

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ

No. 27

An Act to enable Crown Lessees to proceed to Arbitration
in respect of Compensation for Improvements.

[Reserved 20th August, 1887.

Royal Assent proclaimed 29th February, 1888.

WHEREAS under the Land Regulations of 1872, 1878, and 1882, it was provided that a pastoral lessee in the occupation of his lease should be entitled to claim, under certain specified conditions, from the purchaser, or the special occupation lessee, of any portion of the demised land, the fair value of any lawful improvements effected on such portion ;

And whereas it was also therein provided that the value of such improvements should be ascertained by one competent person appointed by such purchaser and one by such lessee ;

And whereas difficulty has arisen in many cases since the passing of the said Land Regulations from the refusal of such purchaser to appoint a competent person for the purpose of ascertaining, together with a competent person appointed or to be appointed by such lessee, the value of such improvements ;

Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. When a pastoral lessee was under the Land Regulations of 1872 or of 1878 or of 1882, as the case might be, entitled to compensation

The Crown Lessees Arbitration Act, 1887

for the fair value of improvements from a purchaser or special occupation lessee or licensee, and appointed a person to act for him, and gave notice to such purchaser, special occupation lessee or licensee, to appoint another person to act together with such first-named person for the purpose of ascertaining the fair value of such improvements, and such purchaser, special occupation lessee or licensee, refused or neglected to appoint such other person, and such pastoral lessee or his successor in title shall, after the passing of this Act, give a like notice to such purchaser, special occupation lessee or licensee or to the successor in title of such purchaser, special occupation lessee or licensee, and the person receiving such notice shall, after the expiration of thirty days from such notice, refuse or neglect to appoint a person to act for him, then the person appointed by the pastoral lessee or his successor in title shall have power to decide the amount of such compensation, together with such costs not exceeding Fifty pounds, and his decision as to the amount of such compensation and of such costs shall be binding on the said purchaser, special occupation lessee or licensee, or on the successor in title of such purchaser, special occupation lessee or licensee, and shall be final and conclusive, without appeal. When after the passing of this Act any pastoral lessee so entitled as aforesaid shall have given the like notice he shall be entitled to the like remedy in the event of such refusal or neglect. When such purchaser, special occupation lessee or licensee, or the successor in title of such purchaser, special occupation lessee or licensee, has appointed a person to act together with the person appointed by such pastoral lessee or his successor in title for the said purpose, any difference arising between such two persons shall be determined as provided by the Land Regulations of 1872 or of 1878 or of 1882, as the case might be.

2. This Act may be cited as 'The Crown Lessees Arbitration Act, Short title
1887.'

F. NAPIER BROOME,
GOVERNOR.
