

LAND REGULATIONS, 1938. ⁽¹⁾

1. These Regulations may be cited as the *Land Regulations, 1938.*⁽¹⁾

2. The following regulations are hereby repealed:—

Land Regulations of 19.12.1906, 19.12.1906, 28.11.1906, 11.9.1907, 18.6.1909, 14.11.1910, 15.3.1911, 15.3.1911, 18.3.1911, 13.4.1911, 12.9.1911, 30.8.1912, 18.3.1913, 5.1.1914, 20.3.1914.

Statutory Rules Nos. 7 of 1917, 13 of 1918, 18 of 1919, 12 of 1922, 14 of 1923, 21 of 1923, 8 of 1925, 15 of 1925, 12 of 1928, 12 of 1929, 10 of 1930, 4 of 1931, 10 of 1932, 3 of 1933, 7 of 1935, 10 of 1935, 3 of 1936.

AGRICULTURAL IMPROVEMENTS—APPROVED PLANTS.

3. The plants mentioned in Schedule 1 of these regulations are plants approved for the purposes of Section Thirty of the *Land Ordinance, 1911-1935.*⁽²⁾

COMPENSATION.

4. Compensation payable under the *Land Ordinance, 1911-1935,*⁽²⁾ may be assessed in the manner set out in Schedule 2 of these regulations.

FENCING.

5.—(1.) When a lessee is required pursuant to Section Thirty of the *Land Ordinance, 1911-1935,*⁽²⁾ to fence a native reserve such fence shall be constructed as follows:—

(a) A three-wired fence, bottom wire barbed, top wire four feet from the ground, bottom wire twenty inches from the ground; posts twelve feet apart, strainers every eighty yards; posts four feet four inches out of the ground, two feet in the ground; strainers four feet

(1) The *Land Regulations, 1938* (made under the *Land Ordinance, 1911-1940*), comprise the original *Land Regulations, 1938*, as amended by the other Regulation referred to in the following Table:—

REGULATIONS MADE BY THE LIEUTENANT-GOVERNOR IN COUNCIL.^(a)

Description and number and year.	Date on which made by Lieut.-Gov. in Council. ^(a)	Date on which published in Papua Govt. Gaz.	Date on which took effect.
<i>Land Regulations, 1938</i> (S.R. 1938, No. 6)	22.8.1938	7.9.1938	7.9.1938 (Papua Govt. Gaz. of 7.9.1938)
<i>Amending Regulation</i> (S.R. 1940, No. 16)	12.11.1940	4.12.1940	4.12.1940 (Papua Govt. Gaz. of 4.12.1940)

(a) Regulations made after the commencement of the *Papua Act 1940* on 18.9.1940 were made by the Administrator in Council.

(2) Now the *Land Ordinance, 1911-1940.*

LAND—

four inches out of the ground, three feet in the ground; posts not less than four inches in diameter at the small ends; strainers not less than six inches in diameter at the small ends; wire not lighter than number eight; or

(b) a post and rail fence four feet six inches high with three rails twenty inches above the ground, or such other timber fence as may be approved by the Land Board.

(2.) The fence for a town allotment shall be a paling fence to be erected four feet high posts nine feet apart, or such other fence as may be approved by the Land Board.

IMPROVEMENT CONDITION RETURNS.

6.—(1.) Every lessee of a lease subject to the improvement conditions prescribed by Section Thirty of the *Land Ordinance*, 1911-1935,⁽²⁾ shall on or before the 31st day of March in each year during the currency of the lease furnish to the Commissioner for Lands a return containing a true and complete statement of the improvements existing on the 31st day of December then last preceding on the land comprised in each such lease of which the lessee is the proprietor. Such return shall be in the form set out in Schedule 3 of these regulations and shall be signed by the lessee or his agent or manager.

(2.) If any lessee fails to comply with any of the provisions of this regulation he shall for a first offence be liable to a penalty not exceeding Twenty pounds recoverable in a summary way and for a second or any subsequent offence to a penalty not exceeding One hundred pounds recoverable as aforesaid.

LAND BOARD.

7. A permanent vacancy on the Board shall be filled by the appointment of a new member by the Lieutenant-Governor⁽³⁾ and a temporary vacancy by the appointment in like manner of a provisional member.

The Chairman of the Land Board in addition to an ordinary vote shall when the numbers are equal have a second or casting vote.

The Board shall meet at least once a fortnight at such time and place as the Chairman shall notify.

LEASES—SALE BY AUCTION OR TENDER.

8. When leases under the *Land Ordinance*, 1911-1935,⁽²⁾ are to be offered by auction or tender the procedure set out in Schedule 4 of these regulations shall as far as practicable be observed.

(2) Now the *Land Ordinance*, 1911-1940.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

LICENCES.

9. Licences to remove gravel, stone, limestone, salt, guano, manure, shell, seaweed, sand, loam, clay or other soil, granted pursuant to Section 42 of the *Land Ordinance, 1911-1935*,⁽²⁾ shall be subject to the conditions set forth in Schedule 5 of these regulations.

NATIVE LANDS.

