

VICTORIA.



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VICTORIÆ REGINÆ.

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No. DCIV.

An Act to authorize the Construction by the State of a Line of Railway from South Yarra to Oakleigh. [26th August 1878.]

**W**HEREAS it is expedient that the construction of a line of railway more particularly described in the Schedule hereto should be undertaken by the State at the public expense : Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited for all purposes as "*The South Yarra and Oakleigh Railway Construction Act 1878.*"

2. In this Act the following terms shall have respectively the following meaning and extent—

The term "the Board" shall mean the Board of Land and Works.  
The term "lands" shall include all real estate messuages lands tenements and hereditaments of any tenure.

3. It shall be lawful to make and maintain the following railway in the line and upon the lands described in the Schedule hereto and within any deviation thereof as herein provided, and all proper works and conveniences in connection therewith (that is to say) :—

(1.) A railway commencing at a point at South Yarra at the southern end of the Melbourne and Hobson's Bay United Railway Company's bridge over the River Yarra and terminating in the parish of Mulgrave at the commencement of the

the authorized railway from Oakleigh to Sale in the line and upon the lands described in the Schedule hereto, and such railway and the railway from Oakleigh to Sale may be called the Gippsland Railway.

Limit of deviation.

4. It shall be lawful to deviate from the said line of railway as described as aforesaid on either side thereof at any part thereof to the distance provided for in and by the Schedule hereto but not to any greater distance.

Limit of expenditure per mile for construction of railway.

5. The expenditure upon the railway including stations and rolling stock shall be restricted to a sum not exceeding an average over the railway mentioned in such Schedule of Twenty-five thousand pounds per mile.

Lands being included in Schedule, &c., to confer no right to compensation.

6. The lands of any owner or occupier being described in the Schedule to this Act as the lands through which or near to which the aforesaid line of railway is intended to pass shall confer no right or claim upon any such owner or occupier to require that any such line should so pass through or near to such lands or other lands of such owner or occupier, and no deviation from such line or route whether such deviation be made under the authority of this Act or otherwise howsoever shall entitle any such owner or occupier to compensation therefor.

Power to enter upon lands.

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 them authorized without making any previous payment or having the previous consent of the owner or occupier to enter into and upon the lands and grounds of any person whomsoever and to survey and take levels of the same and to ascertain and stake or set out take possession of and appropriate for the purposes herein mentioned such parts thereof as may be necessary and proper for the laying out making and using such railway and all other works matters and conveniences connected therewith, and in or upon such lands or any lands within two miles thereof to bore dig cut trench embank and so remove or lay take carry away and use any earth stone timber gravel or sand or any other materials or things which may be dug raised or obtained therein in making such railway and other works out of any lands within two miles thereof and which may be proper or necessary for making maintaining altering repairing or using the railway and other works by this Act authorized or which may hinder prevent or obstruct the making maintaining altering repairing or using the same respectively, and also to make or construct in upon across under or over any lands streets hills valleys roads rivers brooks streams or other waters within the lands described in the Schedule hereto or within any deviation thereof as herein provided such temporary or permanent inclined planes tunnels embankments aqueducts bridges roads ways passages conduits drains piers arches cuttings and fences as the Board shall think proper, and also to alter the course of any rivers not navigable streams or watercourses for the purpose of constructing and maintaining tunnels bridges passages or other works over or under

Remove materials.

Construct inclined planes, tunnels, &c.

Schedule.

Alter course of rivers, roads, &c.

the

the same, and for any other necessary purpose, and also to divert or alter as well temporarily as permanently the course of any such rivers or streams of water streets roads or ways or to raise or sink the level of any such rivers or streams roads streets or ways in order the more conveniently to carry the same over or under or by the side of any such railway, and also with the consent of the council of any city town borough or shire to close any road in such city town borough or shire which is impassable or useless, and to make drains or conduits into through or under any lands adjoining such railway for the purpose of conveying water from or to such railway, and also in or upon such railway or any lands adjoining or near thereto to erect and construct such houses warehouses offices and other buildings yards stations wharfs engines machinery apparatus and other works and conveniences as the Board may think requisite, and also from time to time to alter repair or discontinue the before mentioned works or any of them and to substitute others in their stead; and where such railway shall pass through any plantations woodlands or forests it shall be lawful for the Board and all persons by it authorized its agents contractors and servants to fell or remove any trees standing thereon within the distance of fifty yards from either side of such railway and generally to do all other acts necessary for making maintaining altering or repairing or using such railway: Provided always that in the exercise of the powers by this Act granted the Board and other persons shall do as little damage as may be, and that if required full satisfaction shall be made in manner provided by "*The Lands Compensation Statute 1869*" or any Act amending the same to all persons interested in any lands or hereditaments taken used injured or prejudicially affected for all damages by them sustained by reason of the exercise of such powers.

To make drains.

and to erect toll-houses, warehouses &amp;c.

to fell trees.

Board to make full satisfaction.

