



ANNO TRICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1869-70.

No. 13.

An Act to provide for the Improvement of the River Torrens.

[Assented to, 9th February, 1870.]

WHEREAS great public advantage would arise from the construction of a dam across the River Torrens for the formation of a sheet of ornamental water, and from the adaptation of such sheet of water and the adjacent Park Lands to the purposes of public recreation, amusement, health, and enjoyment: And whereas the conservancy of the River Torrens, within the limits of the City of Adelaide, is vested in the Corporation of the said City: And whereas the Park Lands adjacent thereto are under the care, control, and management of the said Corporation, excepting certain reserves mentioned in Schedule D of the Municipal Corporations Act, 1861, and the Schedule to the Municipal Corporations Amendment Act, 1863, wherein portions of the said river and lands are declared to be Government reserves: And whereas by the said Municipal Corporations Act, 1861, power is conferred upon the said Corporation, either alone or in conjunction with the local Government or any company or other persons, to construct a dam across the said river, but without any power to erect necessary buildings upon the adjacent lands within the said Government reserves, for the purpose of rendering easily available for public use and enjoyment the sheet of water formed by such dam: And whereas it is expedient to enlarge the powers of the said Corporation in respect of the construction of the said dam, and for the purpose of enabling the said Corporation to use the shores and banks of and the lands adjoining to the said river for the purpose of public recreation or amusement as aforesaid and to assign in whole or in part such powers to any company

Preamble.

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sheet of water formed by the erection of the said dam, together with the banks and approaches of the said river.

5. The said Corporation, for all purposes of this Act, shall have the care, control, and management of the said dam when erected, and the waters impounded by such dam.

Corporation to have control of the dam, the waters formed thereby, and the charge of the river.

6. In the event of the Corporation not exercising the powers hereinbefore granted of issuing the bonds or of erecting the said dam out of the funds obtained thereby, the said Corporation may grant to any company or other person, the right to construct dams for the retention and formation of sheets of water on the said River Torrens, in the same manner as the said Council is empowered to construct the same, by the "Municipal Corporations Act, 1861."

In the event of the Corporation not building the dam, power may be given to others to do so.

7. The conservancy of the said sheets of water, and the lands given to the control, care, and management of the said Corporation under this Act, shall be vested in the said Corporation, and the Corporation may grant exclusive rights of erecting sheds, boat-houses, stands, landing-stages, and other necessary buildings, to such company or persons, as they shall deem expedient, and may assign to and confer upon any such company or persons all or any of the rights and powers granted to them by this Act, subject to the by-laws and regulations to be made under this Act, and may issue licences for the use of the same, and may receive and collect, and permit to be received and collected by any such company or persons, reasonable tolls, fares, or charges, upon such terms and conditions as shall be provided in the by-laws and regulations affecting the same, which may be made under this Act: Provided that such licences shall not be granted for any period exceeding fourteen years.

And may grant rights of erecting buildings, &c., to others.

8. The said Corporation shall have the exclusive right over, and control of the fisheries in the said waters, and shall be entitled to grant and assign to any company or persons, the right of fishing and angling therein, and may grant permission to such company or persons to demand and receive money and fees for licences to fish in the said waters, subject to the regulations in force respecting such fisheries: Provided that it shall not be lawful for the said Corporation, or any company or other persons, to take or catch fish by means of any seine, net, weir, or night line; and any person without such licence, or the permission of the said Corporation, first obtained in writing, catching, or attempting to catch any fish, or otherwise angling in the said River Torrens, within the boundaries of the said City of Adelaide, shall be liable, on conviction, to a penalty of not less than Five Shillings nor more than Five Pounds; and any person convicted of fishing in the said waters with any seine, net, weir, or night line, shall be liable to a penalty of not less than Five Pounds, nor more than Twenty Pounds.

Corporation to have right to fisheries, and may issue licences for fishing.

9. Nothing herein contained shall extend or be construed to extend

Saving of rights of the Crown.

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tend to take away, lessen, prejudice, alter, damage, or affect any estate, right, title, or interest of the Crown, of, in, or to the bed, soil, banks, and shores of the River Torrens, and of, in, or to, all or any reserves or lands belonging to the Crown, other than and except as regards the powers granted by this Act to the said Corporation in respect of the lands set forth in the Schedule to this Act annexed.

