ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1882.

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Private Act.

An Act to authorise "The Ocean Dock Company, Limited," to construct, maintain, and work a Dock for receiving and berthing ships on lands of the Crown covered with water, situated near the Port Adelaide Lighthouse, at the Outer Bar, and for other purposes.

[Assented to, November 17th, 1882.]

WHEREAS great public advantage would arise from the construction, maintenance, and working of a dock for receiving and berthing ships on lands of the Crown covered with water, situated near the Port Adelaide Lighthouse, at the Outer Bar: And whereas a Joint-Stock Company has been lately registered and incorporated under "The Companies Act, 1864," by the name of "The Ocean Dock Company, Limited," with the objects, amongst others, of constructing, maintaining, and working such dock, and obtaining an Act of the Parliament of the Province of South Australia for empowering and better enabling the Company to carry out its objects: And whereas a ground plan, showing the position of the said dock, was, on the nineteenth day of June, one thousand eight hundred and eighty-two, deposited in the office of the Surveyor-General in Adelaide: And whereas plans have since been deposited in the said office showing the mode in which it is proposed to construct the said dock: And whereas the said Company is willing, at its own expense, to construct, maintain, and work the said dock, and to make approaches thereto, but the authority of Parliament is requisite to enable the Company so to do, and it is desirable to confer on the Company all rights, powers, privileges, and immunities necessary or convenient for the construction, maintenance, and working of such
such dock, and making approaches thereto—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:

The Ocean Dock Act.—1882.

1. This Act may be cited for all purposes as "The Ocean Dock Act, 1882."

2. The said Company may make, construct, maintain, and work, in accordance with the plans so deposited in the office of the Surveyor-General, at Adelaide, a dock for receiving and berthing ships on the lands of the Crown covered with water described in the Schedule hereto, with all necessary and proper wharves, jetties, quays, machinery, sewers, roads, streets, buildings, houses, and all other works and things of any and every description in connection therewith, and may make, dredge, and excavate, by such ways and means and in such manner as may be necessary, the channel shown on the said plans, and all other channels and approaches to the said dock necessary for the more complete use thereof, and may from time to time dredge, excavate, and remove silt, earth, and all other materials necessary to be dredged, excavated, or removed for any of the purposes aforesaid, and for deepening and keeping deepened the said dock, and making approaches and channels thereto, and for keeping the same and every part thereof at all times open and available, and for such other purposes as may be deemed advisable; Provided that no silt, earth, or other materials raised or dredged shall be deposited in any place not sanctioned by the Marine Board.

3. The said Company may demand and take for receiving and berthing ships, and for wharfage and other dues, such tolls and charges as such Company may from time to time determine, but so that such tolls and charges shall not exceed a maximum to be from time to time fixed by the Governor by Proclamation published in the Government Gazette.

4. The works hereby authorised 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 said works as shall then be completed.

5. Upon it being proved to the satisfaction of the Governor that the said Company has, within the time hereinbefore limited, expended a sum of at least Three Hundred and Fifty Thousand Pounds in the construction of the said works, or such part thereof as may be then completed, the said Company shall be entitled to a grant in fee-simple of the land described in the schedule hereto: Provided always that it shall be lawful for the Governor from time to time, or at any time, to resume and take possession of any portion of the said land for railway purposes, and to resume any portion of

Proviso.

Tolls.

Completion of works.

Grant on completion.
the said land, not exceeding five acres, for any other public purpose. Provided also that compensation shall be made by the Governor for any buildings actually erected or built on any land so resumed for railway purposes, and that no portion of any such five acres shall be situate within a distance of two chains from any wharf frontages.

6. All money at any time becoming due to the said Company by any of its members in respect of calls made upon shares not fully paid up, but subscribed for the purpose of constructing and maintaining the works hereby authorised, shall be debts due to the said Company by such members respectively, and recoverable by action accordingly.

7. The sum of Fourteen Thousand Pounds, deposited with the said Treasurer in pursuance of the thirty-fourth Standing Order of the Legislative Council relating to Private Bills, shall be retained by the said Treasurer until the sum of Three Hundred and Fifty Thousand Pounds has been expended in the construction of the said work as before mentioned; and if such sum shall not be so expended within seven years from the passing of this Act the sum so deposited shall be forfeited to Her Majesty, and accordingly be paid or transferred to and form part of the revenue of the said province: Provided that if the said sum of Three Hundred and Fifty Thousand Pounds is expended as before mentioned, the Treasurer shall repay the said sum of Fourteen Thousand Pounds.

8. The Company, prior to engaging any treasurer, manager, superintendent, receiver, collector, inspector, or other servant to be entrusted with the collection or custody of any moneys in connection with or for the use of the works hereby authorised, shall receive from such servant entrusted as aforesaid a bond, with sufficient sureties, conditioned in such an amount as the directors of the Company may deem sufficient, as security for the repayment of any moneys which shall be found wanting or deficient when the accounts and receipts of such servant come to be investigated.

