



WESTERN AUSTRALIA.

ANNO SEXTO

VICTORIÆ REGINÆ.

No. VI.

An Act to prevent the unauthorised occupation of Crown Lands.

WHEREAS the unauthorised occupation of Crown Lands is ^{Preamble.} derogatory to the dignity of the Crown, is likely to prove prejudicial to civilization and improvement, and productive of great expence to the public; and whereas it is expedient that such evils should be prevented by the prohibition of such unauthorised occupation, and that the improvement of the Territory should be encouraged

Penalty for occupation of Crown Lands without License, £10.

by the issuing of Licenses of occupation, conferring, to a certain extent, a right of preemption of the soil—Be it therefore enacted by His Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, that any person who shall be in the habit of causing or permitting his or her horses, cattle, sheep, or any other description of live stock, to be fed or grazed upon any lands the property of Her Majesty, Her Heirs or Successors, without having a license in the manner and form hereinafter mentioned, shall forfeit and pay for every such offence the sum of ten pounds. Provided always, that no information shall lie for any second or subsequent offence, unless fourteen clear days shall have elapsed between the commission of such offence and of the former.

Mode of issuing, price, and duration of licenses of occupation.

II. AND be it enacted, that all applications for licenses under this Act shall be approved by the Governor before the issuing of such licenses; and all such licenses shall be signed by the Collector of Revenue, and countersigned by the Colonial Secretary; and shall be in the form in the annexed Schedule; and for every such license there shall be paid to the Collector of Revenue at the rate of twenty pounds for every four thousand acres of land so granted in occupation as aforesaid, and every such license shall be and continue in force until the first day of July next ensuing the date thereof, and no longer.

Right of occupier under license to pre-emption to a certain extent, if effected within three months after notice of intended sale.

III. AND be it enacted, that the holders of such License as aforesaid shall be entitled to a preference over any other person in obtaining a new license of such land, and no lands occupied by virtue of any such license as aforesaid shall be sold or otherwise disposed of to any other person than the licensed occupier thereof, without three months notice in writing having been given to such occupier; and every such occupier shall be entitled to a preference over any other person in purchasing the same, or so much thereof as may be appointed in the Land Regulations then in force, and in conformity with such regulations, at the minimum price of Crown Lands at that time, without competition; provided he effect such purchase within such period of three months as aforesaid.

Compensation for improvements.

IV. AND be it enacted, that every person so licensed as aforesaid shall, in the event of a renewal of his license being refused by the Government, or of such land being purchased by any other person, be entitled to receive from the Government as aforesaid, or from such purchaser, respectively, the full value of all buildings, fences, and

standing crops then on such lands; and such value to be fixed by two arbitrators to be appointed by the parties respectively—Provided always, that if either of such parties shall, after fourteen days notice from the other party of his having appointed an arbitrator, neglect or refuse to appoint an arbitrator, the arbitrator appointed by the other party shall proceed with the nearest Justice of the Peace to estimate such value; and their decision shall be binding on all parties concerned, and that in case of any difference of opinion arising between such arbitrators, they shall appoint an umpire, whose decision shall be final; and until the amount of such value be duly paid to the party to whom the same shall have been so awarded, shall not be compellable to give up possession of the land in respect of the improvements upon which such value shall have been awarded.

V. AND be it enacted, that any person or persons keeping stock on shares, or by any other arrangement with the owner thereof, and not being the shepherd or labourer bonâ fide hired by such owner to take charge of such stock, shall be taken and deemed to be the owner of such stock, for the purposes, and within the provisions, of this Act. Definition of ownership.

VI. AND be it enacted, that all Informations and Proceedings in respect of any offences against the provisions of this Act shall and may be heard and determined in a summary manner by any two or more Justices of the Peace, who shall have power to commit the offender to gaol, there to be kept with or without hard labor for any period not exceeding three calendar months, in case the fine and costs adjudged by them be not paid. Summary jurisdiction by two Justices.

VII. AND be it enacted, that all Prosecutions in respect of offences against the provisions of this Act shall be commenced within three calendar months after the offences thereby respectively charged shall have been committed. Limitations of Prosecutions.

VIII. AND be it enacted, that all fines recovered under this Act shall be paid and applied as follows, that is to say; after deducting the expenses of prosecution from the produce thereof, one moiety thereof shall be paid to the Colonial Treasurer, to be applied towards the Government of the Colony; and the other moiety to the party or parties informing. Appropriation of Fines.

