

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

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CAP. CXVII.

An Act to amend several Acts relating to the Harbour of *Kingstown*. [20th *August* 1836.]

WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to authorize the Appointment of Commissioners for erecting an Harbour for Ships to the Eastward of* Dunleary, *within the Port and Harbour of* Dublin, the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being are authorized from Time to Time to appoint fit Persons, as therein mentioned, to be Commissioners for the Purposes of the said Act: And whereas by an Act passed in the Fifty-sixth Year of the Reign of the said King, intituled *An Act for erecting an Harbour for Ships to the Eastward of* Dunleary, *within the Port of* Dublin, and also by another Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act to alter and amend an Act passed in the Fifty-sixth Year of His late Majesty, for erecting an Harbour for Ships to the Eastward of* Dunleary, *within the Port of* Dublin, *and to provide for the Erection of a Western Pier to the said Harbour of* Dunleary, certain Powers and Authorities were and are vested in the said Commissioners appointed or to be from Time to Time appointed under the said first-mentioned Act, in respect to the Erection of the said Harbour and the Execution of other Works connected therewith; which said Harbour is now in course of Erection, but is still unfinished: And whereas by an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled

55 G. 3. c. 191.

56 G. 3. c. 62.

1 G. 4. c. 69.

26 G. 3. (I.) 32 G. 3. (I.) *An Act for promoting the Trade of* Dublin, *by rendering its Port and Harbour more commodious*, and by a certain other Act passed in the Thirty-second Year of the Reign of the same King, intituled *An Act for repairing and preserving the Walls of the River* Anna Liffey *in the City of* Dublin, *and for amending an Act passed in the Twenty-sixth Year of His Majesty's Reign, intituled 'An Act for promoting 'the Trade of* Dublin, *by rendering the Port and Harbour more com-'modious,'* certain Powers and Authorities are given to the Corporation for preserving and improving the Port of *Dublin* relative to the supplying of Ships and other Vessels in the Port and Harbour of *Dublin* with Ballast, and the Collection of certain Rates and Dues for the same, and also relative to the Improvements of the old Harbour of *Dunleary*, and other Purposes connected with the proper Superintendence and Management of the same: And whereas it is expedient that the several Rights, Powers, and Authorities so vested in the said Corporation in and over that Part of the Port of *Dublin* which is now or shall hereafter be comprised in and occupied by the said new Harbour now in course of Erection, and also in and over the further Space of Five hundred Yards beyond the Entrance thereof, and also in and over the said old Harbour of *Dunleary*, should cease and determine, and that the said Two Harbours should be for ever hereafter to all Intents and Purposes One Harbour, under the Name and Style of "*Kingstown* Harbour," and that the exclusive Superintendence, Control, and Management of the same, together with similar and more extensive Powers, should be permanently vested in the Commissioners now or from Time to Time hereafter to be appointed under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Part of the said Act of the First Year of the Reign of King *George* the Fourth as enacts, that when the said new Harbour now in course of Erection should be completed it should from thenceforth be vested in the said Corporation for preserving and improving the Port of *Dublin*, and supported in the Manner therein provided, shall be and the same is hereby repealed.

Part of 1 G. 4. c. 69. repealed.

All Ground or other Property in or about the old Harbour of Dunleary belonging to the Corporation for preserving and improving the Port of Dublin, transferred to the Commissioners of Kingstown Harbour.

II. And be it further enacted, That from and after the passing of this Act all the Ground or other Property which is now vested in or belongs to the said Corporation for preserving and improving the Port of *Dublin* in or about the said old Harbour of *Dunleary*, and the Piers, Wharfs, and Quays thereof or in any Manner connected therewith, shall be and the same are hereby transferred to and vested in the Commissioners now or hereafter to be appointed under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, subject nevertheless to the Payment or Performance of any Rent or Covenant to the Payment or Performance of which the said Corporation may be liable in respect of such Lands, in like Manner to all Intents and Purposes as if the said Commissioners had been originally liable thereto instead of the said Corporation; and the said Commissioners shall, from and after the passing of this Act, be and become liable to all such Rents and Covenants, and the said Cor-

poration shall be and are hereby exonerated and discharged therefrom.

