, Diſtrict, or Place, wherein ſuch Offence ſhall have been committed, ſhall, for the Firſt Offence, forfeit and pay ſuch Sum of Money, not exceeding Twenty Pounds, as to ſuch Juſtice or Juſtices ſhall ſeem meet, together with the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices who ſhall convict the Offender; and upon Non-payment thereof, ſuch Juſtice or Juſtices ſhall commit the Offender to the Common Gaol of the County or Place where the Offence ſhall be committed, there to remain without Bail or Mainprize for any Time not exceeding Twelve Months, nor leſs than Six Months, or until the Penalty and Charges ſhall be paid; and if any Perſon ſo convicted ſhall be guilty of the like Offence a Second Time, and ſhall be thereof convicted in like Manner, ſuch Perſon ſhall forfeit and pay ſuch Sum of Money, not exceeding Thirty Pounds, as to ſuch Juſtice or Juſtices ſhall ſeem meet, together with the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices who ſhall convict the Offender; and upon Non-payment thereof, ſuch Juſtice or Juſtices ſhall commit the Offender to the Common Gaol of the County or Place where the Offence ſhall be committed, there to remain without Bail or Mainprize for any Time not exceeding Eighteen Months, nor leſs than Twelve Months, or until the Penalty and Charges ſhall be paid; and if any Perſon ſo convicted ſhall be guilty of the like Offence a Third Time, and ſhall be thereof convicted in like Manner, ſuch Perſon ſhall be deemed guilty of Felony, and the Court, by and before whom ſuch Perſon ſhall be tried, ſhall and hereby hath 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.

forfeit, for the Firſt Offence, not exceeding 20*l.* with the Charges attending;

and on Non-payment, are to be committed for not more than 12, nor leſs than 6 Months;

for the Second Offence, a Sum not exceeding 30*l.* &c.

and on Non-payment, are to be committed for not more than 18, nor leſs than 12 Months;

and for the Third Offence, are to be tranſported for 7 Years.

What Trees are deemed Timber Trees within the Meaning of the Act.

And be it enacted by the Authority aforeſaid, That all Oak, Beech, Cheſnut, Wallnut, Aſh, Elm, Cedar, Fir, Aſp, Lime, Sycamore, and Birch Trees, ſhall be deemed and taken to be Timber Trees within the true Meaning and Proviſion of this Act.

And whereas many idle and diſorderly Perſons have, of late Years, made a Practice of plucking or digging

up, cutting, spoiling, or destroying, and taking or carrying away, divers and sundry Sorts of Roots, Shrubs, and Plants (many of which are of great Value) out of the Fields, Nurseries, Gardens, and Garden Grounds, and other cultivated Lands, of divers of His Majesty's Subjects; be it therefore enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and sixty six, all and every Person who shall pluck up, or cut, spoil, or destroy, or take or carry away, any Root, Shrub, or Plant, Roots, Shrubs, or Plants, out of the Fields, Nurseries, Gardens, or Garden Grounds, or other cultivated Lands, of any Person or Persons whomsoever, without the Consent of the Owner or Owners thereof first had and obtained, and shall be thereof convicted upon the Oath of One or more credible Witness or Witnesses, before any One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the County, City, Riding, Division, District, or Place, wherein such Offence shall have been committed, shall, for the First Offence, forfeit and pay such Sum or Sums of Money as to such Justice or Justices shall seem meet, not exceeding Forty Shillings, together with the Charge previous to and attending such Conviction, to be ascertained by such Justice or Justices who shall convict the said Offender; and if any Person so convicted shall again commit the like Offence, and shall be thereof convicted in manner aforesaid, such Person and Persons being so convicted shall, for such Second Offence, forfeit and pay such Sum of Money as to the said Justice or Justices shall seem meet, not exceeding Five Pounds, together with the Charges previous to and attending the Conviction of such Offender; and if any Person so before convicted, shall a Third Time commit the like Offence, and shall be thereof convicted, such Person so convicted shall, for such Third Offence, be deemed guilty of Felony, and the Court, before whom such Person shall be tried, shall and hereby hath Authority to transport such Person, 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.

Persons convicted of plucking up, spoiling, or taking away, any Root, Shrub, or Plant, out of private cultivated Ground,

forfeit, for the 1st Offence, any Sum not exceeding 40s. with the Charges;

for the 2d Offence, a Sum not exceeding 5 l. with the Charges;

and for the 3d Offence, are to be transported for 7 Years.

And whereas many idle and disorderly Persons have of late Years made a Practice of going into the Woods, Underwoods, and Wood Grounds, of divers of His Majesty's Subjects, and there cut, and carried away, great Quantities of young Wood, of various Kinds, for making of Poles and Walking Sticks, and for various other Uses; and, in Beach, and other Woods and

