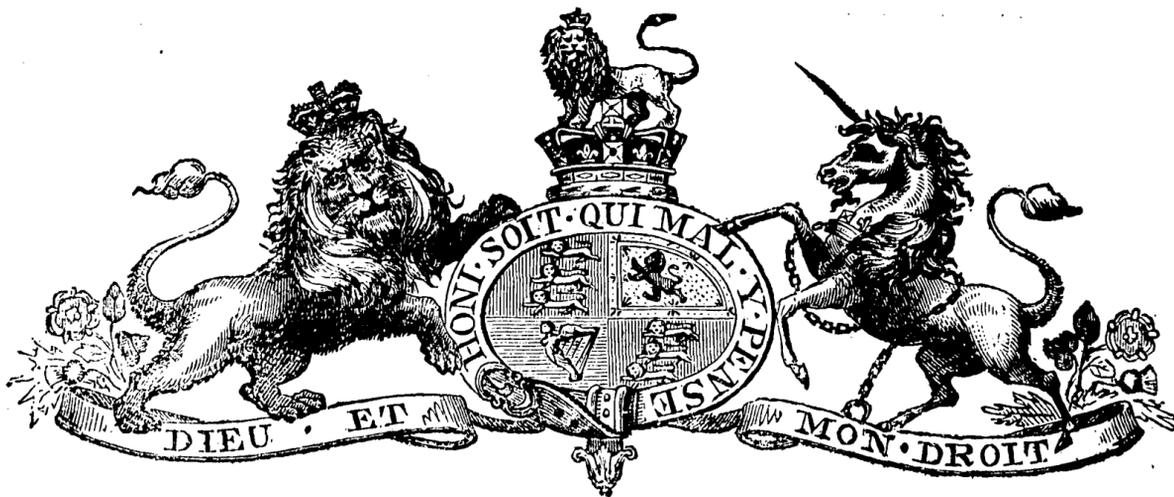


VICTORIA.



ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. 1456.

An Act to authorize an exchange of land between Her Majesty and the proprietors of certain lands in the parish of Truganina required by Her Majesty for the establishment of Powder Magazines, and to authorize the construction by the State of a Tramway to such Magazines.

[16th November, 1896.]

WHEREAS Her Majesty the Queen is desirous of exchanging the lands described in the First Schedule to this Act for the lands described in the Second Schedule to this Act in order that the lands described in the said Second Schedule may be used as the site for magazines for the storage of explosive compounds: And whereas the proprietor of such last-mentioned land is willing to make such exchange: And whereas it is expedient that a line of tramway be constructed by the State to the site of such magazines: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Preamble.
First Schedule.
Second Schedule.

1. This Act may be cited as the *Powder Magazines Act 1896.*

Short title.

PART I.

PART I.—EXCHANGE OF LANDS.

Governor in Council
may authorize
exchange.

2. Notwithstanding anything in any Act contained the Governor in Council is hereby empowered to make an Order in Council authorizing the exchange of lands hereinafter provided.

Effect of Order in
Council.

3. Immediately on the publication of such Order in Council in the *Government Gazette*—

Second Schedule.

(a) the proprietor of the portions of land described in the Second Schedule to this Act shall transfer such portions free from any encumbrances to Her Majesty the Queen and thereupon such portions shall become Crown land; and

First Schedule.

(b) on the registration by the Registrar of Titles of the transfer of such portions as aforesaid the portions of Crown land described in the First Schedule to this Act shall become vested in the proprietor of the lands described in the Second Schedule to this Act, and the Governor in Council shall issue Crown grants thereof to the said proprietor accordingly.

PART II.—CONSTRUCTION AND MANAGEMENT OF TRAMWAY.

Acts Nos. 1148, 1177,
1230, 1288, and 1350
not to apply.

4. The *Tramways Act* 1890 the *Railways Standing Committee Acts* and the *Railway Lands Acquisition Act* 1893 shall not apply to the tramway by this Act authorized to be constructed.

Power to make a
certain tramway.

5. Notwithstanding anything contained in the *Railways Standing Committee Acts* the Board of Land and Works may out of any moneys to be provided by Parliament for the purpose make construct and maintain the following tramway in the line and upon the lands described in the Third Schedule to this Act and also all proper works and conveniences in connexion therewith (that is to say):—

Third Schedule.

