

AUGUSTA ALLOTMENTS.

24° GEO. V., No. XXXII.

No. 32 of 1933.**AN ACT relating to certain allotments of Land at Augusta***[Assented to 27th December, 1933.]*

WHEREAS in or about the year 1834 the allotments of land described in the First Schedule to this Act were occupied under the Land Regulations then in force, by certain persons with a contingent right to such persons of a grant of the fee simple of such allotments, upon the performance of certain location duties, but the said persons abandoned the said allotments before any grants in relation thereto were issued: And whereas some of the said allotments have from time to time been occupied and are now occupied by persons as if they were the owners thereof, and some of the said allotments have been for some time past and still are vacant and unoccupied: And whereas it is desirable to authorise the Governor to grant the fee simple of those allotments, which are occupied, to persons entitled thereto or now occupying and enjoying the said allotments, and to deal with and dispose of those allotments which are vacant and unoccupied: Be it therefore 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 *Augusta Allotments Act*, Short title. 1933.

Interpretation.

2. In this Act, subject to the context, "Minister" means the Minister for Lands.

Certain persons may apply for grant in fee simple of allotments occupied by them.

3. Any person who was for a period of not less than five years before the commencement of this Act and still is occupying and enjoying any allotment of land described in the First Schedule to this Act as if he were the owner thereof, and who desires to obtain a grant in fee simple of such allotment under this Act shall, within three months after the commencement of this Act, or within such further time as the Minister may permit, make application to the Minister in the form prescribed in the Second Schedule to this Act, and shall also publish a copy of such application once in the *Government Gazette* and once in a newspaper circulating in the Augusta road district.

Crown grants may be granted to persons occupying certain allotments.

4. When an application has been made and published in accordance with section three of this Act, and the applicant has satisfied the Minister that he is entitled to make such application then, subject to section five of this Act, the Governor may, after the expiration of six months from the date of the last publication of the application as aforesaid, on the recommendation of the Minister, and without consideration, grant to the applicant the fee simple of the allotment of land mentioned in his application freed and discharged from the estate, right, title, interest, claim, or demand of any other person whomsoever.

Persons may establish their rights to an estate in fee simple of allotments occupied by other persons and obtain grants in fee simple.

5. Where any allotment of land aforesaid was occupied by any person at the time of the commencement of this Act, and at any time within six months after the commencement of this Act any person, other than the person occupying such allotment, claims to be entitled to an estate in fee simple of such allotment in priority to any other person and, within such period or within such further period as the Minister may permit, establishes his claim to the satisfaction of the Minister, the Governor may, on the recommendation of the Minister and without consideration, grant the fee simple of such allotment of land to the person so establishing his claim in priority to any other person, and freed and discharged from the claim or demand of any other person whomsoever.

Grants to be issued under the provisions of the Land Act, 1898.

6. Every grant issued under the authority of section four or section five of this Act shall be issued under and subject to the provisions of the Land Act, 1898, relating to the issue

of Crown grants of town or suburban lots, upon payment of the fees prescribed and payable on the issue of such Crown grants under that Act.

7. (1.) Where any allotment of land described in the First Schedule to this Act was unoccupied at the commencement of this Act, or where any such allotment was occupied at the commencement of this Act, but no grant is made in relation thereto to an applicant or claimant under section four or section five of this Act, the Governor may deal with and dispose of such allotment of land as unalienated Crown land under the provisions of the Land Act, 1898.

Certain allotments of land may be dealt with and disposed of as unalienated Crown Land.

Provided that notwithstanding that any allotment aforesaid was unoccupied at the commencement of this Act, any person who believes he is entitled to an estate or interest in fee simple in the said allotment may claim to be entitled to such estate and interest, and in such case section five of this Act shall *mutatis mutandis* apply as if the said allotment were occupied at the commencement of this Act.

(2.) Where any person remains in occupation of any allotment of land to which subsection (1) of this section applies, after being requested by notice in writing under the hand of the Under Secretary for Lands to vacate the same, such person shall be deemed to be guilty of an offence under section one hundred and thirty-five of the Land Act, 1898, and may be prosecuted accordingly.

THE FIRST SCHEDULE.

Augusta town lots 9, 10, 11, 15, 17, 19, 21 and 89 and Augusta suburban lots B and O in the South-West Division of Western Australia.

THE SECOND SCHEDULE.

AUGUSTA ALLOTMENTS ACT, 1933.

To the Minister for Lands,
Lands Department, Perth.

I, (a)..... (a) Full name of applicant.
of (b)..... (b) Address.
in the State of Western Australia (c)..... (c) Occupation.
hereby make application under Section 3 of the Augusta Allotments Act.

(d) Insert number of allotment of land.

1933, for the grant to me of the fee simple of (d).....
on the ground that I was at the commencement of the said Act and still
am occupying the said (d).....
as if I were the owner thereof and beneficially entitled to an estate in fee
simple thereof.

Dated the.....day of....., 193....

.....
Applicant.

Note.—A copy of this application must be published once in the *Government Gazette* and once in a newspaper circulating in the Augusta Road District, and the applicant must furnish proofs to the satisfaction of the Minister that he is entitled to make the application under the said section.