Underwoods, under Pretence of getting Firewood, have cut down, boughed, split off, or otherwise damaged or destroyed the Growth of the said Woods and Underwoods, to the great Injury and Damage of the lawful Owners thereof: And whereas the Laws now in being are not found sufficient to remedy the aforesaid Evils; be it therefore enacted by the Authority aforesaid, That all and every Person and Persons who, from and after the Twenty fourth Day of June, One thousand seven hundred and sixty six, shall go into the Woods, Underwoods, or Wood Grounds, of any of His Majesty's Subjects, not being the lawful Owner or Owners thereof, and shall there cut, lop, top, or spoil, split down or damage, or otherwise destroy, any Kind of Wood or Underwood, Poles, Sticks of Wood, Green Stubs, or young Trees, or carry or convey away the same; or shall have in his, her, or their Custody, any Kind of Wood, Underwood, Poles, Sticks of Wood, green Stubs, or young Trees, and shall not give a satisfactory Account how he, she, or they, came by the same, and shall be thereof convicted before any One or more of His said Majesty's Justices of the Peace, on the Oath of One or more credible Witness or Witnesses; shall, for the First Offence, forfeit and pay immediately on Conviction, any Sum not exceeding the Sum of Forty Shillings, together with the Charges previous to and attending such Conviction, to be ascertained by the said Justice or Justices who shall convict the Offender or Offenders: And if any Person or Persons shall commit any of the Offences aforesaid a Second Time, and shall be thereof again convicted in Manner aforesaid; he, she, or they, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds, together with the Charges previous to and attending such Conviction, to be ascertained as aforesaid: And if any Person or Persons shall commit any of the Offences aforesaid a Third Time; that then such Person and Persons, being duly convicted thereof according to Law, shall be deemed and adjudged an incorrigible Rogue or Rogues, and shall be punished as such.

Persons convicted of cutting, damaging, or taking away, any Wood, or Underwood, Poles, Sticks, &c.

or shall have any such in their Custody, without being able to account satisfactorily for the same;

forfeit for the 1st Offence any Sum not exceeding 40s. with the Charges;

and for the 2d Offence any Sum not exceeding 5l. with the Charges;

and for the 3d Offence are to be punished as incorrigible Rogues.

And be it enacted by the Authority aforesaid, That His Majesty's Justices of the Peace for the respective Counties, Cities, Ridings, Divisions, or Places, wherein any of the Offences committed against this Act shall be done, are hereby authorized to put this Act in Execution, and to administer an Oath to any such credible Witness or Witnesses.

Power given to Justices of the Peace to put this Act in Execution.

And

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And whereas the Mischiefs intended by this Act to be prevented may be evaded on account of the Offender's not being able to pay down the Sum forfeited, and Charges incurred thereby; such Offenders frequently having no Goods, or other Chattles, whereon the same can be levied; therefore be it enacted, That it shall and may be lawful for such Justice or Justices, unless the respective Forfeitures shall be paid down upon Conviction forthwith, where not otherwise directed by this Act, by Warrant under his or their Hands and Seals to commit such Offender or Offenders, for the First Offence, to the House of Correction for One Month, to hard Labour, and to be Once whipped there; and for the Second Offence, where not otherwise directed by this Act, to the House of Correction for Three Months, to hard Labour, and to be whipped there Once in every One of the said Three Months.

Where the respective Forfeitures shall not be paid down on Conviction, the Offenders may be committed to hard Labour; for the 1st Offence for 1 Month, and to be Once whipped; and for the 2d Offence for 3 Months, and to be Thrice whipped.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time, hinder, or attempt to prevent, the seizing or securing any Person employed in carrying away any such Timber or other Trees; every such Person so hindering, or attempting to prevent, such seizing or securing, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds to the Person or Persons who shall convict such Offender: And if the said Sum be not immediately paid on Conviction, the Person or Persons so convicted shall be, by the Justice or Justices before whom he, she, or they, shall be convicted, committed to the House of Correction, to hard Labour, for any Time not exceeding Six Calendar Months.

Persons hindering, or attempting to prevent, seizing Offenders, forfeit 10*l.* to the Person convicting them; and if not paid down, are to be committed to hard Labour, not exceeding 6 Months.

And be it further enacted, That One Moiety of all and every the Forfeitures herein before directed to be paid in pursuance of this Act, and not otherwise directed, shall go to the Informer, and the other Moiety to the Person or Persons aggrieved.

Application of Forfeitures not otherwise directed to be applied.

And be it further enacted by the Authority aforesaid, That the Conviction and Convictions of all and every Offender and Offenders against this Act, shall be certified by the Justice or Justices of the Peace before whom the same shall be made, to the next General Quarter Sessions of the Peace, to be filed amongst the Records of the said Sessions; and that such Conviction shall be fairly written on Parchment or Paper in the following Form of Words (as the Case shall happen) or in any other Form of Words to the like Effect; that is to say,

Convictions to be certified to the General Quarter Sessions, and filed.

Form of Conviction.

To wit. } BE it remembered, That on the Day of in the Year *A. B.* was, upon the Complaint of *C. D.* convicted before of the Juſtices of the Peace for in purſuance of an Act paſſed in the Sixth Year of the Reign of His Majeſty King *George* the Third, for *as the Caſe ſhall be.*

Given under Hand and Seal the Day and Year above written.

Conviction not liable to be quaſhed for want of Form, or to be removed.

Which ſaid Conviction ſhall be good and effectual in Law to all Intents and Purpoſes; and ſhall not be quaſhed, ſet aſide, or adjudged void or inſufficient, for want of any Form or Words whatſoever; nor to be liable to be removed Certiorari into His Majeſty's Court of King's Bench, but ſhall be deemed and taken to be final to all Intents and Purpoſes whatſoever.

FINIS.