9. The said Company shall cause to be kept, by competent officials, full and particular accounts of all moneys received by the Company, whether by reason of the fees, rates, tolls, and charges hereby authorised, or in any other manner whatsoever, and shall keep full and particular accounts of all moneys, outgoings, and debts, expended or owing by or on behalf of the said Company in connection with the said docks and other works hereby authorised, and shall once at least in every year cause a balance to be made of all such accounts, which balance and the report therewith shall be audited in manner hereinafter mentioned and provided.

10. The Company shall, once at least in every year, cause such accounts to be submitted to an auditor or auditors to be appointed by the shareholders of the Company, and such auditor or auditors shall
shall, for the purpose of assisting him or them in the preparation of
a full, true, and impartial report, be supplied by the directors of the
Company with all books, accounts, memoranda, and vouchers relating
in any wise to the affairs of the said Company.

11. The remuneration of such auditor or auditors shall be fixed
by the shareholders of the Company at the time of his or their
appointment, and shall be payable out of the funds of the Company.

12. The Company shall also, once in every year at least, cause to
be prepared an abstract of such accounts, showing the total amount
realised by the said fees, tolls, charges, and other payments hereby
authorised to be made, and also of all outgoings, debts, expenses,
and liabilities incurred by or on behalf of the Company, together
with a statement of the balance of the account duly audited, which
statement shall be signed and approved by such auditor or auditors
and by the chairman of the directors of the Company, and the
Company shall cause to be transmitted one copy of such account,
free of charge, to the Auditor-General of the said province, on or
before the thirty-first day of January in every year.

13. In the event of the Company not forwarding such account at
the time hereinbefore provided, they shall forfeit and pay a sum or
penalty of Five Pounds for every day during which the said account
is withheld from the Auditor-General.

14. The said account shall, after due inspection by the Auditor-
General, be filed by him in his office, and shall be open to the
inspection of the public at all reasonable hours on payment of the
sum of One Shilling.

15. The Governor may, at any time after the expiration of
twenty years from the passing of this Act, by Proclamation in the
Government Gazette, notify his intention to resume possession of the
said dock and such portion of the land described in the said Schedule
as he may deem necessary for the proper and beneficial working and
enjoyment of the said dock, and thereupon such dock and such
portions of such land as therein mentioned, and all works then con-
structed thereon, shall, at the expiration of one calendar month from
such publication, become the absolute property of and be vested in the
Crown.

16. The Company or its assigns shall, on such resumption, be
entitled to be paid out of any moneys which may hereafter be appro-
priated to that purpose by Parliament the fair value of such dock and
the works so resumed. The amount of such value shall be assessed
as nearly as may be in manner provided by the "Lands Clauses
Consolidation Amendment Act, 1881," for assessing the amount of
compensation to be paid by the promoters of any undertaking
for lands taken by them for the purposes of such undertaking
and for severance (if any), except that such compensation
shall
shall be assessed according to the full and fair value of such dock and works at the date of such resumption: Provided also that the Government may resume at any time without compensation, unless the said Company shall begin the said work within two years and thereafter prosecute the same with reasonable diligence so that at least Fifty Thousand Pounds be expended thereon within three years from the passing hereof, and unless the said Company shall during every subsequent year thereafter expend the sum of Fifty Thousand Pounds until the said sum of Three Hundred and Fifty Thousand Pounds shall have been so expended.

17. Nothing in this Act contained shall affect any right, title, or interest of Her Majesty, Her heirs or successors, save as herein respectively set forth.

18. This Act shall be taken and be judicially noticed as a public Act.

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

WM. F. DRUMMOND JERVOIS, Governor.
THE SCHEDULE BEFORE REFERRED TO.

All that land of the Crown, covered with water, situate near the Port Adelaide Lighthouse, at the Outer Bar, commencing from a point at high-watermark, being north-western corner of section 762, LeFevre's Peninsula, Hundred of Port Adelaide; thence by a line bearing $72^\circ\ 10'$ west of south for a distance of 5,050 feet; thence $48^\circ\ 20'$ west of north for a distance of 680 feet; thence $11^\circ\ 30'$ west of north for a distance of 600 feet; thence $33^\circ\ 30'$ east of north for a distance of 1,700 feet; thence $50^\circ\ 20'$ east of north for a distance of 1,750 feet; thence $19^\circ\ 10'$ east of north for a distance of 760 feet; thence $68^\circ\ 40'$ east of north for a distance of 3,650 feet, more or less, to high-watermark; thence southerly along high-watermark to point of commencement, such land being about 399 acres in area.