10. The method of acquisition of native lands pursuant to the provisions of Section 58 of the *Land Ordinance, 1911-1935*,⁽²⁾ shall be as set out in Schedule 6 of these regulations.

RESIDENCE LEASES—IMPROVEMENT CONDITIONS.

11. The improvements to be effected upon a residence lease granted under Section 38 of the *Land Ordinance, 1911-1935*,⁽²⁾ shall be as set out in Schedule 7 of these regulations.

SPECIAL LEASES—TERMS AND CONDITIONS.

12. The terms and conditions of a special lease granted under Section 40 of the *Land Ordinance, 1911-1935*,⁽²⁾ shall be unless the Lieutenant-Governor in Council⁽³⁾ directs to the contrary as set out in Schedule 8 of these regulations.

SURVEY FEES.

13.—(1.) The Survey fees payable under the provisions of Sections 19 and 20 of the *Land Ordinance, 1911-1935*,⁽²⁾ shall be according to the scale set out in Schedule 9 of these regulations.

(2.) When survey fees are payable in respect of an application for a lease they shall be deposited with the application.

(3.) When owing to adjoining surveys or for any other reason portion of the boundaries of an application do not require survey the Lieutenant-Governor in Council⁽³⁾ may permit the estimated cost to be deposited with the application in lieu of the amount prescribed in the said Schedule.

(4.) Survey fees need not be deposited with the application when the land the subject of the application has been surveyed. In such cases the fees shall only be payable upon the special order of the Lieutenant-Governor in Council.⁽³⁾

(5.) Any person, the employee of an individual or company, holding an agricultural or pastoral lease of one hundred acres or less must pay survey fees or make a statutory declaration that the area applied for shall not be used in any way by or for his employer and that no moneys of his employer shall be expended thereon.

SURVEYS.

14. Surveys shall be carried out as set out in Schedule 11 of these regulations.

(2) Now the *Land Ordinance, 1911-1940*.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

LAND—

TOWN ALLOTMENTS—IMPROVEMENT CONDITIONS.

15. The improvements to be erected and maintained under the provisions of Section 34 of the *Land Ordinance*, 1911-1935,⁽²⁾ shall be Fifty pounds in the following towns: Buna, Rouna and Daru, and any other towns not having the improvement condition heretofore fixed.

The improvements to be erected and maintained under the said provisions in respect of Bwagaoia shall be One hundred and fifty pounds.⁽⁴⁾

TRADING LICENCES.

16. The form of a Trading Licence granted pursuant to Section 37 of the *Land Ordinance*, 1911-1935,⁽²⁾ shall be as set out in Schedule 10 of these regulations.

UNIMPROVED VALUE OF LAND.

17.—(1.) The unimproved value of such land of the Territory as has not been alienated and is capable of assessment is assessed as follows:—

Land of class "A"—5s. an acre.

Land of class "B"—1s. an acre.

(2.) The unimproved value of unalienated town allotments capable of assessment shall be assessed at the rate of Eighty pounds an acre.

SCHEDULE 1.

(Reg. 3)

APPROVED PLANTS.

Arrowroot, Cocoa, Camphor, Cardamoms, Castor Oil, Chillies, Cinnamon, Citronella Grass, Cloves, Coconuts, Coffee, Cotton, Derris, Fruit (European and tropical), Ginger, Ground Nuts, Gutta-Percha, Kapok, Kola Nuts.

Kurukuru Grass—subject to the following conditions:—

1. Special cultivation of *kurukuru* grass to the satisfaction of the Lieutenant-Governor⁽³⁾.
 2. Payment of export duty or royalty as may at any time be imposed.
 3. Erection of factory with necessary plant and machinery within two years of grant of lease to the satisfaction of the Commissioner for Lands, capable of producing not less than One hundred tons weight manufactured pulp weekly.
 4. Maintenance in good repair of factory machinery and plant during currency of the lease.
 5. The Lieutenant-Governor⁽³⁾ may relax any of these conditions.
- Lemon Grass, Oil Palm, Maize, Manilla Hemp, Nutmeg, Murva Fibre, Pepper, Ramie Fibre, Rice, Rubber, Sisal Hemp, Sugar, Sugar Palm, Tapioca, Tobacco, Tea, Vanilla, Vegetables (European and tropical).

(2) Now the *Land Ordinance*, 1911-1940.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(4) For improvement conditions for Port Moresby and Samarai, see the *Land (Port Moresby Improvement Conditions) Regulations*, 1931, printed on p. 2420, and the *Land (Samarai Improvement Conditions) Regulations*, 1931, printed on p. 2429.

Land Regulations, 1938.

SCHEDULE 2.

(Reg. 4)

COMPENSATION.

