



ANNO TERTIO

EDWARDI VII REGIS.

A.D. 1903.

No. 826.

An Act to amend "The Fences Act, 1892."

[Assented to, October 30th, 1903.]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. This Act may be cited as the "Fences Act Amendment Act, 1903," and shall be incorporated and read with "The Fences Act, 1892" (hereinafter called the principal Act), and all Acts amending the same

Short title and incorporation.

2. Section 4 of the principal Act is hereby repealed, and the following is substituted in lieu thereof:—When any occupier has heretofore availed himself or shall hereafter avail himself of any dividing fence, whether erected before or after the passing of this Act, of which he is not the owner, or towards the cost of erecting which neither he nor any previous occupier shall have contributed under the provisions of the principal Act or of any repealed Act, such occupier shall, three months after demand upon him, in writing, be liable to pay to the owner of such dividing fence one-half of the value thereof at the time of such demand: Provided that no occupier shall be liable in respect of the value of any fence which is sheep-proof only or which shall have been made rabbit or vermin proof under the principal Act, and is not ordinarily capable of resisting the trespass of great cattle, until he shall avail himself thereof by keeping or depasturing sheep upon the land abutting on such fence: Provided also that this section shall not repeal section 12 of The Vermin Districts Amendment Act, 1900; and provided also that the provisions of such section 12 shall apply only to a vermin-proof fence as defined in section 3 of the said Act.

Occupiers availing themselves of existing dividing fences to pay half value.

Sec. 4, Fences Act, 1892, amended.

*Repealed as regards
vermin-proof fences
and rabbit-proof
fences by No 905
of 1905. (First
Schedule.)*

3. When

Fences Act Amendment Act.—1903.

Notice may be given to have the boundary line defined by a licensed surveyor.

New.

3. When adjoining occupiers have not agreed as to the accurate position of the boundary line between their respective holdings on which either of such occupiers desire that a fence shall be erected, either one may give notice to the other of them of his intention to have such boundary line defined by a licensed surveyor.

Person receiving notice to peg out boundary line or employ a surveyor.

4. The occupier to whom notice is given shall, within seven days after the service of such notice --

I. If satisfied of the accurate position of such boundary line, define the same by pegs: or

II. Employ a licensed surveyor to define such boundary line:

New.

and shall notify by writing the other adjoining occupier of his determination in either of such cases.

Person giving notice in certain cases to be liable.

New.

5. If within one month from the service of the notice provided for in section 4 the occupier to whom such notice shall have been given shall—

I. Have defined the boundary line by pegs; or

II. Have failed to have the boundary line defined by a licensed surveyor:

then the occupier giving the first notice may have the boundary line defined by a licensed surveyor.

How costs of survey to be paid.

New.

6. If the boundary line when defined by a licensed surveyor is ascertained to be in the same position as defined by any pegs placed there by the occupier receiving the first notice, such occupier shall not be liable for any part of the costs of survey, but in all other instances where a licensed surveyor has been employed all reasonable expenses incurred shall be paid in equal shares by the adjoining occupiers.

Repeal.

7. The word "within" in the fifth line of section 5, and in the sixth line of section 6, of the principal Act is hereby repealed.

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

GEORGE R. LE HUNTE, Governor.