

No. IV.

An Act to authorize the formation of Cleveland-street through certain lands in the City of Sydney and Borough of Redfern.

[25th June, 1874.]

CLEVELAND-STREET
FORMATION.

WHEREAS the formation of Cleveland-street through certain lands in the City of Sydney and Borough of Redfern between Blackwattle Swamp Creek and Abercrombie-place would be of great benefit to the inhabitants of the various Municipalities adjacent to the said street. And whereas such formation cannot be accomplished unless a portion of the said lands be resumed by Her Majesty for the purpose of dedicating the same as a street to form part and be a continuation of Cleveland-street as aforesaid. 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. The portion of land lying between Blackwattle Swamp Creek and Abercrombie-place in the City of Sydney and Borough of Redfern and more particularly described in the Schedule hereto is hereby resumed and the fee simple and inheritance thereof and all the estate and interest of every person therein are hereby vested in Her Majesty her heirs and successors for the purposes of this Act absolutely free from all trusts encumbrances rights-of-way easements and other rights whatsoever. And the portion of land so resumed shall be dedicated by the Governor with the advice of the Executive Council for the purpose of forming Cleveland-street between the points hereinbefore mentioned to the several Municipalities through which it passes subject to such terms and conditions as the Governor with the advice aforesaid shall prescribe in that behalf.

2. The owner of the land so resumed or any person claiming or entitled to any estate or interest therein shall be entitled as hereinafter mentioned to be paid by the Colonial Treasurer in consideration of such resumption and as compensation therefor such a sum as shall under

Resumption of land
between Blackwattle
Swamp Creek and
Abercrombie-place.

Compensation for
resumption.

Cleveland-street Formation.

under the enactments incorporated herewith as hereinafter declared be found by the inquiry assessment and verdict of a jury to be an equivalent for the loss or injury sustained by such owner or person as aforesaid in consequence of such resumption Provided always that in assessing such sum the said jury shall take into consideration in reduction of such compensation so to be assessed the enhancement in value of any adjoining land belonging to such owner or person as aforesaid by reason of the formation of the said street under the authority of this Act.

Incorporation of certain provisions of Roads Act 4 Wm. IV. No. 11.

3. It shall be lawful for the Governor with the advice of the Executive Council to nominate by writing under his hand any number of persons not exceeding five to be Commissioners for inquiring into and assessing the sum to which such owner or person as aforesaid is entitled under the provisions of this Act And such Commissioners shall proceed to make such inquiry according to the mode prescribed in the seventh ninth tenth and eleventh sections of the Act Fourth William the Fourth number eleven 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 such Commissioners shall for the conduct of such inquiry possess all the powers and authorities mentioned in the said sections applicable to the purposes of this Act and shall transmit by writing under their hands addressed to the Governor an abstract of their proceedings and the verdict of the jury as aforesaid And the provisions in such sections contained shall be incorporated with this Act and be read as forming part thereof.

Colonial Treasurer to pay compensation.

4. All moneys by this Act directed to be paid by the Colonial Treasurer shall be paid by warrant of the Governor upon the Treasury within one month next after the transmission of the proceedings and verdict to the Governor as aforesaid to the person entitled thereto or to his agent duly authorized in writing in that behalf but in every case the party claiming payment under the provisions of this Act in respect of any land resumed under the authority thereof shall be bound to make out a title to the said land or to the interest claimed by him therein to the satisfaction of the Secretary for Works Provided always that in the event of the person so entitled being under any of the disabilities of infancy coverture lunacy or absence beyond the seas it shall be lawful for the Colonial Treasurer to pay the amount to which such person is entitled under this Act to the persons and in the manner and subject so far as practicable to the provisions mentioned in the Government Railways Act twenty-second Victoria number nineteen And such payment shall be a full and effectual discharge to the said Treasurer in respect of the amount to which such person is entitled as aforesaid.

Exclusion of other claims remedies &c.

5. No compensation for land resumed under the authority of this Act shall be awarded and no claim or remedy of any person in respect of such land shall be allowed or entertained in any Court or by any person whomsoever otherwise than under the provisions of this Act and of the enactments herewith incorporated or herein referred to.

SCHEDULE.

Containing description of land forming part of William Chippendale's ninety-five acres grant resumed for the formation of Cleveland-street.

CITY of Sydney and Borough of Redfern parish of Alexandria Commencing at the intersection of Abercrombie-place and Eveleigh-road and bearing westerly (in continuation of Cleveland-street as now in use) to Blackwattle Swamp Creek a distance in length of about seven hundred and fifty feet by a width of sixty-six feet.