



Dean and New Forests Act 1808

1808 CHAPTER 72

An Act for the Increase and Preservation of Timber in *Dean* and *New Forests*.
[18th June 1808]

WHEREAS an Act was passed in the Twentieth Year of the Reign of King *Charles* the Second, intituled *An Act for the Increase and Preservation of Timber within the Forest of Dean* : And whereas a certain other Act was passed in the Parliament holden in the Ninth and Tenth Years of King *William* the Third, intituled, *An Act for the Increase and Preservation of Timber in the New Forest, in the County of Southampton* ; by which said Acts Part of the Waste Lands in the said Forests of *Dean* and *New Forest* respectively Were directed to be inclosed and kept in Severalty for the Growth and Preservation of Timber, and which said Acts have not been duly put in Execution: 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, for the Use of the Navy, it has become necessary to adopt Measures for insuring a more adequate Supply of Timber in this Kingdom, and for this Purpose to make more effectual Provision for carrying the said recited Acts into full and complete Execution : And whereas certain Inclosures have been made under the said recited Acts in the said Forests respectively; but Doubts may arise whether in making some of the said Inclosures all the Forms of Procedure required by the said recited Acts have been strictly complied with ;

Be it therefore enacted and declared 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,

Inclosure of 676 Acres in Dean Forest declared legal.

That certain Inclosures in the Forest of *Dean*, containing Plantations of Timber, that is to say, the Inclosures called and known by the Names of *Stapledge Inclosure*, *Speech House Inclosure*, *Birch Wood Inclosure*, and *Buck Holt Inclosure*, containing about Six hundred and seventy-six Acres, (hall be deemed and taken, and are hereby declared to be and shall be held to have been duly and legally made and set out under the said recited Act of the Twentieth Year of King *Charles* the Second, and to be effectually inclosed and veiled in His Majesty, and to remain in Severalty in the actual Possession of the

Crown, according to the Purport and Intent of the said last-mentioned Act, during the Period of the same remaining so inclosed under the said last-mentioned Act and this Act.

II Certain Inclosures in New Forest declared legal.

And whereas certain Inclosures were made in the *New Forest*, under and by the Authority of the said recited Act of the Ninth and Tenth Years of King *William* the Third, soon after the palling of the said last-mentioned Act., containing by Estimation One thousand and twenty-two Acres, and commonly called and known by the Names of *Prior's Acre Inclosure*, *Salisbury Trench Inclosure*, *North Bentley Inclosure*, *South Bentley Inclosure*, *Puck Pits Inclosure*, *Rhinefield Inclosure*, *Burley Inclosure*, and *Wood Fidley Inclosure* : And whereas the Lords of the Treasury have been satisfied, and have determined that the Woods and Trees growing on the said One thousand and twenty-two Acres are become pall Danger of browsing of Deer, Cattle, or other Prejudice, and have thought fit to lay the lame open and in common, and caused the fame so to be done, and thereupon a Commission has issued under the Seal of His Majesty's Exchequer for inclosing, out of the Residue of the said Forest, the like Quantity of One thousand and twenty-two Acres, in lieu of the said Inclosures so laid open as aforesaid, which said Quantity of One thousand and twenty-two Acres has been set out by virtue of the said Commission, to the Intent that the same may be holden, inclosed, freed, and discharged of and from all Manner of common Herbage and Pamage or other Rights, for so long Time as the lame shall remain and continue inclosed, according to the Direction, Purport, and Intent of the said recited Act, to be a Nursery for Timber : And whereas certain other Inclosures were made under a Commission to *John Phillipson*, Surveyor General of His Majesty's Woods, Forests, and others commonly called, and known by the Names of *Furzy Etherise Inclosure*, *Black Bush Inclosure*, and *Pignell Inclosure*, containing together about Two hundred and thirty Acres ; and also certain other Inclosures were afterwards made under Commissions to *John Pitt*, Surveyor General of His Majesty's Woods, Forests, and others, commonly called and known by the Names of *Furzy Lawn Inclosure*, *Wilverley Inclosure*, *Rhine-field Sandy Inclosure*, *Aldridge Hill Inclosure*, *Ocknell Inclosure*, *Pitts Inclosure*, *Slodon Inclosure*, *Raven's Nest Inclosure*, *Coppice of Linwood Inclosure*, and *Long Beech Inclosure*, containing together about Two thousand and forty-four Acres : And whereas Doubts may arise whether in making some of the said last-mentioned Inclosures under the said Commissions to the said *John Phillipson* and others, and the said *John Pitt* and others, containing in the whole Two thousand two hundred and, seventy-four Acres or thereabouts, the Forms of Procedure required by the said recited Act of the Ninth and Tenth Years of King *William* the Third have been strictly complied with ; be it therefore further enacted and declared, That the said several Inclosures shall respectively be deemed and taken, and are hereby declared to be and shall be held to have been duly and legally made under the said last recited Act, and all such Parts thereof as mall have any Timber growing thereon fit to be preserved, or which shall be deemed fit for the Growth of Timber, and which shall not now be inclosed, may and shall, as soon after the passing of this Act as the fame can be properly surveyed and marked out, be inclosed for the Growth and Preservation of such Timber, under the Provisions of the said last-mentioned Act of the Ninth and Tenth Years of King *William* the Third, and this Act; and all such Inclosures now remaining, and which shall be so made after the passing of this Act, shall be held to be effectually inclosed and fevered from the Waste, and to be veiled in His Majesty for the Purposes in the said last-mentioned Act specified, freed, and discharged from all Rights of Common and other Rights directed to be extinguished in Inclosures, during the Period of the fame remaining so inclosed for the Preservation

