

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for their concurrence.

*Legislative Council Chamber,
29th August, 1868.*

A BILL INTITULED

AN ACT to provide for the Security and Preservation of Title.
Trigonometrical Stations Boundary and Survey
Marks.

WHEREAS it is expedient to provide for the security and preservation of trigonometrical stations and other survey marks appertaining to official surveys of the Colony and of every part thereof and to ascertain and preserve the true and exact boundaries of all surveyed
5 lands Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be “The Trigonometrical Stations and Survey Marks Act 1868.” Short Title.

10 2. In the interpretation of this Act the term “Government Surveyor” shall mean and include the inspector of surveys under “The Native Lands Act 1867” and the chief surveyor or person acting as chief surveyor of or for any Province or other division of the Colony. Interpretation.

15 3. It shall be lawful for any Government surveyor from time to time after notice in writing of his intention of entering shall have been given to any owner or occupier as the case may require to enter with his servants and assistants into and upon any lands of or belonging to any person or body corporate or politic for the purpose
20 of carrying on any survey authorized by the Government of the Colony or of any Province or division thereof or any survey for the purposes of “The Native Lands Act 1865” or of “The Native Lands Act 1867” or of any Act for the time being in force relating to the subject matter of the said Acts and for the purpose of fixing placing setting up or
25 repairing any trigonometrical station boundary or survey mark or object to be used in any such survey and to fix and place any such trigonometrical station boundary or survey mark on any such lands and to dig up any ground for the purpose of fixing placing repairing or setting up any such trigonometrical station boundary or survey
30 mark or object and also to enter upon any lands through which he shall deem it necessary to carry any boundary or survey line for the purposes aforesaid at any reasonable time during the day until the surveying ascertaining and marking of any such boundary or survey line shall be complete Provided always that in every case in which
35 it shall be necessary to fix place repair or set up any such trigonometrical station boundary or survey mark within any enclosed garden orchard or pleasure ground such surveyor shall give three days’ notice to the occupier of such garden orchard or pleasure ground of his intention so to do and it shall be lawful for such occupier
40 to employ any person whom he may think fit to fix place repair or set up to the satisfaction of such surveyor any such trigonometrical Government surveyors may enter lands and set up marks.

station boundary or survey mark within such garden orchard or pleasure ground Provided also that such surveyor shall do as little damage as may be in the execution of the powers granted by this Act and every such surveyor shall make compensation in case the same shall be demanded in such amount as shall be authorized by the Colonial Secretary in the case of a surveyor prosecuting any survey on behalf of the Government of the Colony or by the Superintendent of any Province in the case of a surveyor prosecuting any survey on behalf of the Provincial Government of such Province and in any other case in such amount as shall be agreed upon to the owners or occupiers of any lands or of any garden orchard or pleasure ground for any damages to be by them sustained in or by the execution of all or any of the powers given by this Act and in the case of any survey prosecuted on behalf of the Government of the Colony or of any Province such compensation shall be paid out of any moneys to be from time to time supplied to such surveyor for that purpose by the Colonial Treasurer or the Provincial Treasurer of the Province as the case may require.

Penalty for removing stations &c.

4. If any person not duly authorized shall take away remove destroy displace or alter the position of any trigonometrical station boundary or survey mark front or ranging peg post block or stone which shall be fixed placed or set up for the purposes of any survey authorized by the Government of the Colony or of any Province or division thereof or of any survey carried on for the purposes of "The Native Lands Act 1865" "The Native Lands Act 1866" or "The Native Lands Act 1867" or of any Act or Acts for the time being in force relating to the subject matter of the Acts aforesaid or shall wilfully deface mutilate break or destroy any such station mark peg post block or stone every person so offending shall for every such offence forfeit and pay any sum not exceeding fifty pounds to be recovered in a summary way before any two or more Justices of the Peace.

Penalty for obstructing surveyor &c.

5. If any person shall wilfully obstruct or hinder any Government surveyor or any servant or assistant of his in the execution of his duty in or about ascertaining or marking out any boundary or survey lines or in or about the fixing placing restoring repairing or setting up any trigonometrical station boundary or survey mark ranging peg post block or stone for the purposes aforesaid or shall in any way resist such surveyor or other person as aforesaid in the performance of his duty as aforesaid every person so offending shall forfeit and pay any sum not exceeding fifty pounds to be recovered in a summary way before any two or more Justices of the Peace.

Compensation for private loss.

6. Every owner or occupier of any land house or building and every other person who shall incur or suffer any loss or damage by any act or thing done by any Government surveyor or person acting under his orders in the prosecution of any survey authorized by the Government of the Colony or of any Province or division thereof or any survey for the purposes of "The Native Lands Act 1865" or "The Native Lands Act 1867" or of any Act for the time being in force for the like purposes shall be entitled to compensation for the same and the amount of such compensation shall in case of dispute be settled and determined by two Justices in the manner hereinafter provided.

Method of proceeding to settle amount of compensation.

7. It shall be lawful for any Justice upon the application of any person claiming compensation for any loss or damage incurred or suffered as in the last preceding section mentioned to summon the surveyor by whom or by whose act or order such loss or damage shall have been so incurred or suffered to appear before two Justices at a time and place to be named in the summons and upon the appearance of the parties or in the absence of either of them upon proof of due

service of the summons it shall be lawful for such Justices to hear and determine the question of compensation and the amount thereof and for that purpose to examine the said parties or either of them and their witnesses upon oath and the costs of every such inquiry shall be
5 in the discretion of such Justices and they shall settle the amount thereof.

8. It shall be lawful for the Colonial Treasurer or the Provincial Treasurer of the Province as the case may require out of any moneys which shall be appropriated for that purpose by the General Assembly
10 or the Provincial Council of any Province to pay on behalf of the Government under the authority whereof any survey is carried on the amount of compensation authorized as by this Act required and the amount of compensation and costs in case of dispute so settled by the Justices as aforesaid and given against the surveyor And in all cases
15 where any such survey has been made under some other authority than that of the Government of the Colony or of any Province the surveyor who or whose servants or assistants shall have done the act matter or thing through or by which any such loss or damage shall have been incurred shall be liable to pay the amount of compensation
20 and costs awarded by the Justices aforesaid.

Compensation to be paid by Colonial Treasurer or Provincial Treasurer.