

An Act to enable Thomas Sutcliffe Mort Esquire
to close certain Ways or Streets on and over
his property and other land at Waterview Bay
and to establish a new Road in lieu thereof.
[12th December, 1867.]

WATerview
PATENT SLIP.
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WHEREAS Thomas Sutcliffe Mort of the city of Sydney Esquire Preamble.
is seised in fee of the soil and freehold of and in the piece or
parcel of land mentioned and described in Schedule A to this Act
subject to such right of way of certain persons or to a general right
of way in over and along the same as hereinafter mentioned And
whereas upon the sale by the said Thomas Sutcliffe Mort to several
parties respectively of certain portions of the Waterview Bay Estate
in the hamlet of Balmain near the city of Sydney the property of the
said Thomas Sutcliffe Mort of which the said piece or parcel of land
mentioned and described in the said Schedule A to this Act formed
and still forms part a certain plan of the said Waterview Bay Estate
was made shewing the several and respective lots or portions of the
said Waterview Bay Estate thereon for sale and in and upon such plan
the said piece or parcel of land mentioned and described in the said
Schedule A to this Act was marked and shewn as an intended or pro-
posed road or street by the name of Phillip-street And whereas many
of the persons who purchased from the said Thomas Sutcliffe Mort
portions of the said Waterview Bay Estate purchased the same
according to the said plan upon which there was so marked and shewn

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a road comprising the said piece or parcel of land mentioned and described in the said Schedule A to this Act And whereas the said piece or parcel of land mentioned and described in the said Schedule A to this Act has never been actually laid out and formed into a road or street and has never been used as a road or street either by the persons who purchased from the said Thomas Sutcliffe Mort portions of the said Waterview Bay Estate according to and by the said plan or by any other persons And whereas the said piece or parcel of land is not and would not form and be a necessary road or way either for such persons who so as aforesaid purchased from the said Thomas Sutcliffe Mort portions of the said Waterview Bay Estate or for any other persons and neither such persons who so as aforesaid purchased portions of the said Waterview Bay Estate from the said Thomas Sutcliffe Mort nor any other persons have acquired or used any other right privilege or easement on over or with respect to the said piece or parcel of land And whereas the said Thomas Sutcliffe Mort is desirous of and intends erecting and establishing a Patent Slip Wharf upon and at his said Waterview Bay Estate and for such purpose to cut across and use a certain portion of the said piece or parcel of land mentioned and described in the said Schedule A to this Act And whereas such cutting across and use of such portion of the said piece or parcel of land mentioned and described in the said Schedule A to this Act would interfere with and obstruct any right of way or passage in over or along the said piece or parcel of land which the said persons who so as aforesaid purchased from the said Thomas Sutcliffe Mort portions of the said Waterview Bay Estate according to and under the said plan or any other persons might have or be in any way entitled to and such piece or parcel of land could not after the crection and establishment of such Patent Slip Wharf be used as a road or way And whereas the greater part of those who so as aforesaid purchased from the said Thomas Sutcliffe Mort portions of the said Waterview Bay Estate and who have by mesne conveyances and assurances become seised and possessed of such portions of the said Waterview Bay Estate so as aforesaid purchased from the said Thomas Sutcliffe Mort have by deed released to the said Thomas Sutcliffe Mort any right of way or passage which they might have had in over along or upon the said piece or parcel of land mentioned and described in the said Schedule A to this Act and all their respective interests in the same piece or parcel of land And whereas there is adjacent to the spot upon which the said Thomas Sutcliffe Mort so as aforesaid purposes erecting and establishing a Patent Slip Wharf a piece or parcel of land described in Schedule B to this Act commonly known as Union Road and which is a public road or way leading to the shore of Waterview Bay And whereas it would be of great advantage and convenience to the said Thomas Sutcliffe Mort for the purpose of establishing and effectually carrying out and working the said Patent Slip Wharf that he should be enabled to close and have the exclusive use and possession of the said piece or parcel of land mentioned and described in Schedule B to this Act And whereas such last-mentioned Union Road is of very little general or public benefit or advantage and the closing thereof would not create any public loss disadvantage or inconvenience if another road or way leading to the shore of Waterview Bay in the immediate neighbourhood of Union Road aforesaid were substituted for the same And whereas the said Thomas Sutcliffe Mort is seised in fee of the piece or parcel of land mentioned and described in Schedule C to this Act and such piece or parcel of land is in the immediate neighbourhood of Union Road aforesaid and would form a more convenient and advantageous public road or way to the shore of Waterview Bay than Union Road aforesaid

