

MORT BAY
IMPROVEMENT.
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An Act to enable Mort's Dock and Engineering Company (Limited) to close certain streets through their property at Mort Bay and to establish new streets in lieu thereof. [2nd May, 1884.]

Preamble.

WHEREAS Mort's Dock and Engineering Company (Limited) a duly registered Company carrying on business at the head of Waterview or Mort Bay Balmain near Sydney is seised in fee of certain lands on which the works of the said Company are carried on including the several pieces and parcels of land respectively mentioned and described in Schedules A and B hereto And whereas the several pieces or parcels of land respectively mentioned and described in Schedules C and D hereto are now in use as roads or streets within the Borough of Balmain leading to public wharves used by the Balmain Steam Ferry and other boats and the said streets or roads intersect and

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and divide the said lands of the said Company and interfere to some extent with the free and profitable use and enjoyment of the said lands and increase of the said business. And whereas the said wharves are not conveniently situated for the use of the passengers by the said steamers and other boats in consequence of and the passage of the said steamers and boats is often impeded by the large and constantly increasing number of steam and other vessels resorting to the premises of the said Company for docking repair and other purposes. And whereas the closing of the said roads or streets would not create any public loss disadvantage or inconvenience if other roads or streets leading to the shores of the said Bay in the immediate neighbourhood of the said existing streets or roads were substituted for the same and wharves and proper approaches constructed and made for the landing of passengers. And whereas the Borough Council of Balmain as custodian of the said roads is willing to consent to the said existing road or street described in Schedule C being a portion of the continuation of Mort-street from the intersection of New John-street to the waters of Mort Bay being closed and the soil thereof vested in the said Company upon the said Company dedicating to the public and undertaking to form as a road the said piece or parcel of land described in Schedule A and to construct a convenient wharf at the junction of the said land with the waters of the said Bay with suitable approaches and waiting-rooms in connection therewith and the said Council is also willing to consent to the portion of the said existing road or street known as Yeend-street described in Schedule D being closed and the soil thereof vested in the said Company upon the said Company dedicating to the public and undertaking to form as a road the said parcel of land described in Schedule B hereto and to construct a convenient wharf with suitable approaches and waiting-rooms. And whereas the several parcels of land described in Schedules A and B hereto are in the immediate neighbourhood of the said existing roads or streets so proposed to be closed as aforesaid and would form more convenient and advantageous public roads or streets to the shores of the said Bay than the said existing roads or streets and the said Company is willing to substitute dedicate and form as roads or streets the said several pieces of land described in the said Schedules A and B in lieu of the said existing streets or roads and to construct and make for the public use suitable wharves and waiting-rooms in lieu of those now in use upon being permitted to close up and have the exclusive use and possession of the said pieces or parcels of land described in Schedules C and D hereto. And whereas it is greatly for the benefit of the public and especially of those owning land in the neighbourhood of the said existing streets or roads that every facility should be given for the extension of the works of the said Company. And whereas an Act of the Legislature is necessary for enabling and authorizing the said Company to close up and have the exclusive use and possession of the said pieces or parcels of land respectively described in Schedules C and D hereto. 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 Mort's Dock and Engineering Company (Limited) upon dedicating the piece or parcel of land described in Schedule A hereto to the use and purpose of a public road or street to close up and have the exclusive use and possession of the piece or parcel of land described in Schedule C hereto and to prevent all persons from coming on passing along or in any way using the same and the said piece or parcel of land shall thereupon become remain and be vested in the said

On dedication of land in Schedule A and land in Schedule C to vest in Company and existing road closed.

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said Mort's Dock and Engineering Company (Limited) for an estate in fee-simple free from all rights easements and privileges of any person then previously existing or claimed in upon or with respect to such piece or parcel of land.

Upon dedication of land in Schedule B land in Schedule D to vest in Company and road closed.

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

On dedication of land in Schedules A and B same to be public roads.

3. Immediately upon and from and after such dedication as aforesaid of the said several pieces or parcels of land described in the Schedules A and B hereto the same shall be and remain for ever independently of user or non-user for such purposes public roads and streets and the sole control and management of the same shall be in and with the persons for the time being having the control and management of the roads ways and streets in the district in and of which such pieces or parcels of land respectively shall form part.

