

RESERVES.

13° Geo. VI., No. CXXVI.

No. 40 of 1949.

AN ACT relating to certain reserves.

[Assented to 26th October, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Reserves Act, 1949*. Short title.
2. Reserve No. 11377, classified as of Class "A," the subject of Certificate of Title, Volume 1039, Folio 787, held by the Trustees of the Public Education Endowment in trust for the purpose of public education, is hereby reduced by the excision of Broome Lot 587, con- Reserve No. 11377, Broome.

taining 25 acres and 37 perches, and the Trustees of the Public Education Endowment are hereby empowered to sell and dispose of and transfer as for an estate in fee simple the lot freed and discharged from all trusts.

Reserve
No. A6896.
Cottesloe.

3. All that portion of Class "A" Recreation Reserve No. 6896, at Cottesloe as now comprised in Cottesloe Lot 304, containing 2 roods 29.7 perches, is hereby excised from the reserve with the intention that the land so excised shall be leased to the Commonwealth of Australia for the purpose of a Marine Biological Laboratory.

Reserve
No. 11381.
Cottesloe.

4. (1) Reserve No. 11381, classified as of Class "A," comprising Cottesloe Lot 9, the subject of Certificate of Title, Volume 812, Folio 98, held by the Trustees of the Public Education Endowment in trust for the purpose of public education, is hereby reduced by the excision of an area of 1 rood 32 and 8/10th perches, being—

all that portion of Cottesloe Lot 9 bounded by lines starting from its north-western corner and extending easterly 200 links along its northern boundary; thence southerly 227 and 4/10th links along a line parallel to its western boundary; thence westerly 200 links along a line parallel to its northern boundary, to its western boundary, and thence northerly along the latter to the starting point.

(2) The land which has been excised from Reserve No. 11381 by the operation of the last preceding subsection is hereby revested in His Majesty as of His former estate with the intention that it be subdivided into three lots to be reserved for the respective purposes of Government Requirements, Kindergarten, and Infant Health Centre.

Reserve
No. A15513.
Denmark.

5. All that portion of Class "A" Recreation and Showground Reserve No. 15513, at Denmark, comprising Denmark Lots 331 and 332, containing an aggregate area of 8 acres 3 roods 4 perches, is hereby excised from the reserve with the intention that the land so excised shall be included with other adjoining Crown land in a subdivision of additional town lots.

6. Kalgoorlie Lot 207, being Reserve 7822, the subject of Certificate of Title, Volume 241, Folio 187, registered in the names of Edward Shotten Hume and Charles Berkeley Rushton as Trustees for the Railway Institute of Kalgoorlie, is hereby revested in His Majesty as of His former estate, with the intention that the lot be reserved for Railway Purposes.

Reserve No.
7822,
Kalgoorlie.

7. (1) In this section—

Reserve
No. 944,
New Norcia.

“Act” means the Land Act, 1933-1948, and any Act amending or deemed to be substituted for that Act;

“Association” means the Association incorporated pursuant to the provisions of the Associations Incorporation Act, 1895-1947, under the name of The Benedictine Community of New Norcia;

“land” means the land which is comprised in Reserve No. 944 and in Pastoral Lease 392/422 (Crown Lease 1045/1936), issued under the provisions of the Act and registered in the name of the Association and which is of an area of thirteen thousand acres.

(2) By notice published in the *Gazette* of the first day of April, one thousand eight hundred and eighty-six, the Governor set apart the land for use by the New Norcia Aboriginal Mission, subject to the condition that the fee simple may, at any time, be required by the authorities of the Mission under the Land Regulations in force for the time being.

(3) The Association is the successor of the New Norcia Aboriginal Mission and requires the estate in fee simple in the land.

(4) In order to comply with the Association's requisition, and to resolve certain doubts, the land is hereby revested in His Majesty as of His former estate, and the Governor is hereby empowered, subject to the provisions of the next succeeding subsection, to sell the estate in fee simple in the land to the Association.

(5) The provisions of section fifty-three of the Land Act, 1933-1948, shall not apply in respect of the land, but the price payable for the estate in fee simple in the land shall be the fair and unimproved value of the land

at the time of the coming into operation of this Act, and shall be fixed by the Surveyor General, and shall be payable in twenty equal annual instalments, the first of which shall be payable on the first day of July, one thousand nine hundred and fifty, and any instalment which is not paid on the due date shall be recoverable as a debt in any court of competent jurisdiction, and when the total price has been paid, the Crown grant of the land shall issue.

Reserve
No. A12086,
Northampton.

8. All that portion of Reserve No. 12086, at Northampton, classified as of Class "A," which is comprised in Northampton Lots 32 to 36 (both inclusive) and portion of Lot 37, being portion of the land comprised in Certificate of Title Volume 557, Folio 83, registered in the name of the Trustees of the Public Education Endowment, is hereby excised from the reserve with the intention that the lots may be disposed of and transferred as for an estate in fee simple by the Trustees of the Public Education Endowment, freed and discharged of all trusts.

Portions of
Cockburn
Sound Locations
Nos. 551
and 839.

9. All those portions of Cockburn Sound Locations Nos. 551 and 839, being portion of the land comprised in Certificates of Title Volume 1034, Folio 496, and Volume 1032, Folio 645, and vested for an estate in fee simple in the City of Fremantle as a Municipal Endowment, and more particularly described and defined in the Schedule hereto, are hereby excised from the said grant and may be surrendered by the City of Fremantle to His Majesty, with the intention that the land, when subdivided into building allotments, shall be granted to the State Housing Commission after provision has been made for all necessary roads and reserves.

SCHEDULE.

All those portions of Cockburn Sound Locations Nos. 551 and 839 bounded by lines starting from a point on the eastern side of Carrington Street situate in prolongation westerly of the southern boundary of Location No. 1005 (Land and Surveys Original Plan, No. 5397), and extending easterly to and along the said boundary, to and along that of Location No. 1001 and onwards to the eastern side of Paget Street; thence northerly along that side to the southern side of Lefroy Road; thence easterly, northerly and again easterly

along boundaries of Location No. 839 aforesaid to the south-eastern corner of Location No. 110; thence northerly along the eastern boundary of the latter location to the southern side of South Street (Road No. 1293); thence 95 degrees 17 minutes 9 chains 43 and 8/10th links, 89 degrees 13 minutes 13 chains 3 and 7/10th links, and 104 degrees 36 minutes about 50 links along that southern side to its junction with the eastern side of a one-chain road (in the centre of which is an existing bitumen formation); thence generally southerly along that eastern side to its junction with the northern side of Winterfold Road at a point situate about 37 chains easterly from the eastern side of Carrington Street aforesaid; thence westerly along that northern side of Winterfold Road to that eastern side of Carrington Street, and thence northerly along the latter to the starting point; the eastern boundary being subject to survey.

The bearings are true or thereabouts, the measurements more or less.