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said and the said Thomas Sutcliffe Mort is ready and willing to substitute such piece or parcel of land and dedicate the same as a public road or way instead of and for Union Road aforesaid upon being permitted to close up and have the exclusive use and possession of the piece or parcel of land forming Union Road aforesaid And whereas it is of very great public advantage and is especially of advantage to those owning or having any interest in land in the neighbourhood of the intended Patent Slip Wharf and therefore having the most frequent necessity (if any) for the use of the said roads or ways that such Patent Slip Wharf should be erected and established And whereas it is necessary for the purpose of the more effectually enabling the said Thomas Sutcliffe Mort to close and finally abolish and put an end to any right of road way or passage upon over or along the said piece or parcel of land mentioned and described in Schedule A to this Act and for the purpose of effectually concluding any question as to the right of the said Thomas Sutcliffe Mort so to close and so as aforesaid to interfere with and obstruct any such right of road way or passage that he should be thereunto authorized and enabled by an Act of this Legislature And whereas an Act of the Legislature is necessary for enabling and authorizing the said Thomas Sutcliffe Mort to close up and have the exclusive use and possession of the said piece or parcel of land described in Schedule B to this Act 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 New South Wales in Parliament assembled and by the authority of the same as follows—

1. From and after the passing of this Act it shall be lawful for the said Thomas Sutcliffe Mort to close up the said Phillip-street being the piece or parcel of land mentioned and described in Schedule A to this Act and to prevent all and every persons and person from coming on passing along or upon or in any way using the same either on foot or with carts carriages or horses or otherwise either as a road or way or for any other purpose whatsoever.

Mr. Mort authorized to close Phillip-street.

2. From and after the passing of this Act it shall be lawful for the said Thomas Sutcliffe Mort upon dedicating the piece or parcel of land described in Schedule C to this Act to the use and purpose of a public road or way to close up and have the exclusive use and possession of the piece or parcel of land described in Schedule B to this Act and to prevent all and every persons and person and bodies and body corporate from coming on passing along or upon or in any way using the same for any purpose whatsoever and the same piece or parcel of land described in Schedule B to this Act shall thereupon become remain and be vested in the said Thomas Sutcliffe Mort for an estate of inheritance in fee simple free from all rights easements and privileges of any person or persons body or bodies corporate then previously existing or claimed in upon or with respect to such piece or parcel of land.

And upon dedicating land described in Schedule C for a public road also to close the land described in Schedule B.

3. If any person after the passing of this Act shall as to the piece or parcel of land described in Schedule A to this Act from the time of the passing of this Act and as to the piece or parcel of land described in Schedule B to this Act from the time of such dedication as aforesaid by the said Thomas Sutcliffe Mort of the said piece or parcel of land described in Schedule C to this Act institute and take any proceedings at law against the said Thomas Sutcliffe Mort his heirs or assigns with respect to any right easement or privilege in over or with respect to the said pieces or parcels of land mentioned and described in Schedules A and B to this Act it shall be lawful for the said Thomas Sutcliffe Mort his heirs and assigns to plead the general issue and give this Act in evidence under such issue.

Mr. Mort may plead general issue in actions brought against him in respect of the lands described in Schedules A and B and give this Act in evidence under such issue.

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After dedication of
the land in Schedule
C same to be a pub-
lic road.

