

No 311 of '84 added 2

Refd: No. 388 of '86, s. 2.



ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1859.

No. 13.

An Act to provide for the Definition of Boundaries of Runs and the Survey of Lands for Mineral purposes by means of Licensed Surveyors.

[Assented to, 1st September, 1859.]

WHEREAS questions arise, from time to time, as to the correct Preamble. boundaries of Waste Lands of the Crown, held under pastoral leases: And whereas it is not expedient to make such addition, at present, to the Officers of the Survey Department, as would enable the Commissioner of Crown Lands and Immigration to employ Government Surveyors in surveying the boundaries of such runs: And whereas it is expedient that lessees of Crown Lands should be provided with means whereby the said boundaries may be authoritatively defined: And whereas there arise, from time to time, numerous applications for the survey of small blocks of land for mineral leases, which blocks of land are, for the most part isolated, and at a considerable distance from Adelaide: And whereas the survey of such blocks of land, by the Government, would entail much expense on the Government, which expense it is not desirable to incur—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:—

1. It shall be lawful for the Commissioner of Crown Lands and Immigration to appoint, for the purposes of this Act, fit and proper persons, whose qualifications for the office shall have been satisfactorily ascertained by the Surveyor-General, without salary, to be termed Licensed Surveyors.

Government to
appoint Licensed
Surveyors.

2. Surveys

Government will accept surveys of Licensed Surveyors.

2. Surveys of the boundaries of runs, and surveys of Sections of Waste Lands of the Crown for lease, for mineral purposes, being made by such Licensed Surveyors, shall, on verification by the Surveyor-General, be accepted by the Government, and adopted in all questions between the Government and the occupiers of any demised land, and between the occupiers of any demised land, as the correct boundaries of such runs, or the correct surveys of such sections.

Licensed Surveyor objected to, Surveyor to be named by Government.

3. In the event of the lessee of a run objecting to the employment by the lessee of the adjoining run of any particular Licensed Surveyor to lay down a disputed boundary, such lessee shall make application to the office of the Surveyor-General, with a statement of the reasons for such objection, for another licensed Surveyor to be nominated by the Government to lay down such disputed boundary; and the Government, should they conceive such objection to be founded on proper grounds, shall nominate some other licensed Surveyor, whose decision, after verification by the Surveyor-General, shall be final: Provided that such licensed Surveyor shall define the boundaries of runs, according to the priority of application for leases of such runs, and shall have regard to the natural features of the country, as particularly set forth and delineated in the plans annexed to such leases, and according to which they were originally claimed.

Surveyors to be examined prior to issue of licence.

4. Surveyors applying to be licensed, for the purposes of this Act, shall submit to an examination by the Surveyor-General, or other person or persons appointed by the Surveyor-General, who shall enquire into the qualifications of such applicant, and shall also, if necessary, require from such applicant testimonials of good character and ability.

Surveyors to make declaration.

5. Such Surveyor, prior to receiving a licence, shall make a declaration, on oath, before one of Her Majesty's Justices of the Peace for the said Province, in the form annexed in Schedule A, that he will perform all surveys entrusted to him with strict impartiality.

Licence to be furnished.

6. Every Surveyor, on making such declaration, and having been duly recommended for a licence, shall receive a licence according to Form B, signed by the Surveyor-General.

Fee to be paid.

7. Every Surveyor shall pay to the Colonial Treasurer the sum of Five Pounds, for such licence aforesaid.

Fees to Surveyors.

8. It shall be lawful for any Licensed Surveyor to charge and receive from such party or parties making application for such surveys, such fees as are provided for in Schedule C.

Licence may be revoked.

9. It shall be lawful for the Commissioner of Crown Lands and Immigration, on the report of the Surveyor-General, to revoke such licence at any time, by notice in the *Government Gazette*.

Short title of Act.

10. This Act may be cited as "The Licensed Surveyors Act, 1859."

Commencement of Act.

11. This Act shall take effect from the passing thereof.

SCHEDULES

SCHEDULES REFERRED TO.

A

I, A. B., do hereby solemnly and sincerely declare that I will, to the best of my ability, and without partiality, favor, or affection, correctly survey and delineate the boundaries of such Waste Lands of the Crown, as may be entrusted to me to be surveyed.

B

This is to certify that A. B., having satisfactorily proved his qualifications as a Surveyor, is hereby licensed for the survey of Waste Lands of the Crown, either for the purpose of the adjustment of the boundaries of runs, or for the survey of new claims, or for the survey of claims for mineral leases.

A. B., Surveyor-General.

C

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| | £ | s. | d. |
| For every day employed upon any survey, including the time occupied in travelling, and one original chart or plan of such survey, furnished to the employer and one copy of plan and field notes furnished to the Surveyor-General, an amount not exceeding (exclusive of wages and expenses of party) | 2 | 2 | 0 |