ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. LXXI.

An Act for the better Cultivation of Navy Timber in the Foreſt of *Woolmer*, in the County of *Southampton*. [20th *June* 1812.]

WHEREAS the King's moſt Excellent Majeſty, in Right of His Crown, is ſeized to Himſelf, His Heirs and Succeſſors, of the Ground and Soil of the Foreſt of *Woolmer*, in the County of *Southampton*, computed to contain Five thouſand two hundred and ſeventy-ſix Acres, or thereabouts, excluſive of certain incloſed Lands therein belonging to His Majeſty in Severalty, ſubject to ſuch Claims of Rights and Intereſts of the Right Honourable *Henry* Lord *Stawell*, and other Perſons in and over the ſame, as herein-after mentioned: And whereas the ſaid *Henry* Lord *Stawell*, under and by virtue of a certain Grant of His late Majeſty King *James* the Firſt, bearing Date on or about the Ninth Day of *November* in the Fifteenth Year of His Reign, is or claims to be ſeized of or intereſted in or entitled to the Right of Free Warren and Free Chace, and other Rights, Liberties, and Privileges in, upon, and over the ſaid Foreſt; and he the ſaid *Henry* Lord *Stawell* alſo claims to have and receive, ſo ſoon as the ſame can be made out, a Grant or Letters Patent of and to hold and enjoy the Office of Ranger of and over the ſaid Foreſt, and, as annexed or appurtenant to the ſaid Office, the Liberty of Hunting, Shooting, and Sporting, in and over the ſame Foreſt, for and during the Term of his natural Life; and the ſaid *Henry* Lord *Stawell*, in reſpect of his ſeveral Manors which adjoin to or are ſituate near to the ſaid Foreſt, likewiſe is or claims to be entitled to other Rights and Intereſts in, upon, and over the ſaid Foreſt, or

or ſome Part or Parts thereof: And whereas, ſubject to the Rights of His Majeſty, certain Perſons are or claim to be entitled to certain Rights in, over, and upon the ſaid Foreſt: And whereas from the great and increaſing Difficulty of procuring a Supply of Timber from Foreign Countries and from the Eſtates of private Individuals in the United Kingdom, it has become neceſſary to adopt Meaſures for ſecuring a more adequate Supply of Timber in this Kingdom; and if His Majeſty was empowered to encloſe certain Parts of the ſaid Foreſts, and ſuch Parts were appropriated for the Growth and Preſervation of Wood and Timber, the ſame would be of great Benefit and Advantage to His Majeſty and the Public in general; Be it therefore enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spriritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for His Majeſty, His Heirs and Succeſſors, from Time to Time to incloſe, ſever, and improve, within and out of the Waſte Lands of the ſaid Foreſt, any Quantity of the ſaid Lands not exceeding in the Whole Two thouſand Acres, to be incloſed and held in Severalty at one and at the ſame Time; and ſuch Incloſure ſhall be made under and by virtue of Commiſſions to be granted and iſſued by His Majeſty for that Purpoſe, and each of ſuch Commiſſions ſhall be directed to Three or more ſuch Perſons as His Majeſty ſhall think fit; and ſuch Incloſures ſhall be ſet out and made from and out of ſuch Parts or Places in the ſaid Foreſt as ſhall be found to be moſt convenient to be incloſed, and to be beſt adapted to the Growth and Produce of Timber, which ſaid Incloſures ſhall be admeaſured by a ſworn Surveyor, and ſet out and incloſed, butted, and bounded, and the Quantities, Butts, and Boundaries thereof returned into His Majeſty's Court of Exchequer, there to remain of Record for ever; and the ſaid Incloſures ſo made and ſet out as aforeſaid ſhall remain in Severalty in the actual Poſſeſſion of His Majeſty, His Heirs and Succeſſors, freed and diſcharged of and from all Manner of Rights, Titles, Pretences, and Privileges or Claims whatſoever (other than and except ſuch as the ſaid *Henry* Lord *Stawell* is or may be entitled to as aforeſaid) during the Period of the ſame remaining ſo incloſed for the Growth and Preſervation of Timber, and until the ſame or any Part thereof ſhall be laid open under the Proviſions of this Act, according to the Purport and true Intent of this Act, and ſhall be made and reputed a Nurſery or Nurſeries for Timber only.

His Majeſty may incloſe 2,000 Acres of the Foreſt, &c.

II. And be it further enacted, That at all Times hereafter, whenever the Lord High Treaſurer or Commiſſioners of the Treaſury for the Time being ſhall be ſatisfied, and ſuch Lord High Treaſurer, or any Three or more of the ſaid Commiſſioners, ſhall determine that the Woods and Trees that ſhall be growing within any Incloſure to be made under and by virtue of this Act, are become paſt Danger of browſing of Cattle, or other Prejudice, and ſhall think fit to lay the ſame or any Part thereof open and in Common, and ſhall cauſe the ſame to be laid open, that then and ſo often it ſhall be lawful for His Majeſty, His Heirs and Succeſſors, from Time to Time to incloſe, in lieu of ſo much of the Incloſure as ſhall be ſo laid open, the like Quantity, out of any other Part of the Reſidue of the ſaid Foreſt, to be ſet out in the ſame Manner as aforeſaid, and to be holden incloſed, freed and diſcharged of and from all Manner of Common and other Rights as aforeſaid (other than and except as aforeſaid) for ſo long Time as the ſame ſhall continue incloſed, according to the Directions, Purport,

When the Woods are paſt Danger from Cattle, &c. the Incloſures to be laid open.