Compensation to be paid under this Ordinance shall be assessed as follows:—

1. By an arbitrator agreed upon by the Crown and the party claiming compensation; or
2. If they cannot agree upon a single arbitrator each shall appoint an arbitrator and the two arbitrators so appointed shall appoint an umpire, whose duty it shall be to decide any points upon which the arbitrators cannot agree.
3. If either party refuses or neglects to appoint an arbitrator or if either of the arbitrators refuses or neglects to appoint an umpire application may be made by either party upon notice to the Central Court.⁽³⁾
4. If an umpire or arbitrator becomes incapable of performing his duties or refuses or neglects to perform them either party may apply upon notice to the Central Court⁽³⁾ and the Central Court⁽³⁾ shall have power to remove the arbitrator or umpire and to appoint some other person in his place.
5. An arbitrator or umpire shall have power to administer oaths or to take the affirmations of the parties or witnesses appearing and either party may sue a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* but no person shall be compelled under such a writ to produce any document which he could not be compelled to produce on the trial of an action.
6. The decision of an arbitrator or umpire as the case may be shall be final.

SCHEDULE 3.

(Reg. 6)

LAND IMPROVEMENTS RETURN, FORM OF

Return of improvements on the under-mentioned lease existing on 31st December last preceding the date of this return.

To be filled in by lessees in their own behalf or by their agents or managers on behalf of their principals or employers.

Name in full of person filling in return

Occupation

Postal Address

This return is made in the capacity of*

I, the person making this return, declare that the particulars shown therein contain a true, full and complete statement of the improvements existing on the 31st day of December last on the land comprised in lease No. † in the ‡ division of which the lessee is §

Dated this _____ day of _____ 19 _____

(Usual Signature)

* Insert "lessee" or "agent for the lessee" or "manager for the lessee" as case may be.

† Fill in number of lease.

‡ Fill in name of division.

§ Fill in name of lessee.

AGRICULTURAL IMPROVEMENTS.

Name of Plant.	Area planted.			Distance apart.	Area bearing; or if rubber tapable.	Area planted but not yet bearing or tapable.	Area cleared but not yet planted.
	A.	R.	P.				

(3) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

LAND—

PASTORAL IMPROVEMENTS.

STOCK.	Number of head.	TOTAL.
Cattle		
Horses		
Asses		
Mules		
Sheep		

SCHEDULE 4.

(Reg. 8)

LEASES, SALE BY AUCTION OR TENDER.

Unless otherwise directed by the Lieutenant-Governor in Council⁽³⁾ notice of intention to offer a lease by auction or tender shall be published in the *Gazette*. Such notice shall contain the following particulars:—

- (a) Description, term and purpose of lease.
- (b) Rent and improvement conditions applicable.
- (c) Any special terms and conditions.
- (d) Upset price (town allotments).

A deposit of 5 per centum of the amount offered shall accompany each tender or at auction a like sum shall be paid at the time of sale. The balance of the purchase money shall be paid within seven clear days of the acceptance of the offer and in default the deposit shall be forfeited, unless the Lieutenant-Governor in Council⁽³⁾ otherwise directs.

SCHEDULE 5.

(Reg. 9)

LICENCES TO REMOVE GRAVEL, STONE, LIMESTONE, SALT, GUANO, MANURE, SHELL, SEAWEED, SAND, LOAM, CLAY OR OTHER EARTH.

1. Monthly, quarterly and half-yearly or yearly licences to dig and take away gravel, stone, limestone, salt, guano, manure, shell, seaweed, sand, loam, clay or other earth from unleased land the property of the Crown may be issued by the Lieutenant-Governor⁽³⁾ or any person authorized by him in that behalf.

2. The land in respect of which the licence is granted shall be described in the licence.

3. The licence may be issued on the payment of a fee to be fixed in each particular case by the Lieutenant-Governor⁽³⁾: Provided that in addition to the fee so fixed the Lieutenant-Governor⁽³⁾ may, if he thinks fit, impose a further charge by way of royalty in respect of any licence issued under these regulations. Such royalty shall not exceed five per centum of the gross value of the material obtained and removed.

4. All licences shall date from the first day of the month in which the application therefor is made.

5. The licences will be issued and shall be subject to such directions as may from time to time be given by the Lieutenant-Governor⁽³⁾ or those authorized by him as to the mode of digging, raising, collecting and removing any of the above materials, and may be in the form set out in paragraph 10 of this Schedule, or to the like effect.

6. Persons licensed under these regulations will not be allowed to locate themselves on Crown lands, except temporarily, for the purpose of exercising their licences, nor will they be allowed to depasture any cattle on the Crown lands except those actually employed in and required for the removal of the materials.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

Land Regulations, 1938.

7. Every person licensed under these regulations shall exhibit his licence to any Government officer, or to any other person authorized by the Lieutenant-Governor,⁽³⁾ when required to do so, and in the event of any person refusing or neglecting to exhibit his licence when so required will be held to be unlicensed.

8. Contractors under Government may cut timber and raise and collect stone, sand and gravel from Crown lands unsurveyed and unleased, provided that they first obtain the necessary permission from the Lieutenant-Governor⁽³⁾ or person authorized by him.

9. Every person digging, raising or removing any of the said materials must be the holder of or represented by a licence as follows:—

In the case of European employees each must be the holder of a licence, but the same may be transferred to any other European employee by the Lieutenant-Governor⁽³⁾ or person authorized at the request of the employer.

In the case of native employees, one licence shall be sufficient to represent and authorize the employment of any five native employees in the digging, obtaining and removal of any of the said materials by an employer who himself is the holder of a licence.

