

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.

2. The owner of any forest may place it under the protection, control and management of the Government, subject to such conditions with regard to the payment of expenses and the termination of the protection, control and management as the Government and the owner may agree to. Private forests may be placed under Government protection.
3. So long as any forest is under the protection, control and management of the Government under the provisions of this Law, it shall for the purpose of such protection, control and management be deemed to be State forest within the meaning of the Forest Delimitation Law, 1881, and shall be subject to all the laws, rules and regulations affecting State Forests. Effect of placing forests under Government protection.
- Provided always that it shall not be necessary to delimit it under the provisions of the said Law.
4. Whoever is found in possession of timber or forest produce shall be deemed to be unlawfully in possession thereof unless and until he proves that he obtained possession of it lawfully. Unlawful possession defined.
5. Whoever is found unlawfully in possession of timber or forest produce shall be guilty of an offence and shall be liable to a fine not exceeding five pounds or to imprisonment not exceeding three months, or to both such punishments. Punishment for unlawful possession of timber.
6. Where there is reason to believe that any timber or forest produce is unlawfully in the possession of any person, it may, together with all animals, ropes and other apparatus used for its conveyance be seized by any forest officer or peace officer; and if it is adjudged to have been in the unlawful possession of such person it may be forfeited, with all animals, ropes and apparatus seized with it. Seizure of timber unlawfully possessed.
- Every officer seizing any property under this section shall forthwith report the seizure to the Commissioner of the District.
7. When in any proceedings instituted under any law or regulation having for its object the preservation of forests, or when in consequence of anything done under any such law, or regulation, a question arises as to whether any timber or forest produce is the property of the Government, it shall be presumed to be the property of the Government until the contrary is proved. Presumption that timber belongs to Government.
8. Any person who wilfully and maliciously burns, strips the bark off, girdles, cuts, or uproots any tree or shrub situated on Government or private lands shall be liable to imprisonment not exceeding three years, and may also be ordered to pay compensation Wilful and malicious injury to trees.

