

Memorandum relative to the description of Boundaries of Land granted with Frontage to the Sea, navigable Rivers - or Water Courses

In the case land of having frontage to the sea shore High Water Mark is deemed to be the Boundary, and where the space between high and low water mark is not great the land which may be reclaimed is held to be the Property of the Grantee.

On navigable rivers the boundaries of Lands granted are described as the bank of the river, the whole of the water being considered to be beyond the boundary. The grantee of such land cannot project a wharf into navigable water without License from the government, but such License is only accorded to owner of the land.

On the banks of rivers or watercourses not navigable deeds of grant are usually worded "Bounded by the said river" or "Watercourse" - But it is held that half the channel is the property of the Grantee - the boundary being in fact the centre of the channel, which last continues to flow as the waters recede in the dry season, and which line is designated the last run of a watercourse - Pools of water not in the line of the "last run" belonging wholly to the grantee either side.

Where broad spaces of marsh land intervene between high and low water mark or are situated on the shores of lakes, and in the case of marshes and swamps, which have uncertain limits, or maybe capable of drainage and reclamation, it is usual to calculate the area as bounded by high water, or the mean level of the lake or - swamp in ordinary seasons but in describing the external boundaries the side lines are projected into the marshy ground, and if practicable the frontage defined as a single line traversing the marsh, or if the frontage is very irregular two or more lines are described by bearing and length so as to define the limit to which the grantee may reclaim the marsh or swamp.

It follows from these rules that the actual area included within the external limits granted often greatly exceeds the acreage on which the price of the land is computed - it is necessary however to adopt the rule of calculating the granting of the land according to its available extent in order that it may agree with the amount of purchase money or rent, and any discrepancy of area, which may consequently result from reclamation of marsh is unimportant as the metes and bounds of the land or allotment as defined by the boundary marks are the primary evidence of its limits, the recorded lengths and bearings of lines being only indications of the positions of the actual land marks, and serve to replace any which may be lost, or supply deficiencies in the details of the original marking.

Where fresh water lagoons, waterholes or swamps are wholly included within external boundaries they are included in the computed area as granted.

Signed A.C. Gregory

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Paul the HWM

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Supervisor's Office
Bureau 24th March 1841

Memorandum relative to the description of Boundaries of Land granted with frontage to the Sea & navigable Rivers -

In the case of Land having frontage to the Sea Shore, High Water mark is deemed to be the Boundary, and where the space between High and Low Water mark is not great the land which may be reclaimed is held to be the property of the Grantee

On navigable Rivers the Boundaries of Land granted are described as the bank by the River, the whole of the water being deemed to be beyond the boundary. The Grantee of such Land cannot project a wharf into navigable water without license from the Government, but such license is only accorded to owners of the Land.

It follows from these Rules that on the Banks of Rivers or Watercourses which are usually called "Banks of the River" or "Watercourse" - But it is held that half the Channel is the property of the Grantee - The boundary being a part of the Centre of the Channel, which has continued to flow as the water recedes in the dry season, and though known is designated the low run of

of a watercourse, - Pools of water not in the
line of the lot "run" belonging wholly to the
Grantor on that side -

Where broad spaces of marshland
intervene between high and low water mark
or are situate on the shores of lakes, and in
the case of marshes and swamps, which
have uncertain limits, or may be capable
of drainage and reclamation, it is usual
to calculate the area as bounded by high
water, or the mean level of the lake or
swamp in ordinary seasons, but in
describing the external boundaries the
side lines are projected into the marshy
ground, and if practicable the point is
defined as a single line traversing the
marsh, or if the point is very irregular
two or more lines are described by bearing
and length so as to define a limit to
which the grantee may reclaim the marsh
or swamp -

It follows from these Rules that the
actual area included within the external
limits granted often greatly exceeds the
acreage on which the price of the land is
computed - It is necessary
however to adopt the rule of calculating
the quantity of land according to its
available extent, in order that it may
agree with the amount of purchase
money or rent, and any discrepancy of
area

area, which may subsequently result from
reclamation of marsh, is less important
as the stakes and boards of the land
or allotment as defined by the
boundary marks are the primary
evidence of its limits, the recorded
lengths and bearings of lines being only
indications of the positions of the actual
land marks, and serve to replace any
which may be lost, or supply
deficiencies in the details of the
original marking.

When Freshwater Lagoons, waterholes
or Swamps are wholly included within
external boundaries they are included
in the computed area as granted

Signed A. C. Gregory