LICENCE.

Land Ordinance, 1911-1935.

(Sec. 42)

of is licensed for a period of (*not exceeding*
one year) commencing from the first day of 19 to remove
from the under-mentioned Crown land subject to the payment
prior to the issue of this licence of a sum of £ : : and subject to the
following special terms and conditions.

Commissioner for Lands.

Description of Crown land the subject of the licence:

SCHEDULE 6.

(Reg. 10)

ACQUISITION OF NATIVE LANDS PURSUANT TO SECTION 58.

1. When land which is occupied by or is the property of native Papuans, and which has never before been acquired by the Crown, is acquired by the Lieutenant-Governor⁽³⁾ by notice in the *Gazette* for any of the purposes set out in Section 58 of the *Land Ordinance, 1911-1935*,⁽²⁾ the following regulations shall apply:—

2. Forthwith after the publication of the notice in the *Gazette* the Commissioner for Lands shall cause a copy of the notice, together with a description of the land referred to therein, to be transmitted to the Commissioner for Native Affairs and to the Registrar of Titles respectively.

3. After the expiration of a period of three months from the date of the publication of the said notice in the *Gazette* the Registrar of Titles, upon receiving the instructions of the Lieutenant-Governor⁽³⁾ so to do, shall record the notice in the separate register and as nearly as may be in the manner provided in Section 6 of the *Land Ordinance, 1911-1935*,⁽²⁾ for the authentication of purchases by the Crown from natives under the last-mentioned Ordinance.

4. Immediately upon the said notice being recorded by the Registrar of Titles the land described therein shall be vested in His Majesty, and the estate and interest of all persons therein shall be taken to have been converted into a claim for compensation.

5. Upon receipt of the copy of the notice from the Commissioner for Lands the Commissioner for Native Affairs shall ascertain the names of the bona fide owners of the land referred to therein at the time of the publication of the notice, the amount which they claim as compensation for the land and the use (if any) to which the land is put by the said owners, and shall report thereon to the Lieutenant-Governor⁽³⁾, stating what, in his opinion, is the amount which should be paid to the owners of the land as compensation for the acquisition thereof.

(2) Now the *Land Ordinance, 1911-1940*.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

LAND—

6. After the expiration of three months from the date of the notice in the *Gazette* acquiring the land the Lieutenant-Governor in Council(3) shall take into consideration any objections which may have been addressed to him by any person feeling aggrieved at the acquisition of the land, and if he shall allow the objection shall by another notice in the *Gazette* annul the previous notice by which the land was acquired, and thereupon the land so acquired shall be divested from His Majesty and shall re-vest in the owners thereof as of their former estate or interest.

7. If the objections shall be disallowed by the Lieutenant-Governor in Council(3) he shall thereupon take into consideration the said report of the Commissioner for Native Affairs, together with any representations which may have been made to and any information which has been obtained by the Lieutenant-Governor(3) in reference to the claim for compensation, and shall assess the compensation which shall be paid to the owners for the acquisition of the land, and shall instruct the Registrar of Titles to record the *Gazette* notice by which the land was acquired in the manner provided by these regulations.

8. The amount of compensation so assessed by the Lieutenant-Governor in Council(3) shall be paid to the owners in full satisfaction of their claims.

SCHEDULE 7.

(Reg. 12) (5)

RESIDENCE LEASES, IMPROVEMENT CONDITIONS OF

A residence lease granted under Section 38 of the *Land Ordinance*, 1911-1935,(2) for residence purposes shall be subject to the following improvement conditions:—

- (1) Improvements in the nature of buildings for residence purposes of the full value of Seventy-five pounds or such other minimum value as the Administrator in Council in any particular case may determine shall be effected upon the leasehold within nine months after the granting of the application for the lease;
- (2) The Lieutenant-Governor in Council(3) may, on the application of the lessee in any case, and either without conditions or upon such conditions as he thinks fit, extend the period hereinbefore provided for the effecting of building improvements;
- (3) In addition to the improvements hereinbefore mentioned, the lessee shall, within nine months from the granting of the application for the lease, erect and, during the term of this lease, keep erected and in good repair, a paling fence, enclosing the area comprised in the lease, four feet high with posts not less than five inches in diameter at the smaller end, nine feet apart, or such other fence as shall be approved by the Land Board.

SCHEDULE 8.

(Reg. 13) (6)

SPECIAL LEASES.

Terms and conditions.

Unless the Lieutenant-Governor(3) otherwise directs:—

1. Area not to exceed twenty-five acres.
2. Rent to be not less than Five pounds.
3. Within nine months of grant of the lease improvements suitable to the

(2) Now the *Land Ordinance*, 1911-1940.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(5) The reference to Reg. 12 appeared in the original Regulations. This reference has now been omitted and a reference to Reg. 11 inserted in its stead by the Fourth Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

(6) The reference to Reg. 13 appeared in the original Regulations. This reference has now been omitted and a reference to Reg. 12 inserted in its stead by the Fourth Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

Land Regulations, 1938.

purpose for which the lease was granted shall be erected by the lessee of a value of not less than One hundred and fifty pounds and be maintained in good repair during the currency of the lease.

