



ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1877.

Private Act.

An Act to authorise the construction, maintenance, and working of a Dock on part of Sections Nos. 2112 and 704 at Port Adelaide, and for other purposes.

[Assented to, 21st December, 1877.]

WHEREAS the Honorable Joseph Fisher, of near Mitcham, in the Province of South Australia, a Member of the Legislative Council, the Honorable Philip Santo, of Clapham Park, in the said Province, a Member of the Legislative Council, the Honorable John Crozier, of Oaklands, in the said Province, a Member of the Legislative Council, William Henry Charnock, of Adelaide, in the said Province, merchant, John Webster, of Adelaide, aforesaid, merchant, Henry Simpson, of Adelaide, aforesaid, merchant, Thomas Allsop Brock, of Port Adelaide, in the said Province, Esq., William Henry Bayley, of Port Adelaide, in the said Province, Esq., William Urquhart, of Adelaide, in the said Province, Esq., Charles Lennox Gardiner, of the Semaphore, in the said Province, Esq., and David Reid, of Port Adelaide, in the said Province, Esq., hereafter called the promoters, are possessed of or entitled to certain land, part of Sections Nos. 2112 and 704, situate at or near Port Adelaide, in the Province of South Australia, and are desirous of constructing, maintaining, and working a dock for receiving and berthing ships on part of such land: And whereas for the purpose of gaining more convenient access to the dock so proposed to be constructed, it is desirable to alter the course of a certain public creek running through part of Section No. 2011 at Port Adelaide aforesaid, now the property of the South Australian Company, of No. 4, New Broad-street, London: And whereas a map or plan, hereinafter called the said plan, signed by the said the Honorable Joseph Fisher and

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and the said Charles Lennox Gardiner, on behalf of “the promoters,” and countersigned by Harold Mayo Addison, of Adelaide, Licensed Surveyor, showing the present course of the said public creek, and the alteration proposed to be made as aforesaid, has been deposited in the Survey Office at Adelaide: And whereas, an amended map or plan has been prepared, signed by the Honorable William Morgan, showing the course of the said public creek through Section No. 2112, and the alteration proposed to be made therein, has been also deposited in the Survey Office, at Adelaide: And whereas great advantage would result to the public from the construction, maintenance, and working of such dock, but the said promoters are unable, without the authority of Parliament, to alter the course of the said public creek and obtain convenient access to the said proposed dock: And whereas it is therefore expedient to alter or authorize the alteration of the course of the said public creek—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Short title.

1. This Act may for all purposes be cited as “The Port Adelaide Dock Act.”

Construction.

2. In the construction of this Act the words “the promoters” shall include the persons named in the Preamble hereto, their heirs and assigns.

Alteration of course of creek running through the South Australian Company's dock.

3. The course of the said public creek running through part of Section No. 2011, at Port Adelaide, as shown in the said plan, shall be altered as follows, that is to say—

- i. All those pieces of land covered with water (being part of the present course of the said creek), delineated in the said plan and therein colored green, except a small part thereof marked with the letter C in the same plan, shall be and become the property of the said the South Australian Company, and an estate in fee simple thereof shall be and is hereby vested in the said The South Australian Company and their successors:
- ii. All those pieces of land covered with water (being part of the present course of the said creek) delineated in the said plan, and therein colored blue, shall continue and be part of the bed or course of a public navigable creek:
- iii. All those pieces of land, and all those pieces of land covered with water, delineated in the said plan, and therein colored pink, shall be and become part of the bed or course of a public navigable creek, and the said The South Australian Company shall cease to have any estate, right, title, or interest therein or thereto, or to any part or parcel thereof:
- iv. All that piece of land at present forming part of the road dividing the said Section No. 2011 from the said Section No.

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- 2112 (being the continuation of St. Vincent-street), delineated in the said plan, and therein colored brown and marked A A, shall be and become part of the bed or course of a public navigable creek :
- v. All those two pieces of land delineated in the said plan and therein colored brown (being part of the present course of the said creek) and therein marked D D, shall be and become public roads ; and an estate in fee simple thereof shall be and is hereby vested in the said The South Australian Company and their successors :
- vi. All that small piece of land covered with water, delineated in the said plan and therein colored green and marked C (being part of the present course of the said creek), shall be and become the property of the promoters ; and an estate in fee simple thereof shall be and is hereby vested in the said promoters :
- vii. All that piece of land covered with water, delineated in the said plan and therein colored brown and marked B (being part of the present course of the said creek), shall be and become or form part of the public road dividing the said Section No. 2011 from the said Section No. 2112 :
- viii. All that piece of land being part of the present bed or course of the said creek which lies within the boundaries of the said Section No. 2112, or which is delineated in the plan drawn in the margin of the land grant of the said Section No. 2112, as being part of the present bed or course of the said creek, shall be and become the property of the promoters, and an estate in fee-simple thereof shall be and is hereby vested in the said promoters.
4. The promoters may excavate and deepen the course of the said public navigable creek as fixed by this Act from one end to the other end thereof to such depth as they may think necessary so as to enable ships and vessels to gain access to the docks proposed to be constructed as aforesaid.
5. The said promoters shall, before excavating or removing any soil from that piece of land heretofore forming part of the public road dividing the said Section No. 2011 from the said Section No. 2112, marked in the said plan with the letters A A, fill up with earth to the present level of the surrounding ground that piece of land covered with water heretofore part of the bed or course of a public creek marked in the said plan with the letter B.
6. The promoters shall before the said dock is opened for the use of ships, erect, and thereafter maintain, and keep in repair, for the use of the public, over that part of the course of the said navigable creek as altered by this Act, where such creek crosses the public road or street lying between or separating the said
- Section

Promoters may excavate course of creek as altered.

Promoters to fill up old creek where it crosses St. Vincent-street before they deepen new creek.

Promoters to erect and maintain a swing-bridge in St. Vincent-street.

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Section No. 2011 from the said Section No. 2112, a swing bridge, together with all works and machinery necessary for the proper working of such bridge, and such bridge shall be of the width of thirty feet at least, and shall be always kept shut for the use of the public, except during such times as ships shall be in the course of passing into or out of the said dock, or the said swing bridge shall be otherwise open for the purposes of working the said dock.

Act to cease and determine if the proposed dock not completed within five years.

7. If the said proposed dock shall not be completed within five years from the passing of this Act, the rights and privileges conferred upon the promoters by this Act shall be utterly null and void.

Persons whose land is injuriously affected entitled to compensation.

8. The owner of any land or of any estate or interest therein which may be injuriously affected by the prosecution of the undertaking authorized by this Act shall be entitled to claim compensation from the promoters, and for the purpose of assessing such compensation the Lands Clauses Consolidation Act shall be deemed to be incorporated herewith.

Saving rights.

9. Nothing herein contained shall affect any right, title, or interest of Her Majesty, Her heirs, or successors (save as is herein expressly set forth).

Public Act.

10. This Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.