



Western Australia.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. XLII.

AN ACT to amend the Lands Resumption Act, 1894.

[Assented to, 27th October, 1896.]

BE it enacted by the Queen'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 Lands Resumption Act, 1896, and shall be read with the Lands Resumption Act, 1894, hereinafter called the Principal Act.

Short title.

2. IMMEDIATELY after the publication in the *Government Gazette* of the order for the taking of lands mentioned in the sixth section of the Principal Act, the Commissioner of Crown Lands (hereinafter called the Commissioner) shall serve a copy of such order on such of the following persons whose names and addresses he knows or is able to ascertain, to wit, on every occupier, and on every owner of such lands or any part thereof, or to the agent appointed under power of attorney for such occupier or owner.

Commissioner of Crown Lands to serve copy of order of resumption on occupier and owner.

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Limit of time for sending in claim for compensation.

3. THE time limited for sending in a claim for compensation in respect of the resumption of land shall be as follows:—

For every person on whom the notice in the last preceding section mentioned has been served, sixty days from the day of such service ;

For every person on whom such notice has not been served, four months from the day of the publication of the order in the *Government Gazette*.

But in either case the claim may be sent in after the lapse of the time limited, if the Commissioner has not appointed the arbitrator as hereinafter provided.

Claim may be accompanied by abstract of title, to be afterwards verified.

4. IT shall be sufficient if such claim is accompanied by an abstract of the claimant's title, instead of the deeds and documents required by the sixteenth section of the Railways Act, 1878, provided the same be verified by the production of documentary or other evidence at any appointment for that purpose whereof a week's notice is given by the Commissioner, or at any adjournment thereof within four weeks from such notice, and such documentary evidence is left in the hands of the Commissioner if required.

If claim not sent in within time limited, Commissioner may appoint sole arbitrator.

5. IF within the time hereinbefore limited for sending in a claim, any occupier or owner fails to send in a claim, the Commissioner may appoint a sole arbitrator, who shall act as if jointly appointed by such occupier or owner and by the Commissioner.

Time for sending notice in Form E limited to a month, and in default Commissioner's offer deemed accepted.

6. IF the Commissioner makes an offer to a claimant in accordance with the sixteenth section of the Railways Act, 1878, the time within which the claimant may give notice according to the Form E in the seventeenth section of the same Act mentioned shall be limited to one month, and if no such notice is given the claimant shall be deemed to have accepted such offer.

Claimant to appoint arbitrator 14 days after giving notice in Form E, otherwise Commissioner may appoint sole arbitrator.

7. IF the claimant gives the notice in the last preceding section mentioned, he shall within fourteen days thereafter appoint an arbitrator, in writing, according to the Form G in the seventeenth section of the Railways Act, 1878, mentioned, and shall forthwith give notice thereof to the Commissioner; and, in default of such appointment and notice, the Commissioner may appoint a sole arbitrator who shall act as if jointly appointed by the claimant and by the Commissioner.

Compensation to be paid with 6 per cent. interest from day of taking.

8. THE Crown being entitled to the rents and profits of the land from the day when it is taken, there shall be added to the compensation paid interest on the amount thereof at the rate of six

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per cent. per annum, calculated from the day when the lands were taken to the day on which compensation is paid.

9. ALL notices and other documents the service or delivery of which is required by this Act, or is found necessary or desirable in carrying out this Act, shall be deemed to be served on or delivered to the person to whom the same are addressed—

Definition of service
of notices, &c.

By delivering the same personally to him, or by leaving the same at the office of, or delivering the same to, any solicitor acting for him in the matter of a claim for compensation ; or

By leaving the same for him at his usual or last known place of abode or business ; or

By posting the same in a registered letter properly addressed to him at his last known place of abode or business ;

And, in the latter case, shall be presumed to be served on or delivered to him at the time when, by the ordinary course of post, the same would be delivered.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Governor's Deputy.