8. The lands to be taken or used for the line of railway hereby authorized to be made shall not exceed one hundred yards in width, except for any station or where a greater width shall be judged necessary for waggons and other carriages to turn remain stand in lie or pass each other, or for raising embankments for crossing valleys or low grounds, or in cutting through high ground, or for the erection or establishment of any fixed or permanent machinery tollhouse warehouse wharf or other erections and buildings, or for excavating removing or depositing earth or other materials, or for making any reservoir for storing water for the use of the said railway, or as a precaution against the spread of fire.

Breadth of land for railway.

9. Before any expenditure shall be made or contract entered into for the construction of the aforesaid railway or the purchase of land, an estimate of the expenditure which the Board propose to incur for the said purposes during the ensuing twelve months, and also a statement showing the works or purposes for or in respect of which the moneys during the preceding year may have been applied, shall be laid before both Houses of Parliament, and the aforesaid estimate shall be submitted for the sanction of the Legislative Assembly in the same manner as the annual Estimates of Expenditure for the public service.

Estimate of expenditure to be submitted to Parliament.

10. Nothing

Acts No. 86 and No.  
360 not affected.

10. Nothing in this Act shall affect or in any manner alter or vary any of the provisions contained in either of the Acts No. LXXXVI. or No. CCCLX.

## SCHEDULE.

### GIPPSLAND RAILWAY.

#### SOUTH YARRA TO OAKLEIGH.

Commencing in the parish of Prahran at a point on the Brighton line of the Melbourne and Hobson's Bay United Railway Company, at or near the south end of the railway bridge over the River Yarra; thence for 16 chains 60 links by a curve of 20 chains radius, the chord of which bears south  $24^{\circ} 25' 30''$  east, passing out of the land of the Melbourne and Hobson's Bay United Railway Company, across Yarra street, and into Crown allotment 5, in the parish of Prahran; thence for 65 chains in a straight line bearing south  $49^{\circ} 25' 30''$  east, passing out of Crown allotment 5, through Crown allotment 6, across Chapel street, through Crown allotments 7 and 8, across Gardiner's Creek road, through Crown allotments 35, 34, and 33, across Williams road, and into Crown allotment 32, in the parish of Prahran; thence for 8 chains 50 links by a curve of 20 chains radius, the chord of which bears south  $60^{\circ} 25' 30''$  east; thence for 19 chains 95 links in a straight line bearing south  $71^{\circ} 25' 30''$  east, passing out of Crown allotment 32, through Crown allotment 31, across Canterbury road, and into Crown allotment 30, in the parish of Prahran; thence for 11 chains 6 links by a curve of 30 chains radius, the chord of which bears south  $60^{\circ} 55' 30''$  east; thence for 74 chains 32 links in a straight line bearing south  $50^{\circ} 25' 30''$  east, passing out of Crown allotment 30, across Malvern road, across Orrong road, through Crown allotments 48, 49, and 50, across High street, through Crown allotment 51, across Boundary road, through Crown allotments 27, 28, and 29, and into Union street, in the parish of Prahran; thence for 29 chains 87 links by a curve of 100 chains radius, the chord of which bears south  $41^{\circ} 52'$  east, passing out of Union street, through Crown allotments 50 and 49, across Wattle Tree road, and into Crown allotment 56, in the parish of Prahran; thence for 23 chains 63 links in a straight line bearing south  $33^{\circ} 18' 30''$  east, passing out of Crown allotment 56, through Crown allotment 57, across Glenferrie road, through Crown allotment 59, and into the three-chain road from Melbourne to Dandenong; thence for 28 chains 59 links by a curve of 65 chains radius the chord of which bears south  $45^{\circ} 54' 30''$  east, passing out of the three-chain road, through Crown allotment 31, across a one-chain road, across Inkerman road, and into a reserve for public park, in the parish of Prahran; thence for 1 mile 26 chains 95 links in a straight line bearing south  $58^{\circ} 30' 30''$  east, passing out of the park reserve, across Cambrook road, through Crown land, through the reserve for Caulfield race-course, across a one-chain road, through Crown land, through Crown allotment 98, across Grange road, through Crown allotment 99, and into Crown allotment 105, in the parish of Prahran; thence for 44 chains 92 links by a curve of 200 chains radius, the chord of which bears south  $64^{\circ} 56' 30''$  east, passing out of Crown allotment 105, through Crown allotment 106, across Koornang road, through Crown allotment 106, and into subdivision A of Crown allotment 8, in the parish of Prahran; thence for 1 mile 26 chains 26 links in a straight line bearing south  $71^{\circ} 22' 30''$  east, passing out of subdivision A of Crown allotment 8, across a half-chain road, across the intersection of Murrimbeena and Neerim roads, through Crown allotments 77 and 78, across Poath road, through Crown allotments 92 and 89, and into Crown allotment 90, in the parish of Prahran; thence for 21 chains 60 links by a curve of 28 chains radius, the chord of which bears south  $49^{\circ} 7' 30''$  east; and thence for 21 chains 50 links by a curve of 20 chains radius, the chord of which bears south  $58^{\circ} 7' 30''$  east, passing out of Crown allotment 90, in the parish of Dandenong, across Warringal road, and into Crown allotment 2, in the parish of Mulgrave, and joining the authorized line from Oakleigh to Sale at its commencement.

The bearings are from the magnetic meridian.

Limit of deviation 30 chains.

MELBOURNE:

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