Purport, and Intent of this Act, to be a Nurſery for Timber, as aforeſaid, inſtead of ſo much as ſhall be laid open according to the Directions aforeſaid.

Grants of Incloſure, Trees, &c. to be void.

III. And, to the end that the ſaid Incloſure may be preſerved in the Crown for public Uſe as aforeſaid, be it further enacted, That in caſe any Perſon whatever ſhall preſume to take or obtain any Gift, Grant, Eſtate or Intereſt of or in the ſaid Incloſures, or any Wood or Trees growing thereon, every ſuch Gift, Grant, Eſtate or Intereſt ſhall *ipſo facto* be null and void, and the Perſon ſo taking the ſame ſhall be utterly diſabled to have, hold, and enjoy any ſuch Gift, Grant, Eſtate or Intereſt, and alſo ſhall forfeit treble the Value of any ſuch Gift or Grant to him who ſhall firſt ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt, wherein no Eſſoign or Wager at Law ſhall be allowed to the Defendant.

No Deer to be kept in the Foreſt.

IV. And be it further enacted, That after the paſſing of this Act no Deer whatever ſhall be kept in any Part of the ſaid Foreſt, or within the Limits thereof.

Rabbits not to be kept.

V. And be it further enacted, That from and after the paſſing of this Act, no Rabbits ſhall be kept on any Part of the ſaid Foreſt, on any Account or Pretence whatſoever.

Penalties for damaging Trees in the Foreſt.

VI. And, for the better Preſervation of the Trees, Woods, Underwoods, Heritors, and Standils growing, and which may hereafter be planted and nouriſhed to grow or be growing in or upon any Parts of the ſaid Incloſures ſo to be made in purſuance of this Act, as well before as after the ſame ſhall be incloſed; be it further enacted, That all Perſons whomſoever who ſhall from and after the paſſing of this Act unlawfully cut down, ſplit, bark, peel, damage, deface, or deſtroy or carry away any Timber Tree, or other Tree, Wood, or Covert, Green Stick, or any Heritor or Standil within the ſaid Foreſt (except ſuch as ſhall be ſet out by Perſons duly authorized for the Purpoſe of making the Fences of ſuch Incloſures as aforeſaid) ſhall be ſubject or liable to all ſuch Pains, Penalties, and Puniſhments, as are provided by the Laws and Statutes of this Realm, to be given, impoſed, or inflicted, upon any Perſon or Perſons committing the like Offence or Offences, in the Lands, Grounds, Woods, or Coppices, being incloſed, and the private Property of any of His Majeſty's Subjects.

Penalties for breaking down Incloſures.

VII. And be it further enacted, That every Perſon who ſhall wilfully deſtroy or take away or ſhall break down any Fence or Incloſure or any Part thereof made for the Protection of any Nurſery of Wood and Timber as aforeſaid, ſhall for the Firſt Offence forfeit the Sum of Ten Pounds, and for the Second Offence, the Sum of Twenty Pounds, and for the Third Offence ſhall be accounted guilty of Felony, and may be tranſported to any Part beyond the Seas for the Term of Seven Years, or be ſubject to ſuch other Puniſhment by Fine, Impriſonment, or otherwiſe, as the Court before which ſuch Perſon ſhall be convicted may direct; and ſuch Penalties ſhall and may be recovered, and on Non-payment thereof, the Perſon who ſhall forfeit the ſame may be committed to Priſon in the Manner and for the ſame Periods as are ſpecified in an Act paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled *An Act for the better Preſervation of Timber Trees, and of Woods and Underwoods, and for the further Preſervation*

vation of Roots, Shrubs, and Plants, in relation to the Penalties of Twenty Pounds and Thirty Pounds respectively for wilfully cutting or breaking down any Timber under the said Act.

Regulating the cutting of Turf.

VIII. And for the Purpose of regulating and securing to the several Persons now having Right of Common of Pasture in and over the said Forest, the Power of cutting Peat and Turf within such Parts of the said Forest as shall not be inclosed by virtue of this Act; be it enacted, That after the said Inclosure shall be made and completed it shall be lawful for all Persons having Right of Common in the said Forest, to cut and take Peat and Turves in any Part of the said Forest not inclosed under this Act, without Payment of any Fee or Sum of Money to any Keeper or other Person having Care or Superintendance in the said Forest, for taking the same; and no Person shall after the said Inclosure shall have been made and completed take, demand, or receive any Sum of Money or Fee or other Payment whatever, of or from any Person cutting or taking such Peat or Turves, on any Pretence whatsoever; any Usage or Custom heretofore made or established to the contrary notwithstanding.

General Saving.

IX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, to the said *Henry* Lord *Stawell*, and to all Bodies Politic, Corporate, or Collegiate, and their Successors, and to all and every Person and Persons whomsoever, his and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever (other than and except such as is and are hereby expressed, meant and intended to be barred, destroyed, or extinguished) as they, every or any of them now have or hath, or could have had or enjoyed therein in case this Act had not been made.

[See also the Act for disafforesting the Forest of *Parkhurst* in the County of *Southampton*, 52 G. 3. c. 171. *Loc. & Per.*]

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