A tramway commencing in the parish of Truganina and terminating at or near the Laverton Railway Station in the line and upon the lands described in the Third Schedule to this Act, to be called the Powder Magazine Tramway.

Third Schedule.

Lands being included
in Third Schedule
&c. to confer no
right to require line
to pass through
such lands or
compensation.

6. Notwithstanding that the land of any owner or occupier may be described in the Third Schedule to this Act as the land through or near to which the said line of tramway is intended to pass, no right or claim shall be conferred upon any such owner or occupier to require that such line should so pass through or near to such land or other land of such owner or occupier, and no deviation from such line or route, whether such deviation be made under the authority of this or any other Act, shall entitle any such owner or occupier to compensation therefor.

7. For

7. For the purposes of this Act it shall be lawful for the Board of Land and Works its successors deputies agents and workmen and all other persons by it authorized, without making any previous payment or having the previous consent of the owner or occupier, to enter into and upon the land of any person whomsoever, and to take and use any road and to survey and take levels of the same and to ascertain and stake or set out take possession of use and appropriate such parts thereof as the Board deems necessary and proper for the laying out making constructing maintaining altering repairing and using the said line of tramway and all other works matters and conveniences connected therewith, and in or upon such land to exercise all or any of the powers conferred on the Board with regard to railways by section fourteen of the *Railways Act* 1891, and in or upon such land or any land within two miles of such line to make construct and use any permanent or temporary road or tramway upon over or through the same for the purpose of conveying earth stone timber gravel sand or any materials or things which the Board deems proper or necessary for making constructing maintaining altering repairing and using such tramway. In the exercise of the powers by this Act granted the Board and other persons shall do as little damage as may be.

Power to enter upon lands and construct tramway.

No. 1250.

8. Notwithstanding anything in any Act contained no person shall be entitled to receive or shall receive from the Board of Land and Works or the Commissioner of Trade and Customs or the Government of Victoria any compensation in consequence of any part of such line of tramway being made constructed maintained or used on any road, nor shall the level of any road used for the purpose of the said tramway be altered without the written consent of the said Board.

No compensation payable in consequence of use of roads.

Level of roads not to be altered without consent.

9. Notwithstanding anything contained in section thirty-five of the *Lands Compensation Act* 1890 or in this Act the amount of purchase money or compensation payable for or in respect of any land to be purchased or taken or used in connexion with or likely to be injured in or prejudicially affected by the construction of the line authorized by this Act shall not exceed the value thereof on the day of the commencement of the session of Parliament during which this Act is passed by Parliament.

Compensation to be limited.

No. 1288 s. 28.

10. On the said line of tramway the said Board shall not be bound to erect or contribute to the erection of any dividing or other fence or to erect gates or to employ gatekeepers at any public or occupation road crossing nor shall the said Board or the Commissioner of Trade and Customs or the Government of Victoria be liable for any damage which may be caused by the absence of gates or gatekeepers at the said crossings or by reason of such line of tramway not being fenced in or fenced off.

Board need not fence &c.

11. No contract shall be entered into liability incurred or expenditure made for the construction of the said line of tramway until such contract liability or expenditure has been previously approved in writing by the Treasurer of Victoria.

Treasurer's approval of contract liability or expenditure required.

12. Whenever

Maintenance and management of tramway.

12. Whenever the Board of Land and Works has completed the construction of the said tramway such line shall be maintained by such Board and shall be used supervised managed and controlled by the Commissioner of Trade and Customs.

By-laws.

13. The Governor in Council may make by-laws for fixing the rents which may be charged for the use of sites of magazines for the storage of explosives (within the meaning of the *Explosives Act* 1890 and any Act amending the same) and for determining the terms and conditions on which such sites will be let or leased for such purpose and also for all or any of the subjects or matters mentioned in section one hundred and five of the *Railways Act* 1890 for which purpose the word "railway" in such section shall be read as "tramway," and may impose a penalty not exceeding Twenty pounds for a breach of any such by-laws. No such by-law shall have any force or effect until one week after the same is published in the *Government Gazette*.

S. 105.

SCHEDULES.

Section 3.

FIRST SCHEDULE.

