



ANNO QUADRAGESIMO SEPTIMO ET QUADRAGESIMO  
OCTAVO

# VICTORIÆ REGINÆ.

A.D. 1884.

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## No. 313.

An Act to settle the Boundaries of Sections in a portion  
of the Hundreds of Encounter Bay, Goolwa,  
and Waitpinga.

*[Assented to, September 10th, 1884.]*

**W**HEREAS the original survey of certain sections in the hun- Preamble.  
dreds of Encounter Bay, Goolwa, and Waitpinga, made in the  
year 1839, was erroneous as regards those sections, and by reason of  
the errors contained in such survey some proprietors have, since the  
making thereof, enjoyed more and others less land than they were  
respectively entitled to, and the true boundaries of several sections of  
land have become doubtful: And whereas, owing to lapse of time, it  
is desirable for the quieting of doubts to confirm the title of each  
proprietor to the land which he has actually enjoyed, and to make  
compensation for deficiency of acreage in certain cases—Be it there-  
fore 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:

**1.** This Act may be cited as “The Encounter Bay, Goolwa, and Short title.  
Waitpinga Boundaries Act.”

**2.** Notwithstanding the claim of any proprietor of land within Boundaries of sections  
to be taken to be as in  
map.  
those portions of the hundreds of Encounter Bay, Goolwa, and  
Waitpinga, numbered and delineated in the map hereinafter referred  
to, and called “The Boundaries Map,” to have more or other land  
than he has actually enjoyed, the boundaries of the several sections  
of land numbered and delineated in the said map shall henceforth  
be

*The Encounter Bay, Goolwa, and Waitpinga Boundaries Act.—1884.*

be taken to be accurately delineated in the said map, and, as so delineated, shall be henceforth accepted by all Courts and persons as the lawful boundaries of such sections.

Roads colored red in map to be henceforth public roads.

**3.** The roads colored red in the said Boundaries map, and marked by shaded vertical lines in the copy thereof hereto annexed and marked the Second Schedule to this Act are hereby declared, and shall continue to be public roads, freed from the claims of all proprietors through or over whose land they or any of them run, and shall be accepted as such public roads by all Courts and persons.

All other roads to cease to be public roads, and the land over which they go to be free of the public easement, except roads dedicated on sale of allotments.

**4.** The land subject to or occupied by any other roads or ways, (whether the same be apparent or actual roads or ways, or only marked as such upon the Government surveys of eighteen hundred and thirty-nine or eighteen hundred and forty-one, or upon the selling plans, or upon the plans in the land office or the office of the district council of the district, or upon any public maps or plans, or upon any instruments or certificates of title), shall be for ever discharged from any public right of user for roads or ways, and shall form part of the several sections of land through which such roads or ways are respectively shown as passing in the said map, namely :

Roads which are shown on the diagrams on land grants, or on the selling plans, and not in the maps kept in the land office or in the office of the district council, but have not been in public use and are not required, and which are colored green in the said Boundaries map, and marked by shaded diagonal lines in the copy thereof hereto annexed :

Roads which are shown on public maps and not on the diagrams on land grants or selling plans, but have not been in public use and are not required, and which are colored purple in the said Boundaries map and marked by zigzag lines in the copy thereof hereto annexed :

And all other roads not colored in the said Boundaries map and marked in the copy thereof hereto annexed as being existing and necessary roads, except roads or streets dedicated to the public use by the owners of land subdividing the same, and selling portions in allotments.

Proprietors who have less land than they are entitled to may select the deficiency elsewhere.

**5.** The persons who, at the passing of this Act, shall be or shall thereafter first become entitled to the first estate of freehold in the sections or other tenements, parts of sections in the first column of the Schedule hereto set forth, shall be entitled, at any time within five years from the passing of this Act, or from their becoming so entitled, by themselves or their respective agents, to select from any Crown lands in the province of South Australia, not being town, suburban, or mineral lands, or lands specially reserved and set apart for Government purposes, the acreage of land set against such sections or tenements respectively under the head of deficiency ; and the Governor may make grants of the land so chosen accordingly, and such grants shall enure for the benefit of the

*The Encounter Bay, Goolwa, and Waitpinga Boundaries Act.—1884.*

the several persons entitled to the premises for deficiency of which the grants shall be made, and for the estates and interests to which such persons shall respectively be entitled.

