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VICTORIÆ REGINÆ.

A.D. 1892.

No. 547.

An Act to Authorise Surveyors to enter upon Lands for the Purpose of Surveys.

[Assented to, December 17th, 1892.]

WHEREAS it is desirable to define the conditions under which surveyors may enter upon Crown and private lands, and public roads, streets, thoroughfares, and reserves, for the purpose of making surveys—Be it therefore Enacted by the Governor 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:

Preamble.

1. This Act may be cited for all purposes as the “Land Surveyors Act of 1892.”

Short title.

2. In the construction and for the purposes of this Act, the following terms in inverted commas shall have the respective meanings hereinafter assigned to them, that is to say—

Interpretation clause.

“Surveyor” shall mean and include all land and engineering surveyors in the employment of Her Majesty’s Government of the said province, as well as all surveyors holding licences under the Licensed Surveyors Acts of 1859 or 1886, or any Act amending the same:

“Lands” shall mean and include all lands within the said province, whether alienated from the Crown or otherwise, and all public roads, streets, thoroughfares, and reserves:

“Occupier” shall include leaseholder:

“Owner” shall include the person for the time being receiving or entitled to receive the rents and profits of the lands entered upon,

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upon, whether on his own account, or as agent, trustee, or attorney for any other person; and, in the case of public roads, streets, thoroughfares, and reserves, means the Crown, or the Municipal Corporation, District Council, or Local Board of Main Roads, as the case may be, in which the same are vested.

Surveyor or assistant may enter upon any lands to survey.

3. Any surveyor, or assistant acting under his directions and personal supervision, may enter and remain for a reasonable time upon any lands, and drive and leave pegs in and make and leave any survey marks on such lands for the purposes of any survey.

Power to cut down trees, &c.

4. For any of the purposes aforesaid it shall be lawful for any such surveyor or assistant acting as aforesaid to trim, lop, or cut down any trees or bushes that may obstruct his survey, doing as little damage as may be: Provided that the owner or occupier of any land so entered upon as aforesaid shall be entitled to compensation from the surveyor, or his employer, for any damage or injury sustained in the exercise of the powers conferred herein: Provided however that any such surveyor or assistant may exercise the above-mentioned powers on any public road, street, or thoroughfare without being liable to any claim for compensation or to any action or other legal proceeding on account thereof.

Owner entitled to compensation.

Surveyor not liable to claim for compensation for cutting trees upon public roads, &c.

Consent of owner, corporation, or district council.

5. Nothing in this Act contained shall be deemed to authorise the lopping, trimming, or cutting down by any surveyor or his assistant of any vines, or fruit trees, or trees, or bushes planted or conserved for ornamental purposes upon any private land without the consent in writing of the owner, or upon any public road, street, thoroughfare, or reserve within the jurisdiction of any Municipal Corporation or District Council without the consent in writing of such Corporation or District Council first obtained.

Persons destroying survey marks liable to fine of Twenty Pounds.

6. If any person shall during the progress of any survey wilfully pull up, remove, destroy or injure any peg or other survey mark hereafter driven, made, or put up, by or under the direction of any such surveyor on the boundaries of any roads or other property surveyed, or for the purpose of defining such boundaries, such person shall, for every such offence, be liable to a penalty of not exceeding Twenty Pounds.

Compensation may be recovered in a summary way.

7. The compensation payable in respect of any matters under this Act may be recovered in the Local Court nearest the land entered upon.

Penalties may be recovered in a summary way.

8. All penalties may be recovered in a summary way before two or more Justices of the Peace in the manner provided by Ordinance No. 6 of 1850, or any other Act in force relating to the duties of Justices of the Peace.

9. There

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9. There shall be an appeal from any order or conviction under this Act, or from any order dismissing any information or complaint, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction, and the proceedings on such appeal shall be conducted in manner provided for appeals to Local Courts by the said Ordinance No. 6 of 1850, or any Act for the time being in force regulating such appeals. ^{Appeal.}

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.