ANNO QUINQUAGESIMO ET QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1887.

Private Act.

An Act to authorise the Port Adelaide Canal Company, Limited, to alter the course of the Tam o’Shanter Creek, and for other purposes.

[Assented to, December 9th, 1887.]

WHEREAS a certain joint-stock Company has been lately formed and registered under the provisions of the “Companies Act, 1864,” and the various Acts amending the same, under the name or style of the “Port Adelaide Canal Company, Limited”: And whereas the said Company is the owner of nearly all the land on both sides of a certain public creek, or waterway, called Tam o’Shanter Creek, which said creek is navigable at high water, and lies between part of section 2112 (on the north) and sections 1130 and 1131 (on the south), all which said sections are in the Hundreds of Port Adelaide and Yatala, situate in or near Port Adelaide, in the Province of South Australia: And whereas the course of the said Tam o’Shanter Creek is tortuous and winding, and it would be of great public advantage to authorise the altering and straightening of the course of the said creek: And whereas the said Port Adelaide Canal Company is desirous, at its own expense, of altering and straightening such course: And whereas a plan and sections signed by R. C. Baker and Francis J. Fisher, two of the Directors of the said Company, and sealed with the seal of the said Company, showing the present position of the course of the said creek, and the alterations in such course which the said Company are desirous of making, has been deposited in the Survey Office, at Adelaide: And whereas the said Company is unable, without the authority of Parliament, to make such alterations: And whereas it is therefor expedient to authorise the said Company to make such alterations and
50° & 51° VICTORIÆ, PRIVATE ACT.

The Port Adelaide Canal Act.—1887.

Enactment.

and to give and grant all such rights, powers, authorities, titles, privileges, sanctions, and things as are necessary or expedient to be given or granted, in order to give effect to such authority—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. This Act may be cited as the "Port Adelaide Canal Act."

2. In the construction of this Act the words "old course of the said Creek" or "old course of Tam o'Shanter Creek" shall mean the course of the said creek as already existing, the position of which is shown in the said plan, the words "new course of the said creek" or "new course of Tam o'Shanter Creek" shall mean the course of the said creek as fixed and defined by this Act.

3. The old course of the said creek shall be altered as follows, that is to say:—The old course of the said creek shall cease to be the course of such creek, save so far as such portion hereof is included in and forms part of the new course of the said creek, and a new course shall be opened in lieu thereof, the position and depth of which said new course are shown and delineated in the said plan and sections, and such new course shall be and become the course of Tam o'Shanter creek in lieu of the old course.

4. The following alterations and changes in the ownership of the block of land hereinafter mentioned shall be and are hereby declared to have been made—

1. All those two pieces or parcels of land, sometimes covered with water (forming part of the bed of the old course of the said creek), delineated in the said plan and colored blue and marked XXXX, shall continue to be and remain part of the bed of the course of the said creek, and shall continue to be and remain vested in Her Majesty, Her heirs and successors, subject to the use of the same by the public as a public creek or waterway:

2. All those two pieces or parcels of land delineated in the said plan and therein colored dark blue and marked CC, and all those four pieces or parcels of land delineated in the said plan and therein colored light blue and marked YYYY, shall cease to be vested in or to belong to the said Port Adelaide Canal Company, Limited, and shall be and are hereby surrendered to Her Majesty, Her heirs and successors, to the intent that the same shall be and become parts of the bed of the new course of Tam o'Shanter Creek, and the same are hereby declared to be and to have become parts of the bed of a public navigable creek or waterway; and the said Port Adelaide Canal Company shall cease to have any right, title, or interest therein, or thereto, except the right in
in common with others of Her Majesty’s subjects, to use the same as forming part of the bed of a public navigable creek or waterway, and of dredging in and over, and sheet-piling along the banks of the same, as hereinafter mentioned:

3. The two pieces or parcels of land delineated in the said plan, and therein colored dark blue, and marked OO, shall be and become parts of the bed of the course of the Port Adelaide River, and shall and are hereby declared to be and have become parts of the bed of a public navigable creek or waterway: Provided always that the Port Adelaide Canal Company, Limited, shall continue to have and retain all such rights, titles, and interests therein and thereto as shall not be inconsistent with the rights of the public to use such pieces or parcels of land as parts of the bed of the course of a public navigable creek or waterway:

4. All those seven pieces or parcels of land delineated in the said plan, and therein colored green, and marked AA, BB, DDD (which said pieces or parcels of land are now vested in Her Majesty, Her heirs and successors, subject to the rights of the public to use the same as public roads), shall be and are hereby declared to be closed as public roads, and the rights of the public to use the same as public roads are hereby declared to have ceased and determined:

5. The said two pieces or parcels of land marked BB shall continue to be and remain vested in Her Majesty, Her heirs and successors, but are hereby declared to be and to have become parts of the bed of the new course of Tam o’Shanter Creek, and shall be and become part of the bed of the course of a public navigable creek or waterway:

6. The said two pieces or parcels of land marked AAA shall and are hereby declared to be vested in the Corporation of the town of Port Adelaide, their successors and assigns, for an estate in fee simple, free from encumbrance:

