

60. Every proprietor or occupier aforesaid who shall refuse or neglect to comply with the provisions of the preceding article shall be deemed guilty of an offence, and shall incur a fine not exceeding £20, and an additional penalty of £5 per acre or portion of an acre of the river reserves which he was bound to maintain as aforesaid for every twelve months that he shall continue to refuse or neglect to comply with this enactment.

61. It shall be lawful for the Governor to exempt the Warden of Woods and Forests from the duty of replanting the whole or part of the river reserves when from the nature of the escarpments or other circumstances the planting of such reserves or the maintenance of the plantations thereon made would not be expedient, and also wherever the river or rivulets shall flow in a winding instead of a straight line, and where two rivers or rivulets shall flow within 1,000 feet of each other on the same property, and also wherever, on the report of the Warden of Woods and Forests, the Governor shall consider it more expedient to plant only a portion of the river reserves, and to leave the re-wooding of the remainder to the operation of nature. The Governor shall also have power to authorize (subject to such conditions or restrictions as he may think advisable to impose) the proprietors of the river reserves to plant otherwise than with trees such parts of the said reserves which it may be found inexpedient to plant with trees as aforesaid.

62. It shall nevertheless be lawful for every proprietor or occupier of land on which may be found the dried-up bed of a river or rivulet to apply to the Governor in Executive Council for an order that such dried-up bed of a river or rivulet shall not be, or shall cease to be, included within river reserves, and it shall be lawful for the Governor in Executive Council to grant a certificate to that effect, signed by the Clerk of Council, but such certificate may be withdrawn by a notice in writing likewise signed by the Clerk of Council, should the Governor in Executive Council be satisfied that the circumstances under which the certificate was granted have changed and no longer justify the exemption.

63. If before this Ordinance has force and effect any cane plantations have been made upon any river reserves the owner or occupier of the said reserves shall be allowed to cut such canes twice, if the canes be virgin canes at the time of the passing of this Ordinance, or once if the canes be not virgin canes: Provided that such owner or occupier be bound, within one year after the canes have been finally cut, to replant the said river reserves with trees, unless he can prove that the land had been cleared before the 1st January, 1854; and if he cannot prove that the land had been cleared before the 1st January, 1854, he shall be bound to replant the river reserves with trees in the manner and under the penalties enacted in articles 56 and 57 of this Ordinance.

64. It shall be lawful henceforth for the Governor in Executive Council to authorize the diversion of a watercourse from its original channel into an artificial bed, provided that the decree or order authorizing such diversion shall contain provisions for the protection of the watercourse so diverted; such provisions to be made in accordance with the merits of every particular case, but in every case no greater or lesser space of ground than the area of river reserves as enacted in article 56 shall be ordered to be planted with trees.

65. Whenever the shares or portions of water to be taken by each riparian proprietor from the total volume of water of any river or watercourse shall have been settled and determined by the Executive Council, such riparian proprietors shall have the right to appoint a syndic and a joint syndic and guardians for any such river or watercourse, the appointment, powers, and duties of such syndic and joint syndic being similar to those of the syndics and joint syndics of canals under Ordinance* No. 35 of 1863.

66. Provided that henceforth, whenever any syndic of any river or watercourse shall have been chosen from amongst the riparian proprietors or borderers of the upper moiety of the course of such river or watercourse, the joint syndic shall only be chosen from amongst the riparian proprietors or borderers of the lower moiety of the course of such river or watercourse, and *vice versa*, all Arrêtés, Ordinances, decrees, and laws contrary to this provision notwithstanding.

Chapter VI.—Marshes.

67. Any marsh or morass situated on Crown lands from which a watercourse flows shall be held to be part of such watercourse, and shall be under the provisions of article 59 of this Ordinance. And it shall be lawful for the Governor in Executive Council to proclaim that such marshes or morasses as aforesaid which may be private property shall form part of the watercourses flowing therefrom, and be placed under the provisions of article 59 of this Ordinance, subject to compensation to the owners thereof under article 6 of this Ordinance.

68. Whosoever shall cut, destroy, remove, mutilate, lop, or bark any tree planted or growing upon a marsh or morass as aforesaid shall be deemed guilty of an offence, and for the first offence shall be liable to a fine not exceeding £10, and for every subsequent offence to a fine not exceeding £20, and shall further forfeit the value of the trees so cut down, destroyed, removed, mutilated, lopped, or barked, and in case of a conviction under this article the offender shall be liable to pay to the Government the cost and expense of replanting the said reserves.

69. No private cemetery shall, after the passing of this Ordinance, be established in any part of this colony unless a sufficient space of ground be provided around it, so that the burying-ground be surrounded by a belt of trees of not less than 15 feet deep; and if the said belt of trees be not planted within one year after the opening of the said cemetery, it shall be lawful for the Governor in Executive Council to order such cemetery to be closed.

Chapter VII.—General Provisions.

70. In any case in which the owner of land is not known, and in which the Curator of Vacant Estates shall not have been sent into possession of the said land, it shall be lawful for the Governor in Executive Council to order such land to be planted with trees, and the Crown shall have the right

* Ordinance No. 35 of 1863 to amend and consolidate the Laws as to Rivers, Streams, and Canals, not printed in this paper.