ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. LXXII.

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

WHEREAS the King's moſt Excellent Majeſty, in Right of His Crown, is ſeiſed to Himſelf, His Heirs and Succeſſors, of the Ground and Soil of the Foreſt of *Alice Holt*, in the County of *Southampton*, computed to contain about Two thouſand four hundred and twenty-ſeven Acres, 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 ſeiſed of, or intereſted in and entitled to the Right of Free Warren and Free Chaſe, and other Rights, Liberties, and Privileges, in, over, and upon 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, 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 ſome

Part or Parts thereof: And whereas, ſubject to His Majeſty's Rights on the ſaid Foreſt, certain Perſons are or claim to be entitled to certain Rights of Common 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 incloſe certain Parts of the ſaid Foreſt, 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 Publick in general: And whereas in order to render the Herbage and Common of Paſture, in ſuch Parts of the ſaid Foreſt as ſhall not be incloſed, of much greater Value, and more beneficial to the Perſons entitled thereto, His Majeſty has conſented and agreed, that all the Deer now kept and maintained in the ſaid Foreſt ſhall, previous to any Incloſure being made of any Parts thereof, be wholly removed from the ſaid Foreſt; 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 it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, to incloſe, ſever, and improve, within and out of the Open Waſte Lands of the ſaid Foreſt, in ſeparate Incloſures, ſuch Quantity of Lands as ſhall in the Whole not exceed One thouſand ſix hundred Acres of the open and Waſte Parts of the ſaid Foreſt; and ſuch Incloſures ſhall be made under and by virtue of a Commiſſion to be granted and iſſued by His Majeſty for that Purpoſe, and ſuch Commiſſion 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 of 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 on Record for ever; and the ſaid Incloſure ſo ſet out and made 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, Privileges, and Claims whatſoever, (other than and except ſuch as the ſaid *Henry* Lord *Stawell* is or may be entitled to as aforeſaid), and ſhall be made and reputed a Nurſery or Nurſeries for Timber only; and the ſaid Quantity of One thouſand ſix hundred Acres ſo authorized to be incloſed as aforeſaid, ſhall be accepted by and on Behalf of His Majeſty, His Heirs and Succeſſors, as an adequate Compenſation for all Right of Soil, or other Right or Claim in or over the remaining Eight hundred and twenty-ſeven Acres of the ſaid Waſte Lands of the ſaid Foreſt; which ſaid remaining Quantity of Eight hundred and twenty-ſeven Acres ſhall become the Property of the ſeveral Perſons entitled as aforeſaid, to certain Rights of Common in and over the ſaid Foreſt freed and diſcharged of and from all Right of Soil, or other Right or Claim of the King's Majeſty, His Heirs and Succeſſors; ſaving nevertheleſs, the Liberties and Privileges intended to be granted to the ſaid *Henry* Lord *Stawell* as herein-before mentioned, and ſaving alſo to His Majeſty, His Heirs and Succeſſors, all Timber, and other Trees, Underwood, Buſhes, Hollies, and Thorns, Heritors, and Standils, ſtanding and being in or upon the ſaid remaining Quantity

His Majeſty may incloſe Parts of the Foreſt, not exceeding 1,600 Acres.

Quantity of Eight hundred and twenty-ſeven Acres, or any Part thereof, with full Power to cut down and carry away the ſame, or otherwiſe to diſpoſe thereof, and to enter on the ſaid Lands for that Purpoſe from Time to Time as Occaſion may require, for the Space of Three Years from the paſſing of this Act.

Incloſures not to impede uſual Communications.

II. Provided always, and be it further enacted, That all Incloſures to be made in the ſaid Foreſt by virtue of this Act, ſhall be made and ſet out in ſuch Manner as not to interrupt or impede the uſual and neceſſary Communications in, over, and upon the ſaid Foreſt.

No Rabbits to be kept in Foreſt.

III. 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.

Any Grant of Incloſure, Trees, &c. to be void, and the Perſon obtaining ſuch Grants to forfeit Treble the Value thereof.

IV. And, to the End that the ſaid Incloſures may be preſerved in the Crown for Publick 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 or 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 of Law ſhall be allowed to the Defendant.

All the Deer in the Foreſt to be deſtroyed or removed, and no Deer to be afterwards kept in the Foreſt.

V. And be it further enacted, That the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenue, or the Surveyor General of His Majeſty's Woods and Foreſts for the Time being, are and is hereby authorized and required, as ſoon as conveniently may be after the paſſing of this Act, to cauſe all the Deer in the ſaid Foreſt to be deſtroyed, or removed from and out of the ſaid Foreſt; and that after the ſaid Incloſure ſhall be made, no Deer whatever ſhall be kept in any Part of the ſaid Foreſt, or within the Limits thereof.

Penalties on Perſons damaging Trees in the Foreſt.

VI. And for the better Preſervation of the Trees, Woods, Underwoods, Heritors, and Standils growing, or which may hereafter be planted and nouriſhed to grow or be growing in or upon any Part 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, deſtroy, or carry away any Timber Tree or other Tree, Woods or Covert, Green Stick, or any Heritor or Standil within the ſaid Foreſt as aforeſaid, ſhall be ſubject and 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 deemed 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 is 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 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.

Reſidence in Foreſt not to gain Settlement in Binſted.

VIII. Provided always, and be it further enacted, That from and after the paſſing of this Act, no Perſon or Perſons ſhall, by Reſidence in any Houſe, Lodge, or other Building erected or to be erected within the ſaid Foreſt, or by Hiring and Service either for the Preſervation of the ſaid Woods or Plantations, or the Game in the ſaid Foreſt, gain thereby any Settlement in the Pariſh of *Binſted* in the ſaid County in which the ſaid Foreſt is ſituated.

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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