7. The said three pieces or parcels of land marked DDD shall and are hereby declared to be vested in the Port Adelaide Canal Company, Limited, their successors and assigns, for an estate in fee simple, free from encumbrances:

8. All those two pieces or parcels of land delineated in the said plan, and therein colored pink, and marked EE, shall and are hereby declared to be surrendered to Her Majesty, Her heirs and successors, to the intent that the same shall be and become public roads, and the same are hereby declared to be and to have become public roads:

9. All that piece of land delineated in the said plan and therein colored yellow, and marked “H, to be exchanged for Corporation Block,” shall and is hereby declared to be vested in the Corporation of the town of Port Adelaide, free from encumbrances:

10. All
10. All that piece of land marked with the words "Present Corporation," colored sepia, and all those four pieces or parcels of land delineated in the said plan and therein colored sepia, and marked ZZZZ (which said pieces or parcels of land now form part of the bed of the old course of Tam o' Shanter Creek), shall cease to be part of the bed of the said Tam o' Shanter Creek, and all the rights of the Corporation of Port Adelaide and the public therein or thereunder shall cease and determine, and such pieces or parcels of land shall and are hereby declared to be vested in the Port Adelaide Canal Company, Limited, their successors and assigns, for an estate in fee simple, free from encumbrance:

11. All that piece or parcel of land delineated in the said plan and therein colored green, and marked F (which said piece or parcel of land is portion of section 1130, situate partly in the Hundred of Port Adelaide and partly in the Hundred of Yatala), shall and is hereby declared to be vested in George W. Smith and John Elston, for an estate in fee simple, free from encumbrance, as tenants in common:

12. All that piece or parcel of land delineated in said plan, and therein colored mauve, and marked part Block K, shall and is hereby declared to be vested in William White, of Stirling West, landowner, for an estate in fee simple, free from encumbrance:

13. The red lines drawn and delineated on the said plan shall and are hereby declared to be the true and proper boundaries of the new course of Tam o' Shanter Creek and of the Port River respectively, so far as such lines are drawn and delineated in the said plan.

5. After deepening new channels in accordance with plan and sections, land grants from the Crown shall be granted and issued by the Governor of any land which is now vested in the Crown to which it is declared by this Act that any corporation, company, or person is entitled to an estate in fee simple; and whenever it is declared by this Act that the fee simple of any land which has been granted by the Crown shall be vested in any corporation, company, or persons not now the owners of such land, the Registrar-General of the Lands Titles Office shall (if such land is under the provisions of the "Real Property Act") cancel the existing land grants and certificates of title of such land and issue new certificates of title in lieu thereof, in accordance with the provisions of this Act, to the corporation, company, or persons entitled thereto; and all land grants, certificates of title, or other documents evidencing title shall be granted by the Crown or issued by the Registrar-General in accordance with the angles, measurements, and other details contained in the said plan deposited as aforesaid; but the title of William White to the land hereinbefore referred to shall be granted to him immediately upon the passing of this Act, and upon surrender of his existing title.
6. The Port Adelaide Canal Company, Limited, their successors or assigns, may, from time to time, excavate and remove soil from the bed of the new course of the said creek from one end to another thereof, and may deepen the channel of such new course to such further depth than that shown on deposited section, as they may think necessary or expedient in order to enable such new course to be used by ships or barges, and to give access to any wharves which may be constructed along the banks of such course; and may sheetpile and otherwise secure such banks, and may make wharves along the boundaries of such course, where the same abuts upon the Company’s land, and of any land which may be vested in such company; and such sheetpiling, wharves, or other materials used to preserve such banks may be erected with a slope of not greater than one in three, and may project into the course of the said creek so as to obtain such slope: Provided always that the course of the said creek shall be (160) one hundred and sixty feet wide at least at high-watermark.

7. The works shown in the plans and hereby authorised shall be completed within three years, and all further works authorised by the Bill shall be completed within seven years, or within such further time, not exceeding three years, as the Governor may, by Proclamation, allow; and, if such works are not completed within the time aforesaid, all powers hereby granted shall cease, except as to such parts of the works as shall then be completed.

8. During the construction of the works hereby authorised, the Company shall not close the old course of the said creek for a period or periods exceeding three months in the aggregate.

9. The Corporation of the town of Port Adelaide, their successors or assigns, or the Port Adelaide Canal Company, Limited, their successors or assigns, may construct and erect, maintain, and from time to time renew, alter, and repair a draw or swing bridge over that portion of the new course of the said creek which is marked B in the said plan, and therein colored green, and which is enclosed between the continuation in a southerly direction of the boundary lines of Church-street, in Port Adelaide: Provided that such draw or swing bridge shall be so constructed, kept, and maintained as to offer as little obstruction as possible to the navigation of the new course of the said creek.

10. The sum of Eighty-seven Pounds Five Shillings deposited with the Treasurer of the said province, in pursuance of the Thirty-fourth Standing Order of the Legislative Council relating to Private Bills, shall be returned to the said Port Adelaide Canal Company, Limited, their successors or assigns, on the completion of the works hereby authorised to be completed within three years.

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

12. 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. C. F. ROBINSON, Governor.