

An Act to close and abolish Terrace-street leading from Flagstaff View street, North Sydney, to and bounded by lands of Tom Burton Dibbs and Edward Ainsworth Gaden (as trustees), and to vest the said Terrace-street in the said Tom Burton Dibbs and Edward Ainsworth Gaden (as such trustees). [1st December, 1899.]

TERRACE-STREET
CLOSING.

WHEREAS a certain blind roadway known as Terrace-street, Preamble. described in the Schedule hereto, and shown by the plan at foot hereof, is bounded along the whole length of its two sides and at one end by the lands shown on the said plan, which are vested in the said Tom Burton Dibbs and Edward Ainsworth Gaden, under and upon the trusts of a certain indenture of settlement, dated on or about the sixteenth day of August, one thousand eight hundred and eighty-seven, and made between Thomas Allwright Dibbs of the one part and the said Tom Burton Dibbs and Edward Ainsworth Gaden of the other part: And whereas the said Terrace-street does not lead to and is not bounded by any property other than that of the said Tom Burton Dibbs and Edward Ainsworth Gaden as aforesaid, and is of no use to the public: And whereas the Municipal Council of the Borough of North Sydney is willing to consent to the said Terrace-street being closed and the soil thereof vested in the said Tom Burton Dibbs and Edward Ainsworth Gaden for an estate in fee simple in possession upon

Terrace-street Closing.

and subject to the trusts of the said indenture of settlement, upon the said Tom Burton Dibbs and Edward Ainsworth Gaden paying to the said borough council a sum of one hundred and fifty pounds for the benefit and use of the ratepayers of the said Borough of North Sydney, and to be applied and used for the same purposes as those for which the ordinary rates and revenue of the said Borough of North Sydney are applied and used: 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:—

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

1. From and after the commencement of this Act and on the payment of the sum of one hundred and fifty pounds by the said Tom Burton Dibbs and Edward Ainsworth Gaden to the Municipal Council of the Borough of North Sydney, it shall be lawful for the said Tom Burton Dibbs and Edward Ainsworth Gaden to close up the blind roadway known as Terrace-street, described in the Schedule hereto, and shown by the plan at foot hereof, and it shall be further lawful for the said Tom Burton Dibbs and Edward Ainsworth Gaden, as such trustees as aforesaid under the said indenture of settlement, their heirs, executors, administrators, and assigns, and for the trustees and trustee for the time being of the said indenture of settlement, and for all persons now or hereafter entitled or beneficially interested under the said indenture of settlement, to have the exclusive use and possession of the said land described in the Schedule hereto, and to prevent all persons from coming or passing along or in any way using the same, and the said last-mentioned land shall upon the payment of the said sum to the said borough council as aforesaid become, remain, and be vested in the said Tom Burton Dibbs and Edward Ainsworth Gaden as such trustees as aforesaid, and in their heirs, executors, administrators, and assigns, for an estate in fee-simple in possession but subject to the trusts of and for the use and benefit of the persons now or hereafter to be entitled under the said indenture of settlement, and free from all rights, easements, and privileges of any person or body corporate then previously existing or claiming in, over, upon, or in respect of the said land.

General issue may
be pleaded to any
proceeding.

2. If any action or suit or other legal proceeding shall be instituted, issued, or taken by any person or body corporate against the said Tom Burton Dibbs and Edward Ainsworth Gaden, or either of them, or the trustees or trustee for the time being of the said indenture of settlement, or any person now or hereafter claiming or entitled thereunder (after the payment of the said sum of one hundred and fifty pounds to the said borough council) in respect of the said land described in the Schedule hereto, or of any right, easement, or privilege in respect thereof, or in respect of anything done in the exercise of the powers hereby conferred, it shall be lawful for the said Tom Burton Dibbs

Dibbs

Fisher Trusts Declaratory.