SCHEDULE 9.

(Reg. 14) (7)

SURVEY FEES.

AREA.			SURVEY FEE.			AREA.			SURVEY FEE.			
			£ s. d.						£ s. d.			
Not exceeding	1	acre	1	19	0	Not exceeding	4,000	acres	122	11	0	
"	"	5	4	7	0	"	"	4,500	"	129	18	0
"	"	10	6	3	0	"	"	5,000	"	136	19	0
"	"	15	7	10	0	"	"	5,500	"	143	11	0
"	"	20	8	14	0	"	"	6,000	"	150	0	0
"	"	50	13	16	0	"	"	6,500	"	156	6	0
"	"	100	19	10	0	"	"	7,000	"	162	3	0
"	"	200	27	9	0	"	"	7,500	"	167	11	0
"	"	300	33	12	0	"	"	8,000	"	173	5	0
"	"	400	38	17	0	"	"	8,500	"	178	16	0
"	"	500	43	7	0	"	"	9,000	"	183	15	0
"	"	600	47	11	0	"	"	9,500	"	188	11	0
"	"	700	51	6	0	"	"	10,000	"	193	13	0
"	"	800	54	18	0	"	"	12,500	"	252	12	0
"	"	900	58	4	0	"	"	15,000	"	276	14	0
"	"	1,000	61	7	0	"	"	17,500	"	298	17	0
"	"	1,500	75	0	0	"	"	20,000	"	319	10	0
"	"	2,000	86	14	0	"	"	22,500	"	338	18	0
"	"	2,500	96	18	0	"	"	25,000	"	357	4	0
"	"	3,000	106	4	0	"	"	27,500	"	374	13	0
"	"	3,500	114	12	0	"	"	30,000	"	391	6	0

SCHEDULE 10.

(Reg. 17) (8)

TRADING LICENCE.

A.B. has a Trading Licence in respect of [*describe land*] for one year from [*date*].

This licence may be renewed annually on application to the Resident Magistrate. Fee One pound.

This licence entitles the holder to enter upon and occupy the land and to fence it in, and to erect buildings thereon, and otherwise to make use of it for the purposes of trading. It does not confer exclusive rights to anchorage or the procuring of fresh water or firewood, and does not give the holder a right to prevent vessels, traders or fishermen from obtaining shelter ashore or afloat in case of need. The licence is irrevocable during the currency of the year for which it was granted, except by special order of the Lieutenant-Governor.⁽³⁾

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(7) The reference to Reg. 14 appeared in the original Regulations. This reference has now been omitted and a reference to Reg. 13 inserted in its stead by the Fourth Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

(8) The reference to Reg. 17 appeared in the original Regulations. This reference has now been omitted and a reference to Reg. 16 inserted in its stead by the Fourth Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

LAND—

SCHEDULE 11.

(Reg. 15) ⁽⁹⁾

SURVEYS.

1. Surveyors shall be under the direction and control of the Commissioner for Lands and Surveys. The decision of the Commissioner on all questions arising under these regulations shall be final.

2. All surveys shall be performed under these regulations upon instructions issued by the Commissioner, or by an officer specially authorized by him in that behalf.

3. A staff surveyor unable to readily communicate with the Commissioner may carry out surveys without instructions where he is satisfied that the survey is necessary, and that expense will be saved by making it whilst he is in the locality. A licensed surveyor will be paid only for work carried out under instructions.

4. All surveys shall be carried out personally by the surveyor to whom they are entrusted. The Commissioner may sanction the employment of any competent assistant surveyor, but the surveyor entrusted with the work shall be held solely responsible.

5. It is the duty of a surveyor to report to the Resident Magistrate any case coming under his notice of removal, obliteration or defacement of trigonometrical stations, survey posts, pegs or marks.

6. A licensed surveyor shall provide himself with all necessary equipment for carrying out surveys expeditiously and accurately.

7. Licensed surveyors shall be personally responsible for all expenses incurred in carrying out surveys. Staff surveyors will be provided with such labour as the Commissioner may consider necessary, and with all necessary instruments and camp equipment.

8. Instructions should be promptly dealt with. Where it appears to the Commissioner that there is unreasonable delay instructions may be withdrawn and issued to another surveyor.

9. Should a surveyor's work be found to be in error, or not in accordance with the regulations, he may be called upon to rectify such error or default at his own cost, or may be charged with the cost of rectification by another surveyor.

10. In country of average difficulty the error of closure should not exceed 2 links per mile of perimeter.

11. Where survey work has to be amended, all superseded marking must be obliterated or defaced.

12. Field books supplied by the Department shall be used. So far as practicable not more than one survey shall be recorded in each book.

