

SPECIAL LEASE (ESPERANCE PINE PLANTATION).

17° GEO. V., No. XXVIII.

No. 28 of 1926.

AN ACT to enable a Conditional Purchase Lease to be granted under the Land Act, 1898, of an area of 45,000 acres of land in the Esperance District for the cultivation of *Pinus Pinaster*, *Pinus Insignis*, and other soft woods.

[*Assented to 8th December, 1926.*]

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 *Special Lease (Esperance Pine Plantation) Act, 1926.* Short title.

2. It shall be lawful for the Governor to grant to a company incorporated in this State, a conditional purchase lease of land in the Esperance district as described in Part I. of the Schedule to this Act, for growing *Pinus Pinaster*, *Pinus Insignis*, and other soft woods, at the rent and subject to the conditions set out in Part II. of the said Schedule; and notwithstanding the provisions of the Land Act, 1898, such lease may be granted of an area not exceeding forty-five thousand acres, and for a term of thirty years, with the right to the lessee to acquire the land for an estate in fee simple. Authority to grant conditional purchase lease.

THE SCHEDULE.

PART I.

All that portion of land situated in the Esperance Land District being bounded by lines starting from a point 100 links South of the South-West corner of Esperance Location 644, and extending East to the Western boundary of Reserve 14159; thence South, East, and North along part of the West, the South, and part of the East boundaries of said Reserve to a point in the Eastern prolongation of the starting point; thence East about 280 chains, South about 372 chains, and West 138 chains to the South-East corner of Location 636; thence West along latter's South boundary to and along South boundary of Location 633, North along West boundary of latter location, West, North, and East along part of the South, the West, and part of the North boundaries of Location 625, to a point South of the East boundary of Location 626; thence North to and along the latter boundary, West along the North boundary of latter location, and continuing to the North-West corner of Gibson Townsite Reserve; thence South and West along an East and part of a South boundary of Location 627 to the North-West corner of Location 628, South and East along the West and the Southernmost boundary of latter location, and continuing to the South-East corner of Location 390; thence North and East to and along the South boundary of Location 620 to the South-Western side of a two-chain road; thence generally South-Easterly along said side of road to the North boundary of Location 622, West, South, and East along part of the said North boundary, the West, and part of the South boundary of the latter location to the North-West corner of Location 623; thence South and East along boundaries of the latter location to South-Western side of road aforesaid, and along same to the North corner of Reserve 14543 (Location 573); thence South-West, South-East, and North-East along boundaries of the latter reserve to again join South-Western side of road, and along same to the Northernmost boundary of Location 561; thence West and South along boundaries of the latter location, West and North along boundaries of Location 619 to the North-West corner of the latter location, and West about 114 chains to and along a North boundary of Location 618, and part of that of Reserve 14301 (Location 571) to an Eastern boundary of Pastoral Lease 293/109; thence North 276 chains 30 links and West about 113 chains, following boundaries of said lease to a point in the Southern prolongation of the Easternmost boundary of Reserve 15652; thence North about 281 chains to and along part of said boundary to a point due West of the starting point; and thence East about 288 chains to the latter point.

Excluding Reserves \uparrow 12882 and \uparrow 14554 (Location 686), and Locations Esperance 654 and 655, and roads.

PART II.

- (1.) The land to be classified and priced by the Surveyor General.
- (2.) Term of lease 30 years.
- (3.) Rent one-thirtieth of the price per annum, payable by equal half-yearly instalments in advance from the 1st day of January, 1927.
- (4.) The lessee to plant and establish to the satisfaction of the Minister for Lands at least 500 acres during the first year of the term, and thereafter not less than 1,000 acres per annum.

(5.) As, in respect of each area of 1,500 acres of the demised land, not less than 1,000 acres are planted and established, and fenced sufficiently to resist trespass of great stock, and the purchase money and survey fees are paid, a grant in fee simple of such area will be issued to the lessee. A proportionate part of the rent paid for the time being in respect of the demised land, duly apportioned to such area, will be applied towards the payment of the purchase price of the land so granted in fee simple, and the balance will be payable by the lessee. The rent reserved by the lease and thereafter to become payable to be adjusted. "Established" means that the condition of the plants is satisfactory to the Minister for Lands at the expiration of one year from the time when the Minister is advised by the lessee that the planting of a specified area is completed.

(6.) In default of payment of any instalment of rent, with statutory fines as prescribed by Section 136 of the Land Act, 1898, within three months of the due date, or if at the expiration of any period of twelve months from the 1st January, 1927, the lessee has failed to comply with any of the conditions of the lease, such lease shall be liable to forfeiture, subject to the right of the lessee within one month from the service of notice of intention to forfeit, to require any question in dispute to be referred to arbitration: Provided that the Minister may in his discretion waive any forfeiture or grant an extension of time for compliance by the lessee with the conditions of the lease.

(7.) The right of resumption as prescribed in the form of conditional purchase lease in the Schedule to the Land Act, 1898, and the power conferred on the Governor to resume land by section nine of the said Act, shall apply and be expressed in the lease.

(8.) On the determination of the lease at any time during its currency the lessee may within three months remove improvements, except planted timber.

(9.) The lessee shall not transfer the lease or sublet the land or any portion thereof, prior to the grant in fee simple, without the approval of the Governor.

(10.) The lessee to deposit with the Minister for Lands £500, to be forfeited if the conditions of the lease to be observed and performed by the lessee during the first two years are not duly observed and performed; and to pay £10 towards the cost of the preparation of the Bill for this Act.

(11.) Subject as aforesaid the provisions of the Land Act, 1898, to apply.