CROWN LANDS TO BE TRANSFERRED TO GEORGE THOMAS CHIRNSIDE THE PROPRIETOR OF THE LANDS DESCRIBED IN THE SECOND SCHEDULE IN EXCHANGE FOR SUCH LANDS.

99 acres, more or less, county of Bourke, parish of Deutgam, being the bed of the lagoon comprised within the boundaries of portions A and B of section 10.

139 acres 3 roods 12 perches, more or less, county of Bourke, parish of Deutgam, being the bed of the lagoon comprised within the boundaries of sections 12, 19, and 20.

24 acres, more or less, county of Bourke, parish of Deutgam, being the bed of the lagoon comprised within the boundaries of section 22.

370 acres 2 roods 25 perches, more or less, county of Bourke, parish of Deutgam, being the land covered by the salt swamp, samphire scrub, and lagoons comprised within the boundaries of section 21, portions A and B of section 24, and portion A of section 25.

SECOND

SECOND SCHEDULE.

Section 3.

LANDS ENTERED IN THE REGISTER-BOOK, VOL. 1817, FOL. 363319, UNDER THE TRANSFER OF LAND ACT 1890, TO BE TRANSFERRED TO THE QUEEN BY THE PROPRIETOR THEREOF, NAMELY, GEORGE THOMAS CHIRNSIDE, IN EXCHANGE FOR THE LANDS DESCRIBED IN FIRST SCHEDULE.

248 acres 1 rood 3 perches, county of Bourke, parish of Truganina, being allotment 2 of section 5: Bounded on the south by allotment 1 bearing N. 82° 1' W. fifty-four chains seventy-five links; on the west by a road one chain wide bearing N. 7° 59' E. forty chains; on the north by allotment 3 bearing S. 82° 1' E. sixty-three chains eighty-eight links; and on the east by a reserve bearing southerly in a curve of fifty-five chains radius to the commencing point.

151 acres 2 roods 38 perches, county of Bourke, parish of Truganina, being allotment 3 of section 5: Bounded on the north by part of allotment 4 and a road one chain wide bearing N. 82° 1' W. sixty chains thirty-five links; on the west by a road one chain wide bearing S. 7° 59' W. twenty-five chains; on the south by a line bearing S. 82° 1' E. sixty-three chains eighty-eight links; and on the east by a line bearing northerly to the point of commencement.

155 acres 1 rood 14 perches, county of Bourke, parish of Truganina, being allotment 4 of section 5: Bounded on the north by a road one chain wide bearing N. 82° 1' W. nineteen chains seventy-nine links and a line bearing N. 82° 1' W. fifty-one chains fifty-four links; on the west by a road one chain wide bearing S. 7° 59' W. twenty-four chains; on the south by a road one chain wide and part of allotment 3 bearing S. 82° 1' E. sixty chains thirty-five links; and on the east by a line bearing northerly to the point of commencement. Closing a road one chain wide passing through this allotment the contents of which have to be added to the total area, still reserving that portion of road along north boundary and continuing same one chain wide on same bearing to west boundary of allotment 4, section 5.

THIRD SCHEDULE.

Section 5.

DESCRIPTION OF LINE OF PROPOSED TRAMWAY FROM ALLOTMENT 4, SECTION 5, PARISH OF TRUGANINA, TO PROPOSED SIDING NEAR LAVERTON STATION ON MELBOURNE AND GEELONG RAILWAY LINE.

Commencing at a point on east side of public road one hundred links bearing S. 7° 59' W. from north-west corner of allotment 4, section 5, parish of Truganina; thence three chains twenty-five links on a curve of eight chains radius crossing intersection of public roads west of said allotment 4, section 5, to a point in centre of public road between allotment 4, section 4, and allotment 3, section 6; thence seventy-one chains twenty links bearing N. 74° 13' W. along centre of road between allotments 4 and 5 of section 4 and allotments 3 and 1 of section 6; thence eight chains forty links on a curve of six chains radius passing through portion of allotment 1 of section 6 to centre of public road between allotment 3 of section 3 and allotment 1 of section 6; thence forty-two chains or thereabouts bearing N. 6° E. along the centre of public road between allotments 3 and 3A of section 3 and 1 and 2 of section 6; thence nine chains twenty-five links on a curve of eight chains radius to proposed siding within railway reserve near Laverton Station.

MELBOURNE:

By Authority: ROBT. S. BRAIN, Government Printer.