ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. LXVI.

An Act to prevent in *Great Britain* the illegally carrying away Bark; and for amending Two Acts, passed in the Sixth and Ninth Years of His present Majesty's Reign, for the Preservation of Timber Trees, Underwoods, Roots, Shrubs, Plants, Hollies, Thorns, and Quickſets. [27th *June* 1805.]

WHEREAS by an Act passed in the Sixth Year of His present Majesty's Reign, for the better Preservation of Timber Trees, and of Woods and Underwoods, and for the further Preservation of Roots, Shrubs, and Plants, it was enacted, that all and every Person and Persons, who, from and after the Twenty-fourth Day of *June* One thousand seven hundred and sixty-six, should go into the Woods, Underwoods, or Wood Grounds of any of His Majesty's Subjects, not being the lawful Owner or Owners thereof, and should 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 and convey away the same, or should have in his, her, or their Custody any Kind of Wood or Underwood, Poles, Sticks of Wood, Green Stubs, or young Trees, and should not give a satisfactory Account how he, she, or they came by the same, and should be thereof convicted before any One or more of His Majesty's Justices of the Peace, on the Oath of One or more credible Witness or Witnesses, should 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 should 6 G. 3. c. 36.

convict the Offender or Offenders; and if any Perſon or Perſons ſhould commit any of the Offences aforeſaid a Second Time, and ſhould be thereof again convicted in Manner aforeſaid, he, ſhe, or they ſhould 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 ſhould commit any of the Offences aforeſaid a Third Time, that then ſuch Perſon and Perſons, being duly convicted thereof according to Law, ſhould be deemed and adjudged an incorrigible Rogue or Rogues, and ſhould be puniſhed as ſuch: And whereas by another Act paſſed in the Ninth Year of His ſaid Majeſty's Reign, for the better Preſervation of Hollies, Thorns, and Quickſets, in Foreſts, Chaſes, and private Grounds, and of Trees and Underwoods in Foreſts and Chaſes, it was enacted, that, from and after the Firſt Day of *July* One thouſand ſeven hundred and ſixty-nine, the ſaid Clauſe made in the ſaid Act of the Sixth Year of His preſent Majeſty's Reign, and all and every the Penalties, Forfeitures, and Puniſhments thereby inflicted, and all other Proviſions, Clauſes, Matters, and Things relating thereto, ſhould extend, and ſhould be deemed, taken, and conſtrued to extend, and ſhould be applied and put in Execution in relation to all His Majeſty's Foreſts and Chaſes within this Realm, and to all and every Perſon or Perſons who ſhould, without legal Right or Authority, by Night or Day, cut down, deſtroy, take, carry, or convey away any Hollies, Thorns, or Quickſets, growing or being upon any of His Majeſty's ſaid Foreſts or Chaſes, or within the Woods or Wood Grounds of any of His Majeſty's Subjects, or who ſhould have in his, her, or their Cuſtody or Poſſeſſion any ſuch Hollies, Thorns, or Quickſets, and ſhould not give a ſatisfactory Account how he, ſhe, or they came by the ſame, and ſhould be thereof convicted before any One or more of His Majeſty's Juſtices of the Peace in the Manner preſcribed and directed by the ſaid Act, and ſuch Juſtice or Juſtices is or are thereby authorized to adminiſter Oaths, and proceed in the like Manner for the Conviction and Puniſhment of every Offender in the Premiſes, as fully and effectually to all Intents and Purpoſes, as if the ſeveral Proviſions in the ſaid Act had been therein particularly repeated and applied to the Offences therein before ſpecified: And whereas great Quantities of Bark have of late been taken and carried away from out of His Majeſty's Woods, Foreſts, and Chaſes, by Perſons not having legal Right or Authority to take and carry away the ſame; and it is proper to prevent ſuch evil Practices and Abuſes for the future; and it is expedient alſo to extend the Proviſions of the ſaid Acts, to all Woods and Wood Grounds belonging to His Majeſty, as well in Right of His Duchy of *Lancaſter*, as otherwiſe: Therefore 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, the aforeſaid Clauſes in the ſaid recited Acts, and all and every the Penalties, Forfeitures, and Puniſhments thereby inflicted, and all other Proviſions, Matters, and Things relating thereto, ſhall extend, and be deemed, taken, and conſtrued to extend, and ſhall be applied and put into Execution, in relation to all Woods and Wood Grounds, belonging to His Majeſty in *Great Britain*, as well in Right of His Duchy of *Lancaſter*, as otherwiſe, and whether ſuch Woods or Wood Grounds ſhall be within any of His Majeſty's Foreſts or Chaſes or not, and alſo to all and every Perſons and Perſon who ſhall, without legal Right or Authority, by Night or Day, take, carry, or convey away any Bark, being in any Foreſts or Chaſes, or Woods or Wood Grounds, belonging to His Majeſty, as well in Right of

9 G. 3. c. 41.

Extending the Proviſions of former Acts to Woods belonging to His Majeſty, and to Perſons who ſhall take away Bark from Woods or Wood Grounds.

of His Duchy of *Lancaſter*, as otherwiſe, or within the Woods or Wood Grounds of any of His Majeſty's Subjects in *Great Britain*, or who ſhall have in his, her, or their Cuſtody or Poſſeſſion any Bark, 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 Majeſty's Juſtices of the Peace, in the Manner preſcribed and directed by the ſaid firſt-recited Act; and ſuch Juſtice or Juſtices is or are hereby authorized to adminiſter Oaths, and proceed in the like Manner for the Conviction and Puniſhment of every Offender in the Premiſes, as fully and effectually, to all Intents and Purpoſes, as if the ſeveral Proviſions in the ſaid firſt-recited Act had been herein particularly repeated and applied to the Offences herein-before ſpecified.

Conviction to be certified to the Seſſions.

II. And be it further enacted, That the Conviction and Convictions of all and every Offenders and Offender 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, or (as the Caſe ſhall happen) in any other Form of Words to the like Effect; that is to ſay,

'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 Forty-fifth 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.'

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 be liable to be removed by *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.

Perſons offending more than Three Times, to be puniſhed for every ſubſequent Offence as an incorrigible Rogue.

III. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall commit any of the ſaid Offences ſpecified in the ſaid recited Acts or this Act more than Three Times, and ſhall be thereof convicted before any one or more of His Majeſty's Juſtices of the Peace, in the Manner preſcribed and directed by the ſaid firſt recited Act, every ſuch Perſon ſhall for every ſuch Offence, committed ſubſequent to the Third Offence, be deemed and adjudged an incorrigible Rogue or Rogues, and ſhall be puniſhed as ſuch.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1805.