

An Act to enable Thomas Sutcliffe Mort proprietor of the Waterview Dry Dock in the Hamlet of Balmain near the City of Sydney in the Colony of New South Wales to purchase land for the extension of such Dock And also to make and maintain at Waterview Bay aforesaid in connection with such Dock a certain Quay or Wharf fronting to Port Jackson and to make divert alter vary and stop up certain Roadways or Streets in the vicinity of the said Dock. [31st October, 1855.]

WHEREAS Thomas Sutcliffe Mort of the city of Sydney in the Colony of New South Wales Esquire being proprietor of certain land at Waterview Bay in the hamlet of Balmain near the said city has with the consent of the Governor and Executive Council at a large cost and expense commenced and made considerable progress in the formation of a dry dock capable of receiving vessels of the largest dimensions and of all classes whether navigated by steam or otherwise And whereas it is essential to the completeness of the said undertaking

Mort's Dry Dock.

that the said Thomas Sutcliffe Mort should have power to extend the dimensions thereof and to construct other docks contiguous thereto and also to form and maintain on certain adjacent land of the said Thomas Sutcliffe Mort a quay or wharf to be used in connection with the said docks at Waterview Bay aforesaid for the accommodation of shipping and at which vessels of the largest tonnage may be securely moored and also to make alter and stop up roadways and streets immediately adjacent thereto and to substitute other roadways and streets in lieu thereof. And whereas the works so undertaken by the said Thomas Sutcliffe Mort are of great public utility and it will be of the greatest advantage to the commercial interests of the said Colony that he should be enabled to carry into effect the proposals and designs as aforesaid but such objects cannot be effected without the aid of the Legislative Council of New South Wales. Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows—

Proprietor to alter and stop up roadways and to take lands.

1. It shall be lawful for the said Thomas Sutcliffe Mort to make divert alter vary and stop up certain roadways or streets situate in the hamlet of Balmain near the city of Sydney aforesaid and which said roadways and streets are situated in the immediate vicinity of the said dry dock at Balmain aforesaid and which said roadways or streets are particularly set forth or described in Schedule B hereunto annexed and to substitute other roadways and streets in lieu thereof and also to take and appropriate to the use of the said Thomas Sutcliffe Mort for the purposes of this Act such lands only as are described in Schedule A to this Act together with the sites of such roadways or streets or intended roadways or streets or parts thereof as are described in Schedule B hereunto annexed and such lands covered with water lying between low water mark and the adjoining lands of the said Thomas Sutcliffe Mort as are described in Schedule C hereunto annexed and for all or any of the purposes aforesaid to take and appropriate the several lands and hereditaments respectively described in the several Schedules A B and C hereunto annexed the said Thomas Sutcliffe Mort if so required making full compensation in manner hereinafter mentioned to all persons interested in any lands so taken used or injured for all damages to be by them sustained in or by the execution of the powers hereby granted.

Lands taken to vest without conveyance.

2. When any lands which the said Thomas Sutcliffe Mort is by this Act authorized to take shall have been set out taken and appropriated for the purposes herein mentioned and when any roadway street or part thereof shall have been diverted altered varied or stopped up such lands or the portions of roadway or street so diverted altered varied or stopped up and the fee simple and inheritance thereof and all the estate use trust and interest of all persons therein shall thenceforth be vested in and become the sole property of the said Thomas Sutcliffe Mort and his heirs for the purposes of this Act for ever and all right of way of any persons whatever over any roadway or street or portion thereof diverted altered varied or stopped up shall be extinguished and the site thereof shall vest in the said Thomas Sutcliffe Mort.

Right to compensation.

3. The owners and all persons prejudiced by the said Thomas Sutcliffe Mort under any of the provisions herein contained and all persons who shall have sustained any loss or damage whatsoever in or by the execution of this Act shall be entitled to reasonable compensation for the loss or injury sustained by them and such compensation shall be ascertained assessed and awarded as hereinafter mentioned. Provided that such compensation shall be limited to the value of the land at the time of possession taken by the said Thomas Sutcliffe Mort.