All Rights, Powers and Privileges of the Corporation for preserving and improving the Port of Dublin in respect to old Dunleary Harbour or Kingstown Harbour to cease, and to become vested in the Commissioners of Kingstown Harbour;

III. And be it enacted, That from and after the passing of this Act all the Powers and Authorities, Rights and Privileges given to the said Corporation in and by the said recited Acts of the Twenty-sixth and Thirty-second Years of the Reign of King *George* the Third or either of them, or in or by any Act or Acts in force in *Ireland* relating to the Supply or Discharge of Ballast to or from Ships or other Vessels within said old Harbour of *Dunleary*, or within the said new Harbour now in course of Erection or within the Space of Five hundred Yards beyond the Entrance thereof, and the Charge of Rates and Dues for such Ballast, and also relative to the collecting and levying of any Rates or Entries on Ships or Vessels, or Boats, Wherries, or other Bottoms, resorting to or frequenting the said Harbours or either of them, or relative to any other Matter, Thing, or Purpose connected with the said Harbours or either of them, or the said Space of Five hundred Yards, except as herein-after provided, shall from and after the passing of this Act absolutely cease and determine, and that like Powers and Authorities, so far as the same are consistent with the Provisions of this Act, shall become vested in and lawfully exercised by the said Commissioners now or from Time to Time hereafter to be appointed under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third.

except those relative to Lighthouses and Pilots.

IV. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend or shall be construed to extend to take away, abridge, or in any Manner interfere with the Powers and Authorities now vested in the said Corporation for preserving and improving the Port of *Dublin* with respect to Lighthouses and Pilots within the said Two several Harbours and the Space of Five hundred Yards, but that all such Powers and Authorities shall remain and continue to be vested in the said Corporation in as full Force and Effect to all Intents and Purposes as if this Act had not been made.

Recited Acts to remain in force, unless where expressly repealed, and to apply to old Dunleary Harbour.

V. And be it further enacted, That the said recited Acts of the Fifty-sixth Year of the Reign of King *George* the Third and of the First Year of the Reign of King *George* the Fourth, and all the Provisions and Clauses therein contained, shall be and continue in full Force and Effect, except so far as the same are altered, amended, or repealed by this Act, and that the said Acts and all the Provisions thereof shall also apply so far as the same are applicable to the said old Harbour of *Dunleary*.

The old Harbour of Dunleary and the new Harbour to constitute but One Harbour, under the Title of "Kingstown Harbour."

VI. And be it further enacted, That the said old Harbour of *Dunleary*, and the said new Harbour now in course of Erection, shall constitute and be to all Intents and Purposes but One Harbour, under the Name and Title of "*Kingstown* Harbour," and that all the Provisions herein-after contained in this Act shall be deemed or taken, so far as the same are applicable, to extend and apply to the said Two Harbours so included under the said Name and Title of "*Kingstown* Harbour;" and that the Term "Commissioners of *Kingstown* Harbour",

bour", in the subsequent Provisions of this Act, shall be understood to mean the Commissioners now or from Time to Time hereafter to be appointed under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third.

Commissioners may supply all Ships in Kingstown Harbour with Ballast and assist in the Discharge of Ballast from all Ships.

VII. And whereas it is expedient that the Powers and Authorities hitherto possessed by the said Corporation for preserving and improving of the Port of *Dublin* in respect to supplying Ballast to Ships and other Vessels in said *Kingstown* Harbour, and discharging Ballast from the same, at certain Rates and Charges, and by this Act transferred to and vested in the said Commissioners of *Kingstown* Harbour, should be more explicitly defined, and that the said Commissioners should have Power to levy and collect the same Rates by way of Tonnage upon all Ships and other Vessels coming into arriving at the said Harbour as the said Corporation might have levied in case this Act had not been made; be it therefore enacted, That it shall be lawful for the said Commissioners of *Kingstown* Harbour and they are hereby authorized and empowered to furnish Ballast to and also to take Ballast from or assist in the Discharge of Ballast from all Ships and other Vessels requiring the same in said *Kingstown* Harbour, or within Five hundred Yards of the Entrance thereof, at the Rates herein-after mentioned: Provided that nothing herein contained shall extend to abridge or affect any exclusive Right or Privilege now vested in or belonging to the said Corporation for preserving and improving the Port of *Dublin* to supply with Ballast Ships or Vessels discharging their Cargoes within any Part of the said Port of *Dublin*, except the said Harbours of *Kingstown* and old *Dunleary* as united under this Act, nor to repeal or remit any Penalty to which the Master or Commander or other Person in charge of any Ship or Vessel may now be by Law liable for buying or causing to be bought from any Person other than the said Corporation or their Officers an Ballast for the Use of such Ship or Vessel within any Part of the said Port of *Dublin*, except only the said Harbours so united.