13. The field book should contain—

- (a) the No. of Portion, District and Division;
- (b) the date of commencement of survey, and at the end of each day's work the date should be written following the latest entry and initialed by the surveyor, this to be followed by the date on which work is resumed;
- (c) the datum on which the survey is based. If determined astronomically, time, altitude, bearings of R.O. and of sun or star. If from an adjoining portion, a description of the marks found and used;
- (d) bearings and lengths of all lines measured. Lines to be identified by a number at each angle. References should be given to pages on which any station reappears through intersection of lines. The actual measured lines—the angles of elevation or depression with corrections for these and for temperature to be entered at the side of the page and the horizontal distance entered on the central column;
- (e) the angular closure and the measured position of the point of intersection of boundaries with each other or with traverse lines are to be recorded;

(9) The reference to Reg. 15 appeared in the original Regulations. This reference has now been omitted and a reference to Reg. 14 inserted in its stead by the Fourth Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

Land Regulations, 1938.

- (f) field notes of portions having water frontage shall show separately the distance to traverse, to post and to the normal bank of a watercourse or to the high-water mark of the sea. The distance to a natural boundary where one exists is essential for the preparation of title deeds;
- (g) offsets to the bank of a creek which forms a boundary shall be shown at intervals of not more than 2 chains, and should not exceed 2 chains;
- (h) the position and descriptions of improvements and of natural features such as creeks, gullies, flats, hills, scrub, nature and quality of the soil and the density and nature of the vegetation should be clearly shown.

14. Field books shall contain the notes actually taken in the field and a diagram showing the outline of the portion.

15. In the event of alteration of a mistake, there should be no erasure, but the erroneous entry should be struck through and the correction written above.

16. The field notes should be sufficient to enable a competent draughtsman without other information to prepare a plan of the portion.

Determination of boundaries.

17. When a road or a well-defined natural feature as a river, large creek or watershed is suitably situated to form a boundary it should be adopted. Failing these, lines should be directed to the cardinal points, i.e. to True North and South at the place and lines at right angles thereto. As the convergence in the Territory is generally under 8 seconds of arc per statute mile East or West, all lines on a survey of ordinary dimensions may be made parallel with those determined by observation (*See Par. No. 20*).

18. Where a part of a boundary is inaccessible a connecting traverse is to be made between the extremities of the measured parts if possible, and at such extremities stakes are to be inserted and their positions determined relatively to reference trees marked with the broad arrow.

19. Frontage to main roads and watercourses is to be computed at right angles to side lines and should not exceed two-thirds of the depth, excepting—

- (a) when the Crown lands available do not permit this proportion to be made (*See Par. No. 62*);
- (b) when land suitable for agriculture abuts on or includes a river, large creek, swamp, watershed or sea-coast so that an unreasonable proportion of such land is useless in which case the surveyor may use his discretion as to the form and frontage of the portion and shall if he does so exercise his discretion furnish a special report thereon to the Commissioner for Lands.

20. All lines are to be run out and angles measured with a carefully adjusted theodolite, the horizontal circle of which is not less than 5 inches in diameter, unless instructions specifically permit the use of other instruments.

21. To obtain a datum for isolated surveys the direction of the true meridian should be found by astronomical observation. This datum may be used for a group of adjoining surveys not extending more than 5 miles East or West.

Where the datum used is the boundary of an adjoining portion formerly surveyed an observation is desirable to test the correctness of the azimuth, and where it is found that this departs more than 2 minutes of arc from the true meridian, bearings on plan should be shown from the azimuth determined by observation. Magnetic bearings should never be used on the plans of surveyed portions.

22. All boundary lines shall be cleared to a width of not less than 3 feet by the removal of all scrub and trees of a less diameter than 6 inches.

23. The trees standing nearest the boundary line are to be marked with a horseshoe mark cut into the heartwood on opposite sides of the tree so as to face along the line. In forest country only trees close to the line need to be marked. In sparsely-timbered country all within 5 feet of the line. A tree standing on the line is to be marked with two horseshoe marks on each side one above another.

LAND—

24. The four principal corners of a portion are to be marked with hardwood posts 3 feet 6 inches long, 4 inches by 4 inches, sunk 2 feet into the ground; lock-spit trenches, 10 links long and 9 inches deep, to be dug in the direction of boundaries.

Additional corners to be hardwood 15 inches long, 3 inches by 2 inches, driven 12 inches into the ground; lock-spit trenches, 6 links long, 1 link deep.

When a tree stands on a corner it shall be marked with four horseshoe marks and the bark removed from a suitable part of the tree; on the surface thus exposed the broad arrow shall be cut, and beneath it the portion number.

25. At intervals of not more than 10 chains along a boundary, and so far as possible visible from one another, alignment pegs 2 inches square hardwood, 18 inches long, are to be driven 1 foot into the ground. Lock-spits, 5 links long and 1 link deep, to be dug on either side in the direction of the line.

26. The nearest suitable tree to a corner post should have the bark removed in the form of a shield facing the post. On the exposed space the broad arrow and the portion number in Arabic numerals to be cut at least half an inch deep. The bearing and the horizontal distance to be measured from the point of the broad arrow to the corner.

27. Should no suitable tree stand within a distance of 2 chains from the post the broad arrow and portion numbers to be cut into the post.

28. Where a marked line or traverse exceeds 120 chains in length, posts of the same dimensions as those used at principal corners are to be inserted at intervals of about 1 mile, and a reference tree to be marked with the broad arrow and for identification with a letter of the alphabet. The positions of these posts and the bearing and the distance of reference tree to be shown on the plan.