Mort's Dry Dock.

4. And in case the said Thomas Sutcliffe Mort and the claimant of land shall not agree as to the sum to be paid for such compensation as aforesaid it shall be lawful for them or either of them within the space of six calendar months from the passing of this Act to apply to His Excellency the Governor to appoint and he shall thereupon appoint accordingly Commissioners to inquire into and assess the same in like manner as is enacted and directed in the case of a road through private property proclaimed by the Government under and by virtue of an Act of the Governor and Legislative Council ^{Mode of assessing compensation.} ^{4 William IV No. 11.}

passed in the fourth year of the reign of His late Majesty King William the Fourth intituled "*An Act for making Altering and Improving the Roads throughout the Colony of New South Wales and for opening and improving the Streets in the Towns thereof*" and for the purposes of such assessment the said Commissioners or any two of them shall have and possess all the powers vested in them or any two of them by the said Act and the like duties powers and regulations shall attach and apply to the parties jurors witnesses and others occupied and concerned in relation thereto and in case the price assessed on such inquiry be in excess of the sum offered as compensation by the said Thomas Sutcliffe Mort such excess shall be paid by the said Thomas Sutcliffe Mort accordingly together with the costs of inquiry but if the price awarded upon the said inquiry shall not exceed the sum so offered as aforesaid the costs of the inquiry shall be paid by the parties demanding the same the amount of which costs shall be assessed and the person or persons by and to whom the same shall be paid shall be ascertained by the order of the said Commissioners and shall be recoverable by action of debt if not paid on demand pursuant to such order.

SCHEDULE A.

I.—All that piece of land situate in the hamlet of Balmain in the parish of Petersham county of Cumberland containing by admeasurement fifteen perches more or less bounded on the east by part of the west boundary of William-street being a line bearing south-westerly ninety feet on the south by a line bearing north forty-three degrees twenty minutes west thirty-four and a quarter feet on the west by a line bearing north forty-six degrees fifty minutes east to the edge of Waterview Bay and on the north by Waterview Bay to the point of commencement.

II.—And all that piece of land situate in Balmain aforesaid containing by admeasurement twenty-five perches more or less bounded on the east by a portion of College-street being a line bearing south forty-six degrees forty minutes west eighty-two feet on the south by a line bearing north forty-three degrees twenty minutes west one hundred and twenty feet on the west by a line bearing north forty-four degrees thirty minutes east forty-three feet and on the north by the south boundary of the Crescent being a line bearing south-easterly one hundred and twenty-six feet to the point of commencement.

SCHEDULE B.

III.—A piece of land forming the north-east end of College-street extending from a new street called John-street to Waterview Bay bounded on either side by land of the said proprietor.

IV.—A piece of land constituting John-street aforesaid leading from William-street to College-street aforesaid bounded in like manner.

A portion of the sites of certain intended streets now known as the Strand Bay-street Gipps-street and Church-street and the whole of the Crescent bounded in like manner and numbered respectively 5 6 7 and 8.

SCHEDULE C.

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A piece of land at the head of Waterview Bay in Port Jackson commencing at a point on the north side of the said bay where the proprietor's land is bounded by a reserved road leading from a back road to the water and which said piece of land is bounded by or lies between low water mark on the one side from the point before described round to the western pier head at the entrance to the Waterview Bay Dry Dock and on the in-shore or other side by the land of the proprietor.

Also that piece of land forming the sites of the present and proposed extension of the docks as the same is at present bounded by Church-street the Crescent and College-street and the bay aforesaid and the land of the proprietor.

And also all that piece of land bounded on the water-side by a line bearing south forty-seven degrees east four chains from the eastern pier head of the said docks and then by a line bearing south fifty-seven degrees east to a point where it would be intersected by the south-east boundary line of property purchased to meet it on the south-east by the aforesaid boundary line produced being a line bearing south-westerly to high water mark and bounded on the in-shore side by the north-east boundary of the said purchased land and land of the proprietor to the point of commencement.

SC. 70000