Not to affect Right of Corporation to supply with Ballast Vessels discharging their Cargoes at Dublin.

Tonnage to be charged for taking in or putting out Ballast.

VIII. And be it enacted, That the Master or Commander of every Ship or Vessel that shall take in or put out any Ballast within the said Harbour shall pay to the Officer who shall be lawfully authorized by the said Commissioners to receive the same such Sum as the said Commissioners shall appoint, not exceeding in any such Case the Amount which the said Corporation for preserving and improving the Port of *Dublin* might have been authorized to charge for taking in or putting out such Ballast into or out of such Ship or Vessel in case this Act had not been made.

Penalty on Persons taking in or putting out Ballast, except in manner directed by the Commissioners.

IX. And be it further enacted, That no Ballast shall be taken in discharge from any Ship or other Vessel lying or being in the said Harbour, except at such Place, by such Means, and in such Manner as shall be from Time to Time appointed and directed for that Purpose by the said Commissioners or by the Ballast Master of the said Harbour acting under their Instructions; and that every Person who shall at any Time act contrarily to the then existing Regulations as fixed by the said Commissioners, under the Authority of this Act, for taking Ballast from Ships or Vessels in the said Harbour, shall for every

every such Offence forfeit and pay a Sum not exceeding the Sum of Ten Pounds, over and above all Expences which may be incurred in removing to a proper Place such Ballast or other Matters as may have been deposited contrary to the said Regulations, such Penalty and Expences to be recoverable in the same Manner as other Penalties or Forfeitures under this Act.

Penalty on obtaining Ballast except from Commissioners

X. And be it enacted, That if the Master or Commander or other Person in charge of any Ship or Vessel which shall be in the said Harbour shall buy or purchase, or cause or procure to be bought or purchased, from any Person or Persons other than the said Commissioners or other Officer appointed in that Behalf, any Ballast whatsoever for the Use of such Ship or Vessel, or shall permit or suffer any Ballast whatever to be put on board or taken from such Ship or other Vessel other than what shall be duly accounted for to the said Commissioners or their said Officer, or be received or delivered by such Person or Persons as the said Commissioners shall appoint for that Purpose, then not only the said Master or Commander, but also such Person or Persons as shall so sell or provide such Ballast or as shall deliver to or take from such Ship or Vessel any Ballast not accounted for to the said Commissioners or other Officer as aforesaid, shall forfeit and pay to the said Commissioners any Sum not exceeding the Sum of Ten Pounds each, the same to be recovered in like Manner as other Penalties under this Act are directed to be recovered.

If Ballast Officer neglect to supply Ballast, Master of Ship may employ Carts for that Purpose, and obtain Ballast elsewhere.

XI. And be it enacted, That in case the Ballast Master for the Time being of the said Harbour shall neglect or refuse to take off from or deliver Ballast to any Ship or Vessel within the said Harbour, within Twenty-four Hours after Notice in Writing so to do shall have been given to him or left at his Office by the Commander or Master of any such Ship or Vessel, then and in any such Case it shall and may be lawful to and for the Commander or Master of such Ship or Vessel, at any Time after Notice in Writing of such Neglect shall have been given or left by him at the Office of the said Ballast Master, to obtain from any Person whatsoever as much Ballast as he may require, and to employ any Cart, Drag, Waggon, or other Vehicle for the Carriage thereof; and that in every such Case, upon Proof thereof being made to the Satisfaction of the said Commissioners or their Officer in this respect authorized, every such Master of any Ship or Vessel shall have his Discharge and Clearings out of the said Harbour, provided he shall have paid the other Duties imposed by this Act or by any other Act or Acts of Parliament then in force in *Ireland* relative to the said Harbour.

Commissioners may quarry for Ballast.

