



1854.

*Revised by  
1/17/60*

No. 20.

*An Act to authorize the raising a sum of One Hundred Thousand Pounds for the deepening and improvement of the Harbor of Port Adelaide, and for other the purposes therein named.*

[Assented to, December 16, 1854.]

WHEREAS, by an Act passed in the fifteenth year of the Reign of Her present Majesty, intituled "An Act to incorporate the Trinity House of Port Adelaide, South Australia," it was amongst other things Enacted, that it should be lawful for the Trinity House of Port Adelaide, thereby authorized to be incorporated, to clear and deepen the said Port: And whereas it is expedient that the said Port should be deepened from the outer bar at the mouth thereof, up to and beyond the wharf known as the Prince's Wharf, and the funds at the disposal of the said Board are not sufficient for the effectual accomplishment of the said object, and it is expedient, with a view to the carrying out of the same, to authorize the said Board to raise such sum or sums of money, not exceeding in the whole the sum of One Hundred Thousand Pounds, in the manner hereinafter directed, and to employ the same in such work of clearing and deepening the said Port, and also to provide for the reimbursement of the same moneys, and for the payment of the interest from time to time accruing due thereon, by the imposition of a tonnage duty upon all vessels frequenting the same harbor—Be it therefore Enacted, by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

*See also  
~~No. 20 - 1854~~  
No. 1 - 1852  
Preamble.  
No. 1857*

1. It shall be lawful for the Colonial Treasurer, for the time being, of the said Province, from time to time, to issue bonds, for such amounts as he may deem expedient; not exceeding in the whole the

Bonds to be issued by  
Colonial Treasurer.

sum of One Hundred Thousand Pounds, and such bonds shall be in the form following, that is to say—

No.	£	No.	£
<b>Port Adelaide Trust Bond.</b>			
I, Colonial Treasurer of the Province of South Australia, in consideration of the sum of                      Pounds, paid to me for the purposes of the <u>Port Adelaide Trust</u> , do hereby bind myself to pay to the holder, for the time being, of this present obligation, the sum of                      Pounds, and interest thereon after the rate of six per cent. per annum; such interest to be payable on the first day of January and the first day of July in every year, and the principal to be paid on the first day of                      , in the Year One Thousand Eight Hundred and                      .			
Sealed with my seal. Dated the                      day of                      ,			
One Thousand Eight Hundred and                      .			
Signed, sealed, and delivered, in } the presence of                      }			

Form of bond.

NOTE.—*Interest*, payable at the Colonial Treasury in Adelaide, South Australia, or [in London or in any other agreed place], at such place as may be appointed, by notice to be given in the *South Australian Government Gazette*, [and in the *London Gazette*].

Principal payable at the Colonial Treasury in Adelaide, or, at the option of the holder [in London or other agreed place,] if six months' notice of desire to that effect be given to the Colonial Treasurer in South Australia.

And every holder of any such bond, for the time being, shall be entitled to all rights and remedies, under and in respect of the same, in the like manner as though he had been named therein as the obligee thereof.

Bonds to bear interest at six per cent.

2. The said bonds shall bear interest at the rate of Six Pounds per centum per annum, and shall be issued in such manner, and payable at such times respectively, as that bonds amounting to the sum of Four Thousand Pounds shall be redeemable in every year from the first issue thereof; and the interest and principal upon such bonds shall be payable and paid to the holder thereof, at such place and time as may be specified therein.

Moneys to be carried to credit of Trust.

3. All sums of money raised and received by the Colonial Treasurer upon the security of the said bonds, shall be carried by the said Treasurer to the credit of the said Trust, and shall be by him paid to the said Trust, in such amounts and manner as the Governor, by any warrant under his hand, may, from time to time, authorize and direct.

£10,000 to be set apart yearly.

4. It shall be lawful for the said Colonial Treasurer, in each and every year from the first raising of any sums of money under the authority

authority hereof, until the whole of the amounts so raised, and all interest thereon, shall have been duly paid, to set apart the sum of Ten Thousand Pounds, or such lesser sum as shall suffice to pay the amount of bonds redeemable during such year, together with interest upon all bonds which shall then bear interest, and shall apply such sum in payment of such bonds and interest as aforesaid, in manner specified in such bonds.

