

No. LX.

BOURKE-STREET
SYDNEY
OBSTRUCTION.

An Act to remove an Obstruction in a certain Street called Bourke-street within the City of Sydney. [17th June, 1848.]

Preamble.

WHEREAS a certain street called Bourke-street situate in that part of the City of Sydney known as the Surry Hills extending from Woolloomooloo Bay towards Cleveland-street was duly notified in the *New South Wales Government Gazette* to be a public street and thoroughfare. And whereas the line of the said street runs through a certain piece or parcel of land originally granted by the Crown to one John Palmer. And whereas the deed of grant of the said land does not contain any reservation for the making of roads or streets and an obstruction has been placed across the line of the said street causing great inconvenience to the public resorting to and using such street and it is expedient and necessary that the said obstruction should be removed. Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That it shall be lawful for the Surveyor General of the said Colony or such other officer of the Government thereof as may be appointed for that purpose by the said Governor to enter upon as much of the said land so granted to the said John Palmer or any other land as is required and necessary for the opening and continuation of the said street called Bourke-street and the footways thereof through the said piece or parcel of land granted as aforesaid and that the said Surveyor General or other officer as aforesaid shall have full power and authority by himself or his deputies workmen and servants to set out ascertain and appropriate such part of the said piece of land or any other land as shall be necessary and proper for the continuation of the said street and for the full use and enjoyment thereof by the public.

Surveyor General or
other officer of
Government may
enter on necessary
quantity of land for
opening Bourke-
street.

Land when set out
and ascertained to
be the property of
Her Majesty.

Compensation to
owner or proprietor
of land.

Owner or proprietor
to serve notice on
Colonial Secretary
respecting claim to
compensation.

Arbitrators and
umpire how to be
appointed.

2. And be it enacted That the said land or soil when so set out ascertained and appropriated shall be and be taken to be the property of Her Majesty Her Heirs and Successors for the purpose aforesaid and shall thenceforth be dedicated to the public as and for a public street and thoroughfare.

3. And whereas it is just that the owner or owners proprietor or proprietors of the land so required for the purpose aforesaid should receive reasonable compensation for the same and in case the Government of the said Colony and the said owners or proprietors cannot otherwise agree on the amount of such compensation Be it enacted That the said owner or owners proprietor or proprietors may within two months from the passing of this Act serve a notice on the Colonial Secretary of the said Colony setting forth the particulars of his or their claim for compensation and also naming therein such person as he or they may desire to act as an arbitrator for assessing and fixing such compensation whereupon another arbitrator shall be nominated and appointed by the Governor of the said Colony and the arbitrators so nominated and appointed shall have power and authority to appoint an umpire to decide in case of difference between themselves and the amount of compensation which shall be fixed by the said arbitrators or umpire (as the case may be) shall be held to be the sum to which the said owner or owners proprietor or proprietors shall be entitled and paid.