XII. And be it enacted, That it shall and may be lawful to and for the said Commissioners of *Kingstown* Harbour, their Agents, Servants, and Workmen, to quarry, dig, take, remove, and carry away Stone, Gravel, Sand, or any other Materials out of and from all or any of such Quarries, Land, or Ground as now are or hereafter at any Time shall be in the Tenure, Possession, or Occupation of the said Commissioners under and by virtue of the said Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, or otherwise howsoever,

soever, without making further Compensation for the same to the Owners of said Quarries, in the same Manner as they are now authorized to quarry and carry away the same for the Purposes of the said Act, and to use, apply, and dispose of the same for the Purpose of Ballast for any Ship or Vessel lying and being in or frequenting the said Harbour.

Rates and Duties to be levied on all Ships coming into the Harbour.

XIII. And be it further enacted, That from and after the passing of this Act there shall be raised, levied, collected, and paid to the Officer appointed by the said Commissioners to receive the same, for every Ton of the Burthen of each and every Ship, Vessel, or other Bottom coming into the said *Kingstown* Harbour or within Five hundred Yards of the Entrance thereof, the several Duties and Sums of Money which the said Commissioners may from Time to Time appoint and direct, not exceeding the several Duties and Sums of Money which the said Corporation for preserving and improving the Port of *Dublin* might have been authorized to charge for every Ton of the Burthen of each and every such Ship, Vessel, or other Bottom if this Act had not been made, in addition to such Sums as by the said Act of the Fifty-sixth Year of the Reign of King *George* the Third are imposed upon like Ships or Vessels coming into that and other Parts of the Port of *Dublin*, and payable to the Collector or other Chief Officer of Customs in the said Port of *Dublin*.

Not to extend to those belonging to or in the Service of His Majesty, &c.

XIV. Provided always, and be it enacted, That nothing in this Act contained relative to the levying of such Rates and Duties as last aforesaid shall extend or be construed to extend to any Ships or Vessels belonging to His Majesty, His Heirs or Successors, or that shall or may be employed in His Majesty's Service, or in the Service of the Post Office, Excise, or Customs.

Penalty on Masters or Commanders of Ships evading or attempting to evade Payment of Rates and Duties.

XV. And be it further enacted, That if any Master or Commander or other Person having charge of any Ship or other Vessel, or any Owner or Consignee, or any other Person owing or having charge of any Goods, Wares, or Merchandizes imported into or exported or intended to be exported from said *Kingstown* Harbour, shall by short Entries or by any other Means whatsoever, at any Time or Times, evade or attempt to evade the Payment, either in the whole or in part, of any of the Rates or Duties made payable by this or by any former Act now in force having relation to the said Harbour, each and every Person so evading or attempting to evade Payment thereof as aforesaid shall stand charged with and forfeit and pay a Sum equal to Treble the Amount of the Rates or Duties so evaded or attempted to be so evaded, and such Sum shall be recovered from such Master, Owner, Consignee, or other Person or Persons respectively in such Manner as herein-after directed for levying and recovering Penalties and Forfeitures.

Penalty on Master leaving the Harbour without

XVI. And be it further enacted, That from and after the passing of this Act no Ship or other Vessel which shall arrive in the said Harbour shall sail therefrom without paying to the said Commissioners