Saving of rights of water, and other privileges.

10. Nothing contained in this Act shall exonerate the said Corporation of Adelaide from being liable for any injury or damage which shall happen or arise through or from the construction of the said dam, or through or from the bursting of the said dam, or through or from the retention and storing of the said waters by means of the said dam, or through or from any other cause whatsoever, in connexion with the construction of and retention of the water by means of the said dam; and nothing in this Act shall prejudice, take away, lessen, abridge, damage, or alter any estate, right of property, privilege, easement, rights of water, or other rights, advantages, or interests, whatsoever, held, possessed, enjoyed, or exercised, by any body or person into, upon, or over any part of the said river, or of the shores and banks thereof; and full compensation shall be made by the said Corporation of Adelaide, and any company or persons holding any rights under the said Corporation by virtue of this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act, to be recovered by any such persons in the ordinary course of law.

By-laws to be made.

11. Subject to the laws in force for the making of by-laws, the said Corporation may make such by-laws for regulating the granting of privileges, rights, or licences in and over the said dam and waters and adjoining lands; and for determining the rent, price, or fee at or for which the same may be granted to any company or persons applying for such privileges, rights, or licences; and for regulating and defining the manner in which the said dam and the said waters and adjacent lands may be used by the holder of any such privilege, right, or licence; and for authorizing the erection of boat-houses, sheds, and other buildings; for regulating the tolls, fares, or charges to be payable by the public; for providing as to the means of access for the public to the landing-stages, stands, and boat-houses upon the said river; for regulating the rights and privileges of any such company or persons as to the admission of the public to any stands, stages, booths, or other buildings; and for regulating the tolls, fares, and charges to be paid for the same; and for regulating the fishing or angling in and upon the said waters; and for providing for such matters as may appear expedient for maintaining order, and promoting the public convenience in using the said waters and adjacent lands: And all such by-laws may be, from time to time, made altered, and varied, as to the said Corporation may seem meet; and by any such by-laws any penalty which may be deemed requisite for the enforcement of said by-laws, not exceeding that prescribed by the Municipal Corporations Act of 1861.

12. None

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12. None of the powers or rights given by this Act shall be exercised by the said Corporation until after by-laws shall have been made by the Corporation and duly approved by the Governor in accordance with the provisions of "The Municipal Corporations Act, 1861."

By-laws to be made before the powers are exercised.

13. This Act may be cited as the "River Torrens Improvement Act, 1869-70." Short title.

In the name and on behalf of the Queen I hereby assent to
this Act.

JAMES FERGUSSON, Governor.

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SCHEDULES.

No. 1.—West of Frome Bridge, South side of river.

All that portion of land included by a line commencing at a point in the centre of the River Torrens, sixty-six feet south-west from the centre of the Frome Foot-bridge; thence in a line to the south-west, along the centre of the River Torrens, for 209 feet; thence in a line to the south-east, 313 feet; thence in a line to the north-east, 209 feet; and thence in a line to north-west, 313 feet, to the point of commencement; containing one acre and a-half, little more or less.

No. 2.—One acre east of the City Bridge, South side of River.

All that portion of land included by a line commencing at a point in the centre of the River Torrens, formed by the intersection of a line drawn in prolongation of the lower line of fencing on the east side of the City Bridge Road, on the South Park Lands, with the centre of the River Torrens; thence in a line to the east, along the centre of the River Torrens, for 209 feet; thence in a line to the south, 209 feet; thence in a line to the west, 209 feet; and thence in a line to the north, 209 feet, to the point of commencement; containing one acre, little more or less.

No. 3.—One acre east of Morphett-street, South side of River.

All that portion of land included by a line commencing at a point in the centre of the River Torrens, sixty-six feet east of the centre of Morphett-street Bridge; thence in a line bearing north fifty degrees east, along the centre of the River Torrens, for 218 feet; thence in a line to the south, 330 feet; thence in a line to the west, 209 feet; and thence in a line to the north, 209 feet, to the point of commencement; containing one acre two roods and thirteen perches, little more or less.