

254. (1.) It shall not be lawful for any person to take or divert any water in or supplying or flowing into a stream declared in a Proclamation as aforesaid to be taken for the supply of a water-race; and any person doing or causing to be done any act whereby the water in any such stream is diverted, drawn off, or diminished in quantity, and refusing or neglecting, when so required by the Minister or any person authorised by him, to restore the waters of such stream to the state in which they were before the said act, shall be liable to a fine not exceeding five pounds: for every day during which the supply of such water is so diverted, drawn off, or diminished.

Penalty for taking water from proclaimed water-race or stream.
1894, No. 42, sec. 265

(2.) If such person refuses or neglects so to restore the waters of such stream after receiving notice from the Minister or any person authorised by him to do so, the Minister may, at any time after one week from the serving of such notice, execute all works necessary so to restore the said waters, and may, by action in his own name, recover from such person the whole cost of such works, together with the amount of any damage sustained by reason of the taking or diverting of such water.

255. (1.) Every person who wilfully or maliciously destroys or does any damage to a water-race shall be liable to a fine not exceeding one hundred pounds, and to a further sum equal to the cost of restoring such water-race or repairing the damage done thereto.

Penalty for damaging water-race.
Ibid, sec. 266

(2.) Every person who unlawfully obtains water from a water-race, or uses any sludge-channel or drain, without payment of the lawful charges, or in any other manner than as provided by any regulations for the time being in force, shall be liable to a fine not exceeding fifty pounds.

Penalty for using water-race without paying charges.
Ibid, sec. 267

256. The Governor, in the name and on behalf of His Majesty, may demise and lease any water-race to any person willing to work the same, subject to the condition that such water-race shall be kept and delivered up at the end of the lease in good and substantial repair; and all the real and personal property included in any such lease shall, during the continuance thereof and subject to the conditions thereof, be vested in the lessee.

Governor may lease water-race.
Ibid, sec. 268

257. The Governor may contract with any person to make, maintain, and work a water-race—

Governor may contract for making water-race on certain conditions.
Ibid, sec. 269

(a.) Either by agreeing to pay the contractor a subsidy, not exceeding the amount agreed to be expended and actually expended by the contractor in the construction of such water-race;

(b.) Or by agreeing to pay to the contractor year by year such sum as shall, together with the net profits of working the water-race, make up six per centum yearly upon the amount agreed to be expended and actually expended in the construction thereof:

and every such contract shall contain a condition for the purchase, whenever the Governor thinks fit, of the interest of the contractor in the water-race upon terms to be specified in such agreement.

258. A water-race constructed under the *last preceding* section shall be deemed to be a water-race made under this Act; but, so long as it continues to be worked by the contractor under and subject to the conditions of any such agreement, the property therein shall vest in the contractor.

Such water-race to be under this Act, but to vest in contractors.
Ibid, sec. 270