sioners of the said Harbour, or to the Officers who shall be appointed by the said Commissioners to receive the same, the full Amount of all such Tonnage Rates, Ballast Rates, Quayage Rates, and all such other Rates, Duties, Penalties, and Sums of Money as shall be payable in respect to such Ship or Vessel, or the Owner, Master, or Commander thereof, and without having obtained a Discharge or Clearance from the said Commissioners or from the Person having Authority under this Act to give the same; and that if any Ship or other Vessel shall sail without having paid such Rates, Duties, Penalties, and Sums of Money as aforesaid, the Master or Commander thereof shall forfeit to the said Commissioners the Sum of Twenty Pounds, and shall be also personally subject and liable to the Payment of the full Amount of all such Rates and Duties as shall be then so due and payable; and that it shall and may be lawful to and for the said Commissioners, at any Time after such Ship or other Vessel shall have so sailed, to recover the Amount of the said Rates, Duties, Penalties, and Sums of Money by an Action at Law against such Master or Commander in any of His Majesty's Courts of Record in this Kingdom, or by Civil Bill, at the Option of the said Commissioners, and to arrest and implead such Master or Commander, and to hold him to special Bail in such Action, the chief Collector of the said Harbour or the Secretary of the said Commissioners first ascertaining the Amount of such Rates, Duties, Penalties, and Sums of Money as shall be so due and payable, by Affidavit before a Judge of or any Officer or Person authorized to take Affidavits in the Court in which such Action shall be intended to be brought, or before a Magistrate or Person authorized to take Affidavits in such Behalf; and further that such Ship or other Vessel so sailing shall be liable to and charged and chargeable as well with the said Forfeiture of Twenty Pounds as with all such Rates, Duties, Penalties, and Sums of Money as shall be so due and payable as aforesaid, and such reasonable Expences as shall be necessarily incurred by the said Commissioners or their Officers in consequence of such Ship so sailing; and that it shall and may be lawful for the said Commissioners, by Warrant under Hands of them or of any Two of them, to be directed to such Person or Persons as they shall think fit for that Purpose, at any Time after the said Ship or other Vessel shall have so sailed, to seize and distrain such Ship or other Vessel, if found within any Port, Harbour, or Creek within the United Kingdom, and all her Sails, Mast, Rigging, Tackle, and Furniture, for the Payment of the said Forfeiture and of all such Arrears of the said Rates, Duties, Penalties, and Sums of Money as shall be then payable upon or in respect of such Ship or other Vessel by such Master or Commander, of such Expences as aforesaid, whether such Ship or other Vessel shall at the Time of such Seizure be commanded by or be in charge of the same Master or Commander who commanded or had the Charge of the same at the Time the said Ship or Vessel so sailed, or not; and that in case the said Penalty, and all such Arrears as aforesaid of the said Rates and Duties, and also said Expences, shall not be paid to the said Commissioners or their proper Officer within Seven Days after such Seizure, it shall and may be lawful to and for the said Commissioners, or the Person or Persons to whom such

paying Rates and Penalties.

such Warrant shall have been directed as aforesaid, to sell and dispose of the said Ship or other Vessel, and all her Sails, Masts, Rigging, Tackle, and Furniture, or so much thereof as shall be sufficient for Payment of the said Penalty of Twenty Pounds, and of all such Arrears of the said Rates, Duties, Penalties, and Sums of Money as shall be so due and payable as aforesaid, and said Expences, and that it shall be at the Discretion of the said Commissioners either to enforce Payment of the said Penalty of Twenty Pounds, Rates, Duties, Penalties, and Sums of Money, from the said Master or Commander aforesaid, or by seizing and distraining such Ship or other Vessel, and the Sails, Masts, Rigging, Tackle, and Furniture thereof, as aforesaid.

Application of Monies received by the Commissioners under this Act.

XVII. And be it enacted, That all and every the Ballast Dues, and all and every other Dues and Duties, Payments and Sums of Money whatsoever by this Act or by any other Act or Acts in force in *Ireland* imposed upon or made payable to the said Commissioners for or in respect of Ships or other Vessels entering into, lying, or being in the said Harbour, or making use of the Piers, Quays, Wharfs, or Moorings of the said Harbour, and likewise all Penalties, Forfeitures, and other Sums of Money whatsoever made payable under this Act and the said other Acts, and which shall from Time to Time be recovered and received, shall from Time to Time (except as to One Moiety of the said Penalties, which it is hereby declared shall be paid to the Informer,) be applied by the said Commissioners to and for paying the Expences of maintaining and regulating said *Kingstown* Harbour in manner herein provided, and to and for the other Purposes of this Act; and that in case there shall be any Overplus in the Hands of the said Commissioners of the Money arising from such Duties and Payments as aforesaid beyond what shall be requisite and necessary for the Purposes of this Act or the said Acts, then such Overplus shall from Time to Time be paid into the Receipt of His Majesty's Exchequer in *Dublin*, to the Credit of the Consolidated Fund in *Ireland*, towards making good such Sum or Sums as have been or shall be advanced thereout under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, for the Purposes last aforesaid.

Commissioner may sell surplus Materials out of the Quaries. 56 G.3. c.62.