29. Where bedrock is met with in post holes, the posts to be solidly packed up with stones, and, if necessary, rows of stone placed in the direction of the boundaries in lieu of lock-spits.

Rocks at corners are to be marked by a broad arrow and the portion number and pick marks in the direction of the boundaries. Where the nature of the rock renders it desirable the broad arrow and the portion number may be painted.

30. Access by road must be provided to every surveyed portion. No survey will be accepted which cuts off from access any previously surveyed portion, any Crown or native lands or water supply.

31. The customary width of a road is 1 chain but for sufficient reasons this width may be increased or reduced.

At the crossing of a river or creek the road shall be provided of such extra width as may be requisite to enable formation of the best causeway or construction of a bridge in the position.

32. So far as possible, roads should be located along the boundaries of portions, i.e. the form of a portion may be modified to conform with the position of a road.

33. In the survey of portions contiguous to previously surveyed areas the roads through the new work should be laid out in continuation of those through the old.

34. Reserves for water, camping, timber, quarries or any other public purpose, should be provided where necessary on all roads through portions.

35. Where practicable surveyed road lines should be laid out with lengths on the side measured in whole chains or in chains and tenths of chains.

36. Where the roads are surveyed on one side only secant lines are to be measured across the road from angles, and the angle at the opposite side marked by a post.

37. All roads forming boundaries of portions on both sides are to be measured and marked on both sides.

Roads reserved out of portions are to be surveyed on one side only unless otherwise directed.

38. Surveyed lines forming the sides of roads are to be marked, pegged, posted and lock-spitted as directed for the boundaries of portions. A post to be inserted on each side of the road at its intersection with a boundary or with another road.

Land Regulations, 1938.

39. Where land is applied for with frontage to a navigable river or the sea, if there is a track or road in use along the foreshore a road must be reserved of sufficient width, not less than 1 chain. If there is no track, but the frontage is suitable for future use as a road, a similar reservation must be made.

Where, through the natural formation of the shores or their tortuous direction, it is not likely that they will ever be required for traffic, the bank of the river or high-water mark should be made the boundary. Especial care must however be taken to reserve suitable landing-places, where such exist. These reserves should be of such area as to include a supply of firewood for camping parties, and access should be provided from them to any road passing through the portions.

Where a road is reserved along the foreshore the boundaries of the portion must be measured and marked.

40. Surveyors should advise the Department of any lands that should be reserved for town sites, water supply, road metal, camping, trigonometrical stations, lakes, waterfalls, spots of unusual beauty or for any other present or future public purpose.

41. The angular and linear measurements on each closed survey are to be checked by the calculation of the difference of latitude and departure of each line computed to tenths of links for country, and to hundredths of links for town lands.

42. Areas of portions except such as are rectangular are to be computed by double longitudes.

43. Fractional quantities may be omitted from areas, as specified hereunder:—

In portions of not more than 1 rood	..	less than one-tenth perch
More than 1 rood—not more than 2 acres	..	less than half a perch
More than 2 acres—not more than 10 acres	..	less than 1 perch
More than 10 acres—not more than 50 acres	..	less than 10 perches
(bounded by right lines)		
More than 10 acres—not more than 50 acres	..	less than 1 rood
(bounded partially by a watercourse)		
More than 50 acres—not more than 500 acres	..	less than 1 rood
(bounded by right lines)		
More than 50 acres—not more than 500 acres	..	less than 2 roods
(bounded partially by a watercourse)		
More than 500 acres—not more than 1,000 acres	..	less than 2 roods
(bounded by right lines)		
More than 500 acres—not more than 1,000 acres	..	less than 1 acre
(bounded partially by a watercourse)		
Exceeding 1,000 acres	..	1 acre

44. Where roads intersect boundaries, the closure of one side of the road with the boundaries must be computed.

45. The direct bearing and distance between portions connected with each other by traverse only are to be calculated and shown on plan.

46. All such calculations computed or copied on to forms supplied by the Department shall be forwarded with the plan and field book.

47. Plans are to be drawn on forms supplied by the Department. These will be supplied to licensed surveyors at cost price.

48. The scales to be used are 1, 2, 4, 10, 20, 40 chains to 1 inch. Intermediate scales must not be used. A diagram showing details may be to a scale of 50 links to 1 inch.

49. Plans shall be drawn with the North point upward and shall contain the following information: name of applicant, bearings and lengths of lines, areas of portion and of roads and reserves and area exclusive of such roads and/or reserves, width of roads, direction and width of frontage rivers, natural features, names of rivers and hills, reference to corners, azimuth of survey, scale, position of improvements, Portion No. on the face of the plan and also as heading, District No. and Division, astronomical observations. A certificate, specifying date, personal survey and compliance with these regulations shall be written on the plan and signed by the surveyor.

LAND—

50. Boundary lines are to be firmly ruled in black ink with bearings and lengths written along them. Lines not measured to be shown by broken lines and computed bearings and distances to be followed by the words "computed."

