

No. XXIX.

SURVEY OF RUNS.

An Act to facilitate the Survey of Pastoral Runs upon Crown Lands. [21st December, 1852.]

Preamble.

WHEREAS great difficulty and delay is occasioned in the Survey of Pastoral Runs of which the occupiers have demanded leases under Her Majesty's Order in Council made in that behalf through the refusal or neglect of such occupiers and their superintendents and overseers to disclose and point out the boundaries thereof to the surveyors appointed and authorized to survey the same prior to the issue of such leases. And whereas for remedy thereof it is expedient to make it compulsory on such occupiers to disclose and point out their said boundaries and to impose penalties for refusal or neglect in that behalf. Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

Persons who have demanded or tendered for leases of Crown Lands for pastoral purposes or their superintendents &c. to point out true boundaries of their runs.

Penalties.

Where boundaries not duly pointed out authorized surveyor to fix reasonable boundaries.

1. Every occupant of Crown Lands who shall have demanded or tendered for a lease of any Waste Lands of the Crown as a run for pastoral purposes in pursuance of Her Majesty's Order in Council in that behalf and in his absence the superintendent or overseer of any such occupant being resident on or near to such run shall when thereunto required by the surveyor appointed or authorized by the Government to survey such run or to mark or describe the boundaries thereof forthwith proceed in person to point out such boundaries justly and truly to such surveyor provided that such surveyor shall not less than one month previously thereto have sent by post or otherwise letters addressed to such occupier and to the occupants of conterminous runs or to their respective overseers stating the time at or about which he will require their mutual boundaries to be pointed out and if any such occupant superintendent or overseer shall refuse or neglect to do so or shall knowingly or carelessly point out boundaries which are not his just and true boundaries he shall be liable to a penalty of not more than fifty pounds to be recovered on Her Majesty's behalf at the instance of such surveyor before any two Justices of the Peace.

2. In every such case as aforesaid and in cases in which the occupant superintendent or overseer is unable through ignorance thereof to point out such just and true boundaries it shall be lawful for such surveyor after due inquiry of such persons as the parties interested may desire him to examine and of such other persons as he may think competent to give him just and true information in the matter to fix such boundaries as to him shall seem reasonable.