4. Immediately upon and from and after such dedication as aforesaid by the said Thomas Sutcliffe Mort of the piece or parcel of land described in Schedule C to this Act to the uses and purposes of a road or way the same piece or parcel of land shall be and remain for ever independently of user or non-user for such purposes a public road or way and may be used by any and all person and persons body and bodies corporate as and for a public road or way and the sole control and management of the same as such public road or way shall be in and with the person or persons or body or bodies corporate from time to time and for the time being having the control and management of the roads ways and streets in the district in and of which such piece or parcel of land shall from time to time and for the time being be and form part.

Short title.

5. This Act may be cited as the "Waterview Patent Slip Act."

SCHEDULES.

SCHEDULE A.

PHILLIP-STREET—*Proposed to be closed.*

All that piece or parcel of land situate lying and being in the parish of Petersham in the county of Cumberland Colony of New South Wales and being portion of five hundred and fifty acres granted to William Balmain containing by admeasurement two roads thirty-one perches comprised in portion of Phillip-street in the town of Waterview Commencing on the north-east side of Bay-street at its intersection with the north-west side of said Phillip-street and bounded on the south-west by Bay-street bearing south forty-four degrees east thirty-three feet on the south-east by part of the north-west boundary of Mort's Dry Dock bearing north forty-seven degrees forty-five minutes east nine hundred and twenty feet on the north-east by a line bearing north-westerly thirty-four feet and on the north-west by part of the south-east boundary of section fifteen the property of T. S. Mort bearing south forty-seven degrees forty-five minutes west nine hundred and ten feet to the point of commencement be the said several dimensions more or less.

SCHEDULE B.

UNION ROAD—*Proposed to be closed.*

All that piece or parcel of land situate lying and being in the parish of Petersham in the county of Cumberland Colony of New South Wales and being portion of five hundred and fifty acres granted to William Balmain containing by admeasurement thirty-five perches comprised in portion of a road leading from Snail's Bay to Waterview Bay Commencing on the eastern side thereof ninety feet southerly from its intersection with the Ballast Point Road and bounded on the east by a line bearing south four degrees east one hundred and seventy-four feet to Waterview Bay dividing it from the property of T. S. Mort on the south by Waterview Bay westerly fifty feet on the west by the property of T. S. Mort and by a line bearing north four degrees west two hundred and ten feet to a point fifty-four feet distant from the Ballast Point Road and on the north-east by a line bearing south-easterly to the point of commencement be the said several dimensions more or less.

SCHEDULE C.

Hartley Vale Colliery Railway.

SCHEDULE C.

WATerview—*New Street proposed to be given.*

All that piece or parcel of land situate lying and being in the parish of Petersham in the county of Cumberland Colony of New South Wales and being portion of five hundred and fifty acres granted to William Balmain containing by admeasurement two roods twenty-five perches Commencing on the eastern side of a road seventy-five links wide leading from Snail's Bay to Waterview Bay at a point twenty-five feet southerly from its intersection with the Ballast Point Road and bounded on the north-east by the property of T. S. Mort by lines bearing south-easterly three hundred and thirty feet easterly one hundred and forty feet and thence by a curved line one hundred and sixty feet to Waterview Bay on the south by said bay westerly fifty feet on the south-west again by the property of T. S. Mort by a curved line one hundred feet thence bearing westerly one hundred and fifty feet and north-westerly two hundred and ninety feet and on the west by a line bearing north four degrees west sixty-five feet to the point of commencement be the said several dimensions more or less And also all that piece or parcel of land situate lying and being in the parish of Petersham in the county of Cumberland Colony of New South Wales and being portion of five hundred and fifty acres granted to William Balmain containing by admeasurement seven and a half perches Commencing at the intersection of the Ballast Point Road with a road seventy-five links wide leading from Snail's Bay to Waterview Bay and bounded on the east by last-named road bearing south four degrees east fifty-four feet on the south-west by a line bearing north-westerly to the Ballast Point Road dividing it from the property of T. S. Mort and on the north by that road bearing easterly to the commencing point be the said several dimensions more or less.
