

MORT'S DOCK AND
ENGINEERING
COMPANY (LIMITED)
ENABLING.
—

An Act to enable Mort's Dock and Engineering Company (Limited) to close portions of certain streets at Mort Bay in the Borough of Balmain, being a portion of College-street and the north-east end of Mort-street, and to establish a new street in lieu thereof; and for other purposes connected therewith.
[23rd December, 1898.]

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 land on which the works of the said company are carried on, and the piece or parcel of land mentioned and described in Schedule A hereto: And whereas the several pieces or parcels of land respectively mentioned and described in Schedule B hereto, being portions of certain roads or streets within the borough of Balmain, known respectively as College-street and Mort-street, are now in use as roads or streets leading to a public wharf situate at the foot of Mort-street aforesaid, where the same abuts on the waters of the said bay: And whereas the whole of the land fronting or abutting upon said portions of roads or streets is owned by the said company subject only as regards part of the said land to a certain security created by an indenture dated the first day of January, one thousand eight hundred and ninety-six, and made between the said company of the one part, and

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and Kelso King and Edward William Knox of the other part: And whereas the said company is desirous, with the assent of the parties interested under the said indenture, to utilise certain portions of their said land for the purpose of extending the works and the dock accommodation of the said company, but are prevented from doing so by reason of the position of the said portions of streets or roads in relation to the existing works of the said company and the portions of land required to be so used: And whereas it would be of great advantage and convenience to the said company for the purpose of extending their works and affording further and improved dock accommodation of great public utility that the said company should be enabled to close up and have the exclusive use and possession of the said portions of the said roads or streets: And whereas the borough council of Balmain, as custodians of the said roads or streets, and of the said public wharf, is willing to consent to the said portions of College-street and Mort-street, described in Schedule B hereto, 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 or street the piece or parcel of land of the company described in Schedule A hereto for the purpose of connecting the portion of Mort-street still remaining open for public traffic with Thames-street, and also to erect at the foot of Thames-street a wharf and waiting-room for the convenience of the public and to the satisfaction of the said borough council in lieu of the said wharf now existing at the foot of Mort-street as aforesaid: And whereas the said company is ready and willing to substitute, dedicate, and form as a road or street the piece or parcel of land described in Schedule A hereto in lieu of the said portions of College-street and Mort-street, and to erect the said wharf and waiting-room at the foot of Thames-street as aforesaid upon being permitted to close up and have the exclusive use and possession of the said pieces or parcels of land described in Schedule B hereto: And whereas the closing of the said portions of College-street and Mort-street as aforesaid would not create any public loss, disadvantage, or inconvenience if the said piece or parcel of land described in Schedule A hereto were substituted, dedicated, and formed in lieu thereof as aforesaid, and the said wharf and waiting-room were erected at the foot of Thames-street as aforesaid: And whereas it is greatly for the benefit of the public that every facility should be given for the extension and improvement of the works and of the dock accommodation of the said company: And whereas an Act of the Legislature is necessary for enabling and authorising the said company to close up the said portions of College-street and Mort-street described in Schedule B hereto, and to have the soil and the exclusive use and possession of the said portions of the said streets vested in the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the

Legislative

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Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Vesting in company of land described in Schedule B and closing of existing road over same.

1. From and after the commencement 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 for the use and for the purpose of a public road or street, and upon erecting the wharf and waiting-room hereinafter mentioned, to close up and have the exclusive use and possession of the land described in Schedule B hereto, and to prevent all persons from coming or passing along, or in any way using the same, and the said pieces or parcels of land shall thereupon become, remain, and be vested in the said Mort's Dock and Engineering Company (Limited) for an estate in fee simple, free from all rights, easements, and privileges of any person or body corporate then previously existing or claimed in, upon, or in respect of such pieces or parcels of land.

On dedication of land described in Schedule A same to be a public road.

2. Immediately upon and from and after said dedication as aforesaid of the said piece or parcel of land described in Schedule A hereto, the said piece or parcel of land shall be and remain independently of user or non-user for such purposes a public road and street, and the sole control and management of the same shall be in and with the persons or body corporate for the time being having the control and management of the roads, ways, and streets in the district in and of which the said piece or parcel of land shall form part.

Company to form road and erect wharf and waiting-room.

3. The said company before closing up either of the said portions of roads or streets hereinbefore mentioned and described in Schedule B hereto shall form, make, and complete as a road or street, with foot-paths, kerbs, and gutters, to the satisfaction of the borough council of Balmain, the piece or parcel of land described in Schedule A hereto, in substitution for and in lieu of such portions of the said roads or streets as aforesaid; and shall also to the satisfaction of the said borough council erect a wharf and waiting-room, for the convenience of the public, at the foot of Thames-street, Balmain, where the same abuts upon the waters of the said bay.

Company may plead general issue to any proceeding.

4. If any action or suit or other legal proceeding shall be instituted or taken by any person or body corporate against the said company after the dedication by the said company of the said piece or parcel of land as aforesaid in respect of the said pieces or parcels of land described in Schedule B hereto, or of any right, easement, or privilege in respect thereof, or in respect of anything done in the exercise of the power hereby conferred to erect the said wharf and waiting-room as aforesaid, 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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5. The said indenture of the first day of January, one thousand eight hundred and ninety-six, shall be read as altered in accordance with this Act, and shall for all purposes, until discharged, be held to be a valid security.