XVIII. And whereas by the said Act of the Fifty-sixth Year of the Reign of King *George* the Third Power is given to the said Commissioners of *Kingstown* Harbour to enter upon certain Lands and Premises within the Limits therein mentioned, and to dig for and take Materials for the Purposes of said Act, upon the Terms and in the Manner therein mentioned: And whereas by virtue of certain Agreements heretofore made and entered into by the said Commissioners with certain Persons who severally claimed to have an Ownership in the Commons of *Dalkey* in the County of *Dublin*, certain Quarries in the Neighbourhood of *Dalkey* aforesaid have been opened and worked by the said Commissioners for the Purpose of the said Act, and vast Quantities of Materials, Rubble, and Stuff, not required for the said Purposes, have accumulated, and from Time to Time will necessarily accumulate in and about the

said Quarries which the said Commissioners are by the Terms of the said Agreements prohibited from applying to any other Purposes than those of the said Act; and it is considered advisable, for the better working of the said Quarries, and for the Benefit of the said Harbour, to give the said Commissioners Power to dispose of such Materials, Rubble, and Stuff; be it therefore enacted, That it shall and may be lawful for the said Commissioners of *Kingstown* Harbour from Time to Time to dispose of all the surplus Stone, Gravel, Sand, and other Materials which heretofore had been or which hereafter shall be raised from the said Quarries by the said Commissioners, or their Agents or Servants, and also all other surplus Materials, of what Nature or Kind soever, which heretofore have accumulated, or which shall from Time to Time and at all Times hereafter accumulate in or about the said Quarries, or about or near the said Harbour or other Works connected therewith, and which shall not be required for the Purposes of the said last-mentioned Act, and for that Purpose the said Commissioners are hereby authorized to enter into and execute Contracts, Bills of Sale, and Assignments of such Quantity of such surplus Materials as they shall desire or think proper to dispose of; and the Consideration or Purchase Money on such Sale or Sales shall and may be paid and applied by the said Commissioners for the Time being in such Manner and for such Purposes connected with the said *Kingstown* Harbour as they the said Commissioners shall think proper.

Commissioners may permit their Tramroads to be used by Persons paying for same.

XIX. And whereas it would much encourage the quarrying or working of the Beds or Fields of Granite in the Vicinity of *Kingstown* and *Dalky* if the Carriage therefrom of Materials quarried or raised thereout were facilitated by permitting the Tramroads or Railways belonging to the said Commissioners to be used for that Purpose; be it therefore enacted, That it shall and may be lawful to and for the Commissioners of *Kingstown* Harbour, at any Time hereafter, to permit any Person or Persons whomsoever, or any Body Corporate or Sole, to make use of the said Tramroads or Railways for the Purpose of the Carriage or Conveyance of Stone, Materials, and Stuff from Time to Time dug, quarried, or raised from or out of the Beds or Fields of Granite aforesaid, subject to such Rates or Charges for the Use of the same not exceeding the Sum of Four-pence Sterling *per* Ton *per* Mile of Statute Measure as the said Commissioners shall from Time to Time appoint, and subject also to all such Rules and Regulations for the safe and proper using of the said Tramroads or Railways as the said Commissioners shall from Time to Time think proper to appoint; and also, that it shall and may be lawful to and for the said Commissioners, if the same shall appear to them advisable, to grant a Lease or Leases of the said Tramroads or Railways, and of all or any of the Branches thereof or any Part of the same respectively, for any Term not exceeding Seven Years, to any Person or Persons whomsoever, or to any Body Corporate or Sole, who may be willing to farm or rent the same; provided that no such Lessees shall during his or their Occupancy of the said Tramroad or Railway charge for the Carriage of such Stone, Materials, or Stuff aforesaid any greater Sum than the Sum of Four-pence Sterling *per* Ton *per* Mile

Commissioners may grant Leases of the Tramroads.

The Commissioners to have at all Times free Use of the Tramroads.

Mile of Statute Measure; and provided also, that the said Commissioners, their Servants and Workmen, shall at all Times have the free Use and Enjoyment of the said Tramroads or Railways, and of the Branches thereof, for the Purposes of the said Harbour, notwithstanding the same shall then be rented by or be in the Occupation or Possession of any such Lessee as aforesaid.

So much of 1 G. 4. c. 69. as relates to the Salary of the Harbour Master repealed.

XX. And whereas it is expedient that a new Provision should be made for Payment of the Salary of the Harbour Master of said *Kingstown* Harbour, and that the Powers now vested in the said Harbour Master under the said Act of the First Year of the Reign of King *George* the Fourth should be enlarged and more explicitly defined, and that proper Powers should be given to the said Commissioners for the Appointment of Collectors and other Officers, and the due Regulation of the same; be it therefore enacted, That so much and such Part of the said Act of the First Year of the Reign of King *George* the Fourth as respects the Salary of the Harbour Master shall be and the same