6. So far as regards all estates and interests, whether in possession or not and whether vested or contingent, which at the passing of the Act are created in the sections of land on the said Boundaries map numbered or delineated, and any part thereof, and any mortgages, charges, liens, and incumbrances thereon, the premises which shall be subject to such estates, interests, mortgages, charges, liens, or incumbrances, and to which the same shall attach, shall for all purposes be taken to be the said sections of land, or parts thereof, as so numbered and delineated, and of the boundaries and area as set forth in the said map, together with such other land, if any, as may be granted by the Governor in respect of deficiency as hereinbefore provided.

Land as marked in map, together with land selected for deficiency, to be held subject to estates and interests already created.

7. As soon as practicable after the passing of this Act the Registrar-General shall, without fee, register such land grants as may be granted by the Governor in pursuance of the powers hereinbefore contained.

Registrar to register gratuitously land grants granted for deficiency.

8. In respect of such portions of the land comprised in the said map as have at the passing of this Act been brought under the Real Property Acts, or may hereafter be brought under the said Acts, it shall be the duty of the Registrar, upon request and without fee, to issue to the parties having estates or interests in the said lands new certificates of title thereto expressed to be granted in pursuance of this Act, and containing a diagram setting out the numbers, boundaries, and area of the premises as set out and delineated on the said map.

Registrar to issue new certificates of title gratuitously.

9. The map hereinbefore referred to as "The Boundaries Map," shall be kept in the office of the Surveyor-General, and shall be marked "The Encounter Bay, Goolwa, and Waitpinga Boundaries Map," and shall be signed by the Commissioner of Crown Lands, and the Surveyor-General, and this Act shall be referred to by title and number thereon, and the same shall be conclusive on all Courts and persons as to the boundaries and area of the several sections of land numbered and contained therein, and of all existing and continuing public roads, as confirmed or created by this Act, and of the land being freed and discharged from all other roads or intended roads, as hereinbefore provided, and the reduced copy of the said map annexed to this Act shall in like manner be conclusive on all Courts and persons, save so far as it may be shown to differ from the original.

Map to be conclusive evidence.

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

WILLIAM C. F. ROBINSON, Governor.

FIRST

*The Encounter Bay, Goolwa, and Waitpinga Boundaries Act.—1884.*

## FIRST SCHEDULE.

No. of Section.	Original Proprietor.	Deficiency in Area (acres).	No. of Section.	Original Proprietor.	Deficiency in Area (acres).
<i>Hundred of Waitpinga.</i>			<i>Hundreds of Encounter Bay and Goolwa.</i>		
2	David Davies .....	2	59	John Clark .....	2
<i>Hundreds of Waitpinga and Encounter Bay.</i>			109	John Clark .....	1
166	James Ruddell Todd, Edward Divett, and John Tussell	2	111	Arthur Fydell Lindsay .....	1
187	James Ruddell Todd, Edward Divett, and John Tussell	1	<i>Hundred of Goolwa.</i>		
<i>Hundred of Encounter Bay.</i>			38	Fredk. John Beck, John Hallett, and Joseph Stilling	3
5	Samuel Thwaite .....	16	46	Edward Divett, Bertram Wodehouse Currie, and Charles Roberts	2
6	George Fife Angas, Henry Kingscote, and James Ruddell Todd	2	47	John Dickson Loch .....	1
10	Rev. Ridgeway Wm. Newland..	1	51	James Hughes .....	3
11	Isaac Worthington .....	4	55	Richard Fydell Lindsay .....	2
12	Miss Jane Moorhouse .....	10	57	Watts Newland .....	2
13	Thomas Helmore .....	5	102	Fredk. John Beck, John Hallett, and Joseph Stilling	1
53	Captain John Hindmarsh .....	1	118	George Robert Smith .....	1
80	Miss Isabella Keeling .....	27	122	Joseph Jackson Lister .....	5
154	James Ruddell Todd, Edward Divett, and John Tussell	1	131	George Fife Angas, Henry Kingscote, and James Ruddell Todd	1
161	Rev. Ridgeway Wm. Newland..	1	132	Reverend Thomas Morgan ....	1
162	Matthew Jagger .....	5	134	Miss Catherine Baguley .....	9
183	John Battey Thorngate .....	4	2308	Anthony Smith .....	4
212	Miss Margaret Morgan .....	3	2326	Fredk. John Beck, John Hallett, and Joseph Stilling	3
236	Thomas Bewes Strangways ....	1	2416	John Grainger .....	5