of the Timber thereof, according to the true Intent and Meaning of the said last recited Act and this Act.

III Inclosures to be made in Dean and New Forests under Commissions.

And, in order to complete the Quantity of Eleven thousand Acres in *Dean Forest*, and Six thousand Acres in *New Forest*, to be inclosed and kept in Severalty for the Growth and Preservation of Timber, according to the true Intent and Meaning of the said recited Acts; be it enacted, That it shall be lawful for His Majesty, His Heirs and Successors, from Time to Time to inclose, fever, and improve within and out of the Waste Lands of the said Forest of *Dean* and *New Forest* respectively, in Whole or in Part, such Quantity of Lands in the Whole as shall, together with the Quantity already in Inclosure, or which shall be inclosed as aforesaid in the said Forests respectively, make up the said Quantities of Eleven thousand Acres in the Forest of *Dean*, and Six thousand Acres in the *New Forest*, and so that there shall not be more than Eleven thousand Acres in the Forest of *Dean*, and Six thousand Acres in the *New Forest*, inclosed and held in Severalty as aforesaid at one and the same Time ; and such Inclosures 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 Six or more such Persons as His Majesty shall think fit, whereof Two in each Commission shall be Justices of the Peace for the County within which the Forest in which the Inclosure shall be made shall be situate, and shall not be Officers of such Forest ; and such Inclosure shall be set out and made from and out of such Parts or Places in the said Forests respectively as shall be found or ascertained by the said Commissioners, or any Three or more of them, to be most convenient to be inclosed, and to be best adapted for the Growth and Produce of Timber, and may be best spared from the Commons and Highways of the respective Counties ; 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 the Crown, freed and discharged of and from all Rights of Common, and of and from all Manner of Rights, Titles, or Pretences, or Privileges or Claims whatsoever, 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 the said recited Acts and this Act, according to the Purport and true Intent of the said recited Acts and of this Act, and shall be made and reputed a Nursery or Nurseries for Wood and Timber only.

IV Whenever the Woods growing in the said Inclosures are past Danger from browsing of Deer, or other Prejudice, they may be laid open, and other Quantities inclosed.

And be it further enacted, That at all Times hereafter, whenever the Lord High Treasurer or Commissioners of the Treasury, or Chancellor of the Exchequer for the Time being, shall be satisfied, and shall determine that the Woods and Trees which shall be growing within any of the said Inclosures, whether made before the passing of this Act, and hereby confirmed, or to be made under and by virtue of this Act, are become past danger of browsing of Deer, 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 so to be done, 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 Inclosures in either Forest as shall be so laid open, the like Quantity out of any other Part of the Residue of

Status: This is the original version (as it was originally enacted).

the Wastes of the fame Forest, to be set out by like Commission and Admeasurement as aforesaid, and to be holden, inclosed, freed and discharged of and from all Manner of Common and other Rights as aforesaid, for so long Time as the fame shall continue inclosed, according to the Direction, Purport, and Intent of the said recited Acts or this Act, to be a Nursery or Nurseries for Timber as aforesaid, instead of so much as shall be laid open, according to the Direction aforesaid.

V Decayed Trees to be set out for making and maintaining the Inclosures, and to be fold to defray the Expences thereof.

And, for the making and maintaining the said Inclosures so set out and made as aforesaid, and for defraying the Charges thereof; be it further enacted, That the said Commissioners so to be appointed, under whose Authority any Inclosure in either of the said Forests shall be made, or any Three of them, with the Assistance of One of the Purveyors of His Majesty's Navy, shall from Time to Time set out so many decayed Trees in such Forest, not being Ship Timber, as shall be necessary to make and maintain the said Inclosure.

VI Grants of Inclosure Trees, &c. void.

And, to the End the said Inclosures may be preserved in the Crown for publick Use as aforesaid, be it 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 fame shall be utterly disabled and incapable 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 pay 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.

VII Penalty for breaking Inclosures Low to be recovered.

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 Nurseries 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 Penal ties shall and may be recovered, arid on Non-payment thereof, the Person who shall forfeit the fame may be committed to Prison, in the Manner and for the fame 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.