5. The said Trust shall, from time to time, expend the moneys which may be received by them under the authority hereof, in deepening the outer and inner bars, of the said harbor of Port Adelaide, to a depth of eighteen feet at low-water, and also in deepening the fairway or channel of the said harbor to a like depth, from the said outer bar unto and beyond the said wharf called the Princes Wharf, and shall, from time to time, furnish such accounts, details, and vouchers of such expenditure and such particulars as may be required by the Governor.

Moneys to be expended in deepening harbor.

6. No warrant shall be issued by the Governor for the payment of any money under the authority hereof, until he shall have received from the said Trust, a statement of the intended appropriation of such money, together with such plans, estimates, and specifications as may be necessary to show the mode of expenditure and the sum required; and all moneys which may from time to time be issued shall be expended for the purpose and in the manner shown by such statement, plans, and specifications.

Statement of object, with plans, &c., to be furnished before any money issued.

7. It shall be lawful for the said Trust, and it is hereby authorized, to levy and impose upon all ships or vessels entering the said Port, harbor dues not exceeding Sixpence per ton for every ton of the registered burthen of any such ship or vessel, and from time to make, alter, and repeal by-laws for the enforcement and collection of such harbor dues, and such by-laws, when allowed in manner by the said Act prescribed, shall have the force of law in all respects.

Harbor dues not exceeding 6d. per ton may be imposed.

8. All moneys which shall be from time to time received and collected by the said Trust on account of such harbor dues shall, from time to time, be paid by the said Trust to the Colonial Treasurer, for the public purposes of the said Province.

Moneys received by Trust to be paid to Colonial Treasurer.

9. An annual account in abstract shall be prepared by the said Trust of the total receipts and expenditure of all funds raised or received under authority hereof for the purpose of the said work, whether arising from loans, dues, charges, or any other source, for and during the past year, under the several distinct heads of receipt and expenditure, with a statement of the balance of the same account duly audited and certified by the Colonial Treasurer and also by the Auditor-General, and a copy of such annual account shall be published in the South Australian Government Gazette.

Annual abstract of accounts to be published.

10. The

*x ii, when allowed by the Governor by with the advice of the Executive Council & after 14 days from the publication thereof in the South Australian Government Gazette. Why is not these Acts have been introduced into the House of Representatives at this time?*

Trust to be formed.

10 The four senior Members, for the time being, of the Trinity Board, together with William Younghusband, Esquire, of Adelaide, merchant, Member of the Legislative Council, George Hall, Esquire, of Port Adelaide, merchant, and Edward Gascoyne Collinson, of Port Adelaide, merchant, and their successors to be appointed as herein-after-mentioned, shall form and be a Trust for the purpose of carrying this Act into effect, and wherever, in this Act, the word Trust is used the said persons and their successors shall be understood.

Governor may remove Members in compliance with address of Legislative Council.

11. It shall be lawful for the Governor, from time to time, in compliance with any address of the Legislative Council or House of Assembly, to remove any one of the said Trust and to appoint another person in his place, or in the place of any one of such persons who may die or resign: Provided, that until the appointment of any new Member of the said Trust, the residue thereof shall have and exercise all the powers herein conferred.

Trust may appoint officers, subject to approval.

12. The said Trust shall, from time to time, appoint and employ such secretary, solicitor, engineers, clerks, messengers, and other officers, at such reasonable salary, pay, or reward, as to such Trust may seem meet, subject to the approval of the Governor; and, from time to time, at their discretion, to dismiss and discharge such officers, or any of them, and to appoint others in their place, subject to such approval as aforesaid.

Trust may sue and be sued in name of secretary.

13. The said Trust may sue and be sued in the name of their secretary; and no member thereof shall incur any individual or personal responsibility by reason of any contract, engagement, matter, or thing, made, done, committed, or entered into, in the execution and performance of the matters herein authorized to be done.