51. Traverse lines are to be shown by firm blue lines and the bearings and lengths written on the plan in the tablets provided for the purpose.

52. Secants across roads at their angles need not be shown on plan when the width is uniform.

53. All the corners of country portions and the angle points in traverse surveys are to be shown on plan by small circles of the same colour as the lines circumscribing the points of intersection of lines. Astronomical stations to be shown by a small red triangle.

54. Except as above red ink must not be used by the surveyor, this colour being used for office corrections and notes.

55. The bearings of lines to be shown on plans expressed in degrees and minutes reading from True North round through East to 360 degrees. The length of lines to be horizontal lengths.

56. Lines of coasts and banks of rivers are to be shown on plans by firm black lines when their margins have been exactly determined; and by broken black lines when located approximately. Opposite sides of watercourses and an arrow showing the direction of the stream should be sketched on plan.

57. The locally-known or native names of rivers, lakes, hills, etc., should be written on plan.

58. Hills, creeks, swamps, edges of scrubland, etc., on or adjacent to the portion so situated that they can be located with reasonable precision are to be shown on plans.

59. Official letters should be written on paper of foolscap size, on one side only, with a margin of two inches and with a heading descriptive of the subject of the letter. Each letter should be restricted to one subject.

60. So soon as practicable after the end of each month, surveyors shall forward to the Commissioner a progress journal in the prescribed form.

61. Plans are to be forwarded to the Commissioner with field book, calculations of closure and area, report and instructions noted with date of completion of survey, and, in the case of licensed surveyors, vouchers in triplicate.

62. The position of an isolated portion or group of portions must be determined by a traverse connection to some previously determined point, if such exists within a distance of 5 miles, unless otherwise instructed. Failing this, bearings should be taken to defined capes on the seashore or to mountains that can be identified. Careful observations should be taken for latitude so as to approximately fix the position North and South.

63. All lands in the Territory which have not been acquired by the Crown are held to be the property of the natives. A surveyor must therefore be careful not to include in a portion lands which have not been acquired by the Crown, either by purchase or by Proclamation⁽¹⁰⁾ declaring the land waste and vacant.

64. The area stated on instruction is that granted by the Lieutenant-Governor in Council⁽³⁾ and cannot be exceeded without a fresh Council Order. A surveyor must therefore regard this area as a maximum. Where sufficient Crown land is not available for the full area a reduced area must be surveyed.

General rates.

65. Except when otherwise directed, payment for survey work shall be by linear measurement according to the following rates:—

Open forest and grassed country, per linear mile, £7 10s.

Tropical jungle (including cane grass), £11.

Where the plan and field book show that the country is exceptionally rugged, the Commissioner for Lands may at his discretion approve the payment of an increased rate up to £18 per mile.

Traverse lines with theodolite and tape, per linear mile tropical jungle, £7.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(10) See footnote (10) to Section 8 of the *Land Ordinance*, 1911-1940, printed on p. 2374, and the Table of Orders in Council printed on p. 2443.

Land Regulations, 1938.

Traverse lines with theodolite and tape, per linear mile open forest and grass, £4.

Traverse lines of water frontage which form boundaries, paid for at marked line rates with allowances.

Compass traverse, open forest and grassed country, per linear mile, £2.

Compass traverse through jungle, per linear mile, £4.

Compass traverses are to be run only under express instructions from the Commissioner for Lands.

For all road lines directed to be measured and marked, whether on one or both sides, payment will be made at the marked line rate for each line measured.

A fee of 10s. will be allowed for each intersection with a previously surveyed line not being one of the lines of the survey in course of execution; but where the necessary connection exceeds 5 chains the whole length measured along the original line will be paid for at the traverse rate of £4 per mile.

A fee of £4 4s. will be allowed for commencing survey of isolated portions or of groups of surveys by the same surveyor.

Inspection work not usually necessitating the employment of a full party will generally be paid for at £3 3s. per diem.

Observations (check) calculated 10s. each not less than 2 miles apart along boundary.

Observations complete for datum (isolated), £1 10s. each.

Observations for magnetic declination, 10s. each.

Observations for latitude, £1 each.

66. Survey of town allotments and inspection for new roads to be made by staff or inspecting surveyor, or by contract surveyor under special arrangement.

67. A travelling allowance (surveyor, assistant and crew of six—full party) for time reasonably occupied in travelling will be allowed for at the rate of £4 per day, or, at the option of the Commissioner for Lands, at the rate of 8s. a mile by land and 4s. a mile by water.

68. Vouchers are to be prepared in triplicate on the forms supplied by the Department, two copies being stamped and one always forwarded with the plans.

As soon as possible after the receipt of the plans and vouchers, an advance payment of seventy-five per cent. of the total amount payable may be made. The balance due will be paid when the examination of the plans and vouchers has been completed and the work passed.

Before a voucher is passed for payment, errors will be corrected, omissions supplied and overcharges reduced.

Overcharging is deprecated, and, if persisted in, the surveyor's claim for employment will be impaired.

Two and a-half per cent. on value of vouchers, exclusive of travelling allowance, will be allowed for preparation of plan and field book.