



# Geological Survey Act 1845

## 1845 CHAPTER 63

An Act to facilitate the Completion of a Geological Survey of *Great Britain and Ireland*, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works [31st July 1845]

WHEREAS Sums of Money have been from Time to Time granted and appropriated by Parliament to the making a Geological Survey of *Great Britain and Ireland*, in connexion with a Trigonometrical Survey of *Great Britain*, in progress under the Direction of the Master General and Board of Ordnance, and Powers are vested in the said Master General and Board of Ordnance for facilitating the Execution and Completion of Surveys under their Charge: And whereas the Union, under the Board of Ordnance, of Surveys having no direct Connexion with each other, has in some Instances been productive of Inconvenience, and it has been deemed expedient to withdraw the Geological Survey of the United Kingdom from the Conduct of the Master General and Board of Ordnance, and to place the same under the Direction and Superintendence of the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, subject nevertheless to the Control of the Lord High Treasurer or Commissioners for the Time being of Her Majesty's Treasury : And whereas it is essential to the Prosecution of such Geological Survey that the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should have as ample Powers for making and completing the same as the Master General and Board of Ordnance possess for making and completing Surveys in charge of the said last-mentioned Board:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

### **Power to enter Lands, break Surface and affix Marks.**

That, for the Purpose of making and completing a Geological Survey of the United Kingdom, or any Part thereof, it shall be lawful for any Surveyor or other Person appointed by or acting under the Orders of the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for any Person assisting or employed by any Surveyor or other Person so appointed or

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acting under such Orders as aforesaid, and they are hereby respectively authorized and empowered, from Time to Time, after Notice in Writing of the' Intention of entering shall have been given to the Owner or Occupier, as the Case may be, to enter into and upon the Land of any Owner or Person whomsoever, for the Purpose of making and carrying on any Geological Survey authorized by the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and to break up the Surface of any Part of such Land for the Purpose of ascertaining the Rocks, Strata, or Minerals within or under the same, and to take and carry away Specimens of the Rocks, Strata, or Minerals found therein, and to fix any Post, Stone, Mark, or Object to be used in the Survey in any such Land (except as herein-after mentioned), and to dig up any Ground for the Purpose of fixing any such Post, Stone, or Mark, and also to enter into or upon any Land through which any such Surveyor or other Person so appointed or acting or employed as aforesaid shall find it necessary to pass for the Purposes of such Survey, at any reasonable Time in the Day, until the Survey shall be completed: Provided always, that it shall not be lawful for any such Surveyor or other Person appointed or acting or employed as aforesaid to fix any Object, Post, Stone, or Mark within any walled Garden, Orchard, or Pleasure Ground, without the Consent of the Owner or Occupier thereof :

**Satisfaction to be made for Damage.**

Provided also, that such Surveyor or other Persons so appointed or employed as aforesaid shall do as little Damage as may be in the. Execution of the several Powers to them granted by this Act, and shall make Satisfaction to the Owner or Occupier, as the Case may require, of such Land, or the Owner of any Trees which shall be in, any way injured, for all Damages to be sustained in the Execution of any of the Powers, of this Act, in case the same shall be demanded; and in case of Dispute between the said Surveyor or other Persons appointed or employed as aforesaid, on the one hand, and the Owner or Occupier, as the Case may be, on the other hand, as to the Amount of Damage sustained, the same shall be ascertained and determined, by any Two or more Justices of the Peace, in Petty Sessions assembled, of the County in which the Lands, or Trees may be situate.

**II Penalty on obstructing Survey or removing Marks.**

And be it enacted, That if any Person shall resist or wilfully obstruct or hinder any Surveyor or other Person employed or assisting in the Execution of any Survey under the Provisions of this Act, or shall take away or displace, or wilfully deface or destroy, any Stone, Post, Mark, or Object which shall be set up and placed for the Purposes of any such Survey, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

**III Damages how to be paid.**

And be it enacted, That all Damages awarded or agreed to be paid to any Owner or Occupier of Land, or Owner of Trees, for any Injury sustained under the Provisions of this Act, shall be paid out of any Aids granted by Parliament for making or completing a Geological Survey of the United Kingdom.

**IV Recovery of Penalties.**

And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act may be recovered in a summary Way by the Order and Adjudication of any Two

Justices of the Peace for the County or Place in which such Penalty shall be incurred, on Complaint to them for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of Proceedings for the Recovery thereof, in case of Nonpayment, by Distress, Poinding, or other legal Process, and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant of such Justices; and such Justices are hereby authorized and empowered to summon before them any Witness, and to examine such Witness upon Oath or Affirmation of and concerning all Offences, Penalties, and Forfeitures under this Act, and to hear and determine the same ; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant or other legal Process shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner of the Goods or Chattels so seised or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, or Poinding, or other legal Process, unless the Offender shall give Security, to the Satisfaction of such Justices, for his Appearance before such Justices on such Day as shall be appointed for the Return of such Warrant of Distress, or Poinding, or other legal Process, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take, by way of Recognizance, Caution, or otherwise ; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justices and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause such Offender to be committed to the Gaol of such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures, when so levied, shall be paid and applied to the Use of any Infirmary or charitable Institution in the County in which such Offence shall be committed, in such Manner as such Justices respectively shall direct and appoint.

#### **V Plea of General Issue.**

And be it enacted, That if any Person shall be sued or prosecuted for any thing done or executed in pursuance of this Act, or of any Clause, Matter, or Thing therein contained, such Person may plead the General Issue, and give the special Matter in Evidence for his Defence.

#### **VI Interpretation of Act.**

And be it enacted, That in construing this Act the Word " County " shall be taken to include Hundred, City, Borough, Town, Townland, Parish, Burghs, Royal Parliamentary Burghs, Burghs of Regality and Barony, extra-parochial and other Places, Districts, and Divisions, by whatsoever Denomination the same respectively shall be known or called; the Word " Justices " shall include all Persons acting in the Commission of the Peace for any County so interpreted as aforesaid, Sheriffs or Stewards of Counties or Stewartries in *Scotland*, and the Sheriff and Court of Deemsters of the *Isle of Man*; the Word " Owner " shall include all Bodies Politic, Corporate, or Collegiate, and all Persons entitled to any Estate or Interest in possession; and the Word "Land" shall extend to Lands, Grounds, Hereditaments, and Heritages, of any Tenure or Description; and every Word importing the Singular Number shall, when necessary to give full Effect to the Enactments herein contained,

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be deemed to extend and be applied to several Persons or Things as well as one Person or Thing; and any Words importing the Plural Number only shall include the Singular Number ; and every Word importing the Masculine Gender shall, when necessary, extend and be applied to a Female as well as a Male.

**VII Alteration of Act.**

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.