

VICTORIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS.

No. 1874.

An Act to provide for the Leasing of certain Lands for the purpose of working Mineral Springs at Hepburn.

[22nd December, 1903.]

WHEREAS by a deed-poll bearing date the fifth day of July One thousand eight hundred and eighty-nine under the hand of His Excellency Sir Henry Brougham Loch Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies with the seal of the said Colony affixed to such deed-poll Her Majesty in order to provide a site for a Public Park and Mineral Spring at Hepburn in the parish of Wombat for the recreation and amusement of Her Majesty's subjects and people did grant unto the Board of Land and Works the President Councillors and Ratepayers of the Shire of Mount Franklin and the Mayor Councillors and Burgesses of the Borough of Daylesford (hereinafter called the grantees) and to their successors the piece of land in the parish of Wombat County of Talbot described in the Schedule to this Act and in the said deed together with all the rights members privileges and appurtenances whatsoever to the same belonging or in any wise appertaining to have and to hold the same unto the said grantees and to their successors for ever subject to the reservations exceptions conditions and declarations in the said deed mentioned and amongst others that the said land thereby granted and the buildings for the time being thereon should at all times thereafter

Preamble.
See Act No. 1507.
Register book
vol. 2227, fol.
445293.

Schedule.

be

be maintained and used as and for a public park for the recreation and amusement of Her Majesty's subjects and people and offices and conveniences connected therewith and for no other purpose whatsoever : Provided always that notwithstanding anything thereinbefore contained the grantees or their successors may from time to time lease the whole or any portions of the land thereby granted to any person or persons for such purpose or purposes at such rent or rents on such conditions and for such periods not exceeding fourteen years as they the grantees or their successors might think fit. And whereas notwithstanding anything contained in the Land Acts it is expedient and desirable that the grantees be authorized and empowered to grant to any person or persons a lease of a portion not exceeding two acres and twenty-one perches being allotment A of the lands described in the said Schedule for any term not exceeding twenty-one years for the purpose of being used as a site for the working of the mineral springs therein and the collection preparation sale and removal of the natural mineral waters thereof : Be it therefore enacted by the King'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) :—

Short title.

1. This Act may be cited as the *Hepburn Springs Land Act 1903*

Grantees may
lease lands for
twenty-one years.
See Act No. 1507,
s. 3.

2. Notwithstanding anything contained in any Act or in the said Crown grant dated the fifth day of July One thousand eight hundred and eighty-nine the grantees shall as from the date of the Crown grant be deemed to have had and to have power from time to time to demise to any person or persons to be used only as a site for the working of the mineral springs therein and the collection preparation sale and removal of the natural mineral waters thereof for any term not exceeding twenty-one years from the time of making any such demise any portion of the lands specified in the Schedule to this Act not exceeding in the whole two acres and twenty-one perches at such annual rent upon such terms and subject to such covenants conditions exceptions and reservations as the Governor in Council shall previously approve. Provided that every such lease shall contain a condition that nothing therein shall be deemed to lessen or in any way interfere with the right of the public to the use of the mineral springs on the land adjoining the land demised by the said grantees.

Schedule.

Application of rents.

3. All moneys received by the grantees by way of rent under any lease granted under the provisions of this Act shall be applied by them towards the maintenance and improvement of so much of the land vested in the grantees as is not demised as hereinbefore provided.

4. If

4. If any appropriation not authorized by this Act be made of any moneys paid to or held in trust by the grantees, any such grantees or any persons who consent to the misappropriation of such moneys shall, in addition to any criminal proceedings to which they may be liable in respect thereof, be jointly and severally liable to refund the amount of such appropriation together with interest thereon; and the same may in any court of competent jurisdiction be recovered by the Board of Land and Works from such trustees or any of them as moneys lent to such trustees and may be sued for by any person appointed in that behalf by the said Board.

Provision as to
misappropriation
of proceeds.

SCHEDULE.

Section 2.

LAND CONTAINED IN CROWN GRANT, DATED 5TH JULY, 1889.

Twenty-six acres one rood and one perch, more or less, being allotments A, B, and C, at Hepburn, in the parish of Wombat, county of Talbot.

MELBOURNE:

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