Indenture of
1 January, 1896, to
be a valid security.

6. Notwithstanding anything in this Act contained it shall be lawful for Flora Rodger, wife of James Rodger, now of number seventy-two, Mort-street, Balmain, near Sydney, in the Colony of New South Wales, engineer, her executors, administrators, and assigns, to sue the said company for and recover from the said company compensation for the injury or loss (if any) suffered by her or them in respect of her or their right, title, and interest in or to the land described in Schedule C hereto by reason of the exercise by the said company of any of the powers conferred by this Act at any time within a period of twelve months from the exercise of the said power.

Power to Flora
Rodger to sue.

7. This Act may be cited as the "Mort's Dock and Engineering Company (Limited) Enabling Act of 1898."

Short title.

SCHEDULES.

SCHEDULE A.

All that piece or parcel of land situate in the borough of Balmain, parish of Petersham, county of Cumberland, Colony of New South Wales, being portion of the land of said company lying between Mort and Thames streets in said borough, containing by admeasurement 1 rood 6·50 perches more or less: Commencing on the south side of Mort-street at a point distant easterly from Trouton-street one hundred and fifty-two feet, and bounded on its south and south-west by a curved line bearing east and south-east twenty-three feet eight inches; thence by a straight line bearing south-easterly one hundred and seventy-nine feet; thence by a curved line bearing south-easterly and south-westerly thirty feet nine inches to a point in north-east boundary-line of Thames-street, distant one hundred and thirty-six feet north-easterly from Trouton-street aforesaid; thence by said boundary-line of Thames-street bearing north-easterly two hundred and ten feet to the reclamation line at Mort's Bay; thence by that line bearing north-westerly twenty-four feet; thence by a line bearing south-westerly parallel to, and twenty-one feet from, said Thames-street ninety-six feet; thence by a curved line bearing south-westerly and north-westerly fifty-seven feet; thence by a straight line bearing north-westerly one hundred and five feet to a point in south side of said Mort-street; and from thence by that side of Mort-street bearing westerly eighty-six feet, to the point of commencement.

SCHEDULE B.

All that piece or parcel of land situated in the borough of Balmain, parish of Petersham, county of Cumberland, Colony of New South Wales, being a portion of College-street in said borough, containing by admeasurement 1 rood and 12·6 perches more or less: Commencing at the junction of the south-east boundary-line of said College-street with the north-east side of Cameron-street, and bounded on its south-east side by said boundary-line bearing north-easterly one hundred and ninety feet to the bend

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bend there; thence easterly two hundred and ten feet to a point in north-west side of a right-of-way into Trouton-street; thence north-easterly to and across end of Trouton-street thirty-eight feet to its junction with the north-east side of Trouton-street; thence north-westerly eighteen feet to the angle formed with the north boundary-line of said College-street; thence by that boundary-line bearing westerly two hundred and forty-four feet to the bend there; thence south-westerly one hundred and ninety-eight feet to the north-east side of Cameron-street aforesaid; and from thence by that side of Cameron-street bearing south-easterly thirty-three feet, to the point of commencement.

And also all that piece or parcel of land situate in the borough of Balmain, parish of Petersham, county of Cumberland, Colony of New South Wales, being a portion of the lower end of Mort-street in said borough, containing by admeasurement 23·23 perches more or less: Commencing on the north side of said Mort-street at a point distant easterly from Trouton-street one hundred and ninety-one feet, and bounded on its south and south-west by a curved line bearing east and south-east sixty feet three inches; thence by a straight line bearing south-easterly forty-three feet to a point in south boundary-line of said Mort-street; thence by that line bearing easterly twenty-six feet to the angle there; thence north-easterly eighty-eight feet to the reclamation line Mort Bay; thence by that line bearing north-westerly fifty feet to its north-west boundary-line; thence south-westerly sixty-six feet to the angle there; and from thence westerly ninety-three feet, to the point of commencement.

SCHEDULE C.

All that parcel of land situate in the borough of Balmain, parish of Petersham, county of Cumberland, and Colony of New South Wales, being lot three of the subdivision of the southern portion of the two roads thirty-five perches block between Trouton-street (formerly known as John-street) and Mort Bay (formerly known as Waterview Bay), conveyed by the late Mr. T. S. Mort to Mort's Dock and Engineering Company, as shown on plan in possession of the said company: Commencing on the southern side of the new-made portion of Mort-street, at a point distant easterly eighty-six feet from Trouton-street; and bounded on the north by a portion of the said side of Mort-street bearing easterly thirty-three feet to lot four; thence by the western side of that lot bearing southerly one hundred and seventeen feet to a right-of-way twelve feet wide; thence by the north-western side of that right-of-way bearing south-westerly twenty-five feet to Trouton-street; thence by a portion of the north-eastern side of that street bearing north-westerly twenty-two feet six inches to lot two; and from thence by the eastern side of that lot bearing northerly one hundred and seventeen feet to the point of commencement,—be the said several dimensions a little more or less.
