

8 OF 1881.

TO MAKE PROVISIONS FOR DETERMINING THE LIMITS OF FORESTS UNDER THE PROTECTION, CONTROL, AND MANAGEMENT OF THE GOVERNMENT.

ROBERT BIDDULPH.]

[June 27, 1881.

Definition.

1. The expression "Forest Land" wherever used in this Law means all uncultivated land bearing forest trees, whether standing in masses or scattered about, or which is covered with scrub and brushwood which may serve for the purposes of fuel or for making charcoal or for any like use, and all land on which are plantations of young forest trees, grown either naturally or by the hand of man.

Forest lands. not private property are state forests.

2. All forest lands in the Island, except such as are the private property of any person or body corporate, are under the protection, control, and management of the Government and are in this Law referred to as "State Forests." Provided that the net revenue arising from any forest land hereby defined to be a state forest which may not actually be the property of the Government of the Island, shall be accounted for and paid to the persons or communities (if any) who are the actual owners of such forest land.

Any question arising as to whether any forests or parts of forests belong to any community shall be decided in the same manner as is provided for the delimitation of state forests under this Law.

State forests under protection of Government.

3. All state forests shall be deemed to be lands declared to be under the protection, control, and management of the Government under the provisions of the Forest Law, 1879.

Reservation of rights of individuals.

Provided that nothing in that Law or in this Law contained shall hinder any person from doing any act or exercising any rights which he might have been lawfully entitled to do or exercise in or over any forest at any time prior to the passing of the Forest Law, 1879.

No future right to be acquired over state forests without grant.

4. No right shall hereinafter be acquired in or over any state forest except under a grant or contract made by or on behalf of the Government.

Commission to determine limits.

5. As soon as conveniently may be after the passing of this Law, there shall be appointed one or more commissions to ascertain and determine the limits of the state forests.

Every such commission shall be appointed by the High Commissioner, and shall consist of not less than three persons.

Powers of Commission.

6. For the purpose of delimiting state forests every such commission shall have all the powers and authorities which by the Revenue

Survey Law, 1880, are vested in the Director of Survey, and all boundary marks erected or laid down by any such commission shall be deemed to be boundary marks erected or laid down under the provisions of that Law.

7. Whenever the limits of any state forest or any part thereof have been determined in manner aforesaid, the commission by whom they have been determined shall draw up a report describing the limits so determined, and shall deposit with the Commissioner of the District a copy thereof, and shall cause a notice to be posted in every village in the immediate neighbourhood of the forest so delimited stating that the report has been so deposited and that all persons objecting to the delimitation therein stated to have been made must carry in their objections thereto within six months from the date of the notice.

Publication of report of Commission.

8. The Principal Forest Officer and every person whose rights are affected by the delimitation of any state forest may, at any time within six months from the date of the notice of the deposit of the report thereon with the Commissioner, object to the delimitation in manner hereinafter provided.

Power to object to report.

9. (1.) Every objection shall be brought before the Court in the same manner as a civil action, and as though the party objecting was plaintiff and the party seeking to support the report was defendant; and the decision of the Court on any such objection may be appealed from in the same manner and subject to the same restrictions as though it was a decision in an ordinary civil action, save that no such decision shall be rendered unappealable by reason of the value of the land in respect of which it is made.

Hearing of objection.

(2.) The decision of the Court, if not appealed against, or the decision of the ultimate Court of Appeal before which the objection is brought on appeal, shall be binding and conclusive with respect to the delimitation to which the objection was made.

Finality of judgments.

10. At the expiration of six months from the deposit of the report, the delimitation of the forest as described in the report shall, except so far as it may have been then objected to, be binding and conclusive on all persons.

Report binding after six months.

11. Whenever any person is charged before any Court with having within a state forest committed an offence under any Law for the time being in force for the protection, control, management or preservation of the forests, and the forest has not at the time of the making or hearing of the charge been delimited in manner provided by this Law, and the person so charged shall claim before the Court

Trial of offences.

that the land on which the offence is alleged to have been committed does not form any part of the state forests or shall claim that the act, deed, or default alleged to be an offence was done, omitted, or suffered by any right or custom lawfully enjoyed or exercised by him prior to the passing of the Forest Law, 1879, the Court shall, in the event of the person charged with the offence establishing to the satisfaction of the Court that he has reasonable ground for alleging that the land on which the offence has been committed does not form any part of the state forests, report the case to the Commissioner of the District in order that it may be ascertained under the provisions of this Law whether the land on which the offence is alleged to have been committed forms part of a state forest or not, and pending the settlement of the question shall adjourn the further hearing of the charge; and shall in the event of his claiming that the act, deed, or default alleged to be an offence was done, omitted, or suffered by virtue of a right or custom lawfully enjoyed or exercised by him, proceed to decide upon the validity of the claim, unless there shall be any law in force providing for the settlement of rights in and over state forests, in which case the Court shall adjourn the further hearing of the charge to enable the validity of the claim to be decided upon in accordance with the provisions of the Law.

Permits for cutting timber.

Formerly s. 13.

12. The Principal Forest Officer if he shall so think fit, and on the recommendation of the Commissioner, may authorize the cutting of such timber in state forests as may be required by the inhabitants of the Island for their personal use on payment of such dues as may be fixed by the High Commissioner in Council.

Short title.

13. This Law may be cited as the Forest Delimitation Law, 1881.

Formerly s. 14.

## 12 OF 1889.

FOR THE BETTER PRESERVATION OF FORESTS, TREES AND PLANTATIONS.

HENRY BULWER.]

[April 27, 1889.

Definitions.

1. In this Law:—

“ Timber ” includes trees, fallen or felled, and all wood, whether cut up or fashioned for any purpose or not;

“ Owner ” means and includes the proprietor of any forest, trees, or plantations, and the manager or managing body of any community, body corporate, or institution to which any forest, trees, or plantations belong;

“ Forest Produce ” means and includes charcoal, bark, roots, resin and leaves.