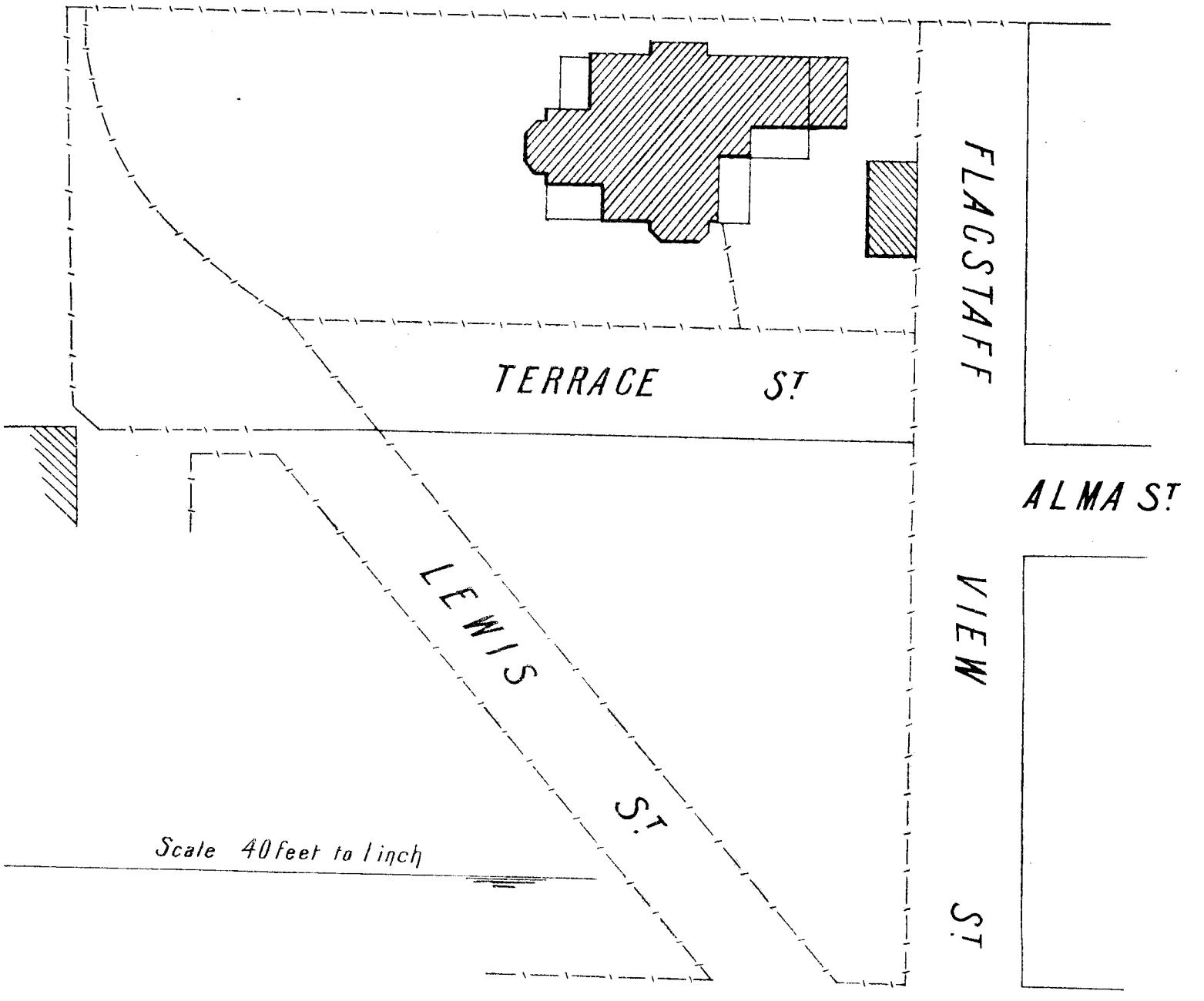
Dibbs and Edward Ainsworth Gaden, their successors and assigns, and the said trustees or trustee and persons aforesaid, to plead the general issue, and give this Act in evidence thereunder.

3. This Act may be cited as the "Terrace-street Closing Act of short title, 1899."

THE FOLLOWING IS THE SCHEDULE ABOVE REFERRED TO.

All that piece or parcel of land situated in the borough of North Sydney, in the parish of Willoughby, county of Cumberland and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less, containing by admeasurement seventeen and a quarter perches more or less, and comprising the site of Terrace-street, aligned on the twenty-sixth day of August, one thousand eight hundred and seventy-eight, Government Gazette, page three thousand four hundred and sixty-nine: Commencing at the intersection of the southern building-line of Flagstaff View street with the western building-line of Terrace-street; and bounded thence on the north by part of the southern building-line of Flagstaff View street bearing eighty-nine degrees nineteen minutes thirty feet; thence on the east by the eastern building-line of Terrace-street bearing one hundred and seventy-nine degrees fifty-four minutes one hundred and forty-four feet ten inches; thence on the south-east by the south-eastern building-line of Terrace-street bearing two hundred and twenty-eight degrees forty-eight minutes thirty-nine feet nine and a half inches; and thence on the west by the western building-line of Terrace-street bearing three hundred and fifty-nine degrees fifty-four minutes one hundred and seventy feet eight inches, to the point of commencement.

PLAN REFERRED TO.



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