## SECOND SCHEDULE.

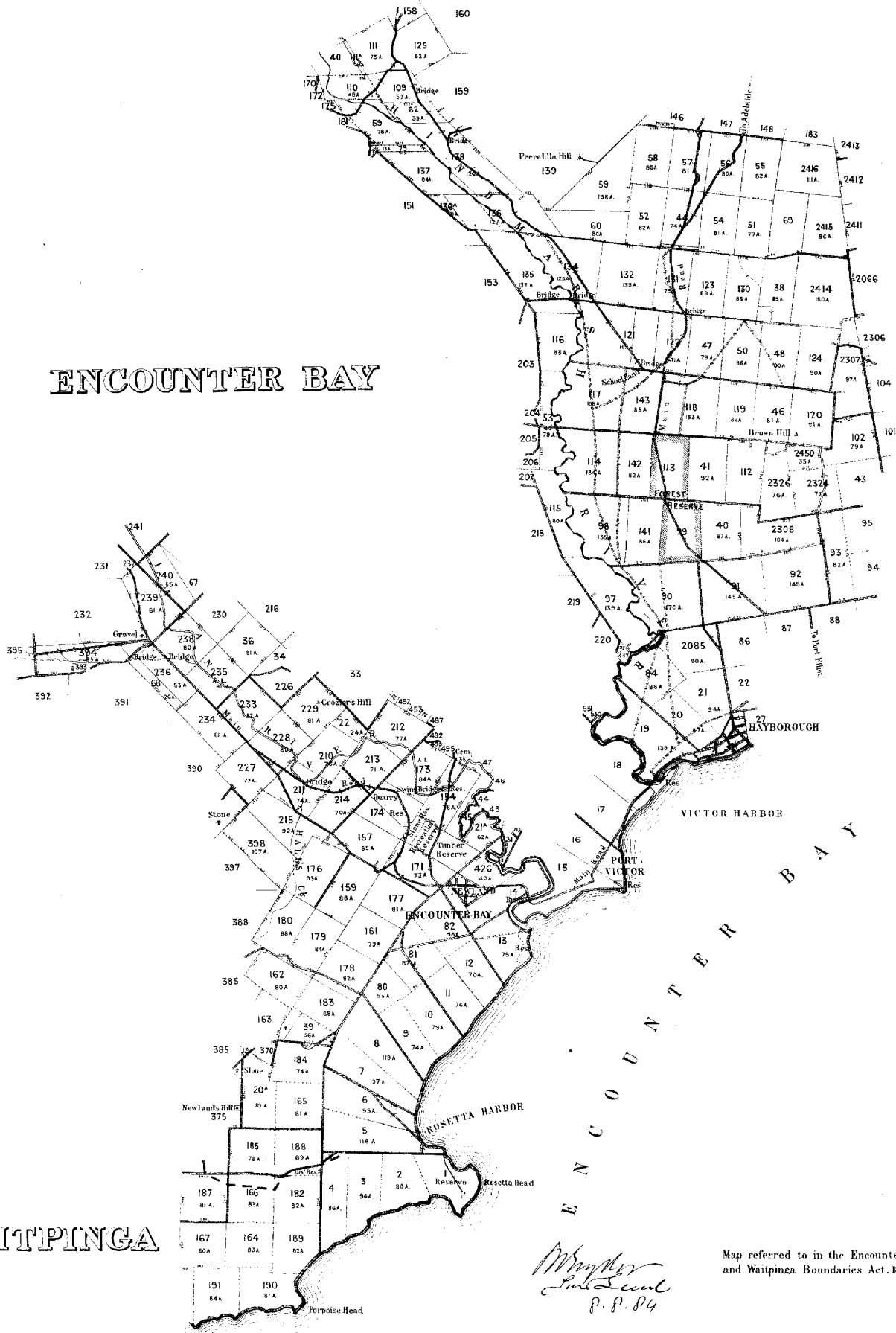
[See map attached.]

# THE ENCOUNTER BAY GOOLWA AND WAITPINGA BOUNDARIES MAP

ENCOUNTER BAY

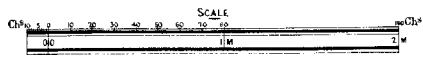
GOOLWA

WAITPINGA



Map referred to in the Encounter Bay Goolwa and Waitpinga Boundaries Act. 1884.

*Wm. Fisher  
Surveyor  
8.8.84*



Boundaries of Sections are shown thus ———  
Fences..... do.....