

No. II.

An Act to facilitate the communication between SYDNEY ABATTOIRS. the Abattoirs and Sydney. [4th July, 1860.]

WHEREAS it is expedient to facilitate the line of communication Preamble.
between the Abattoirs on Glebe Island and the City of Sydney
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 Governor with the advice of the Executive Council may Power to make Road described.
for the purpose of completing the line of communication between the
said Abattoirs and the said City forthwith enter upon with the consent
of the present holders thereof in fee whether for an absolute estate or
upon any trusts the whole of the several lands comprised within the
area contained in the Road set forth and described in the Schedule
hereto and may open and in due form declare the said Road to be a
Public Road for all purposes of a Public Road Provido. Provided that as to
any such land held in trust for any infant or other person under any
legal disability it shall be lawful for any trustee thereof to give such
consent in writing under his hand addressed to the Colonial Secretary
and that if within fourteen days after receipt of a written request
from such Secretary he shall neither so consent nor in like manner
declare

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declare his refusal to consent such trustee shall be held in law to have given such consent and whether so consenting or not so refusing to consent he shall stand indemnified against all liability and claim in respect thereof to any such infant or other person Provided also that if any such infant or other person under legal disability as aforesaid shall within one year next after the removal of such disability feel dissatisfied with the compensation provided by this Act and shall within such period of one year give or cause to be given notice in writing to the Colonial Treasurer claiming further compensation such claim for further compensation shall be determined in the Supreme Court by an action for damages to be brought by the claimant against the Colonial Treasurer or upon an issue agreed to by the claimant and the Colonial Treasurer And in such action or special case it shall be determined whether the claimant was at the time of such entry upon such lands as aforesaid entitled to any and if any what amount of compensation over and above the compensation provided by this Act And in every such action it shall be lawful for the Colonial Treasurer to plead in bar any tender which may have been made on paying into Court in the usual way according to the practice of the Court the amount of the money tendered or to pay money into Court and plead such payment in bar of the further maintenance of the action and whichever party shall succeed in such action or special case shall be entitled to costs to be awarded and recovered according to the practice of the Court Provided that the Colonial Treasurer shall be reimbursed out of the Consolidated Revenue of the Colony all moneys which he may pay or incur for or in respect of damages or costs in any such action or special case.

Substituted compensation to landowners for Abattoir Road.

2. By way of compensation to such holders of the said lands but subject to the proviso last aforesaid the Governor with the like advice may by an instrument in writing under his hand and the Seal of the Colony grant to such holders authority to fill in and reclaim the land below high-water mark adjoining their own land respectively whether held absolutely or upon any trusts as aforesaid to an extent equal to the intended width of the said road (that is to say thirty-three feet) and like authority to erect thereon or thereover any wharves or jetties and may grant in fee simple to such holders either absolutely or upon like trusts as the case may be the land so reclaimed.

Short title.

3. This Act shall be styled and may be cited as the "Abattoir Road Act of 1860."

SCHEDULE.

DESCRIPTION of a Road thirty-three feet wide extending from the Pymont Bridge Company's line of road Pymont City of Sydney and Parish of Saint Andrew to Ballast Point also in the Parish of Saint Andrew.

Commencing at a point on the Pymont Bridge Company's line of road at its intersection with a street called Jones-street and continuing along Jones-street to its junction with Crescent-street thence along Crescent-street to its intersection with Millar-street extending thence in a north-westerly direction north seventy-eight degrees thirty minutes west for a distance of seven hundred and sixty feet forming part of a street called Bank-street and being continued round the headland in a curved line for a distance of about seven hundred and thirty feet to a point commonly called Ballast Point and bounded on the west and south-west sides by the high-water mark of Johnson's and Blackwattle Bay The centre line of road throughout is marked with a lock spit or trench having stakes driven at distances of one hundred feet apart.