Company to form roads and erect wharves and waiting-rooms.

4. The said Company shall within six months from the passing of this Act and before closing up either of the roads hereinbefore mentioned form and make as roads or streets the several pieces or parcels of land mentioned in Schedules A and B hereto and shall erect convenient wharves with approaches thereto and waiting-rooms for the convenience of the public and in default such works may respectively be done or continued as the case may be by or under the direction and to the satisfaction of the Borough Council of Balmain but at the expense of the said Company and the said Council may sue the said Company for the cost thereof in any Court of competent jurisdiction as money paid by the said Council at the request of the said Company.

Company may plead general issue to any proceeding.

5. If any action or suit or other legal proceedings shall be instituted or taken by any person against the said Company after the dedication by the said Company of the said several pieces or parcels of land as aforesaid in respect of the said pieces or parcels of land respectively described in Schedules C and D hereto or of any right easement or privilege in respect thereof it shall be lawful for the said Company and their assigns to plead the general issue and give this Act in evidence thereunder.

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SCHEDULES.

SCHEDULE A.

All that parcel of land situate in the Borough of Balmain parish of Petersham county of Cumberland and Colony of New South Wales being portion of the five hundred and fifty acres granted to William Balmain containing by admeasurement one rood and twenty-eight perches Commencing at the junction of the north-eastern side of New John-street with the south-eastern side of Mort-street and bounded on the southern side by a line bearing east thirteen degrees fifty-five minutes north three hundred and ten feet to the waters of Mort Bay thence by the waters of that bay bearing northerly about fifty-one feet thence by a line bearing west thirteen degrees fifty-five minutes south two hundred and one feet thence by a line bearing south forty-seven degrees thirty-three minutes west one hundred and five feet to the point of commencement Be the above-mentioned several dimensions a little more or less.

SCHEDULE B.

All that parcel of land situate in the Borough of Balmain parish of Petersham County of Cumberland and Colony of New South Wales being a portion of the five hundred and fifty acres granted to William Balmain containing by admeasurement twenty-four and one-third perches Commencing at the junction of the western side of Ronald-street with the waters of Mort Bay (formerly known as Waterview Bay) and bounded by a portion of the western boundary-line of said Ronald-street bearing northerly forty-five feet thence by a line bearing westerly two hundred and sixty-two feet to Yeend-street thence by a portion of the eastern side of that street being a curved line bearing southerly forty-eight feet thence by a line bearing easterly one hundred and eighty-seven feet thence southerly thirteen feet to said Mort Bay and from thence by the waters of that bay being a line bearing easterly fifty feet to the point of commencement.

SCHEDULE C.

All that portion of land situate in the Borough of Balmain parish of Petersham county of Cumberland and Colony of New South Wales being portion of the five hundred and fifty acres granted to William Balmain and which now forms the lower end of Mort-street containing by admeasurement twenty-six perches and three-quarters of a perch Commencing on the southern side of Mort Bay (formerly called Waterview Bay) and bounded on the northern side by the waters of the said bay bearing westerly fifty-five feet thence by a line bearing south forty-seven degrees thirty-two minutes west one hundred and seventy-one feet to the proposed new street thence by a portion of that street being a line bearing east thirteen degrees fifty-five minutes north one hundred and three feet thence by a line bearing north forty-seven degrees thirty-two minutes east one hundred and twenty-two feet to the point of commencement.

SCHEDULE D.

All that parcel of land situate in the Borough of Balmain parish of Petersham county of Cumberland and Colony of New South Wales being portion of Yeend-street containing by admeasurement fourteen perches and one-half perch Commencing at the junction of the eastern side of the said street with the waters of Mort Bay (formerly known as Waterview Bay) and bounded on the eastern side by land belonging to Mort's Dock and Engineering Company being a curved line bearing north and westerly sixty-five feet thence by a line bearing westerly one hundred and five feet dividing it from the other portion of Yeend-street on the west by land belonging to said Dock and Engineering Company being a curved line bearing easterly and southerly one hundred and twenty feet to the waters of said bay and from thence by the waters of that bay being a line bearing easterly fifty feet to the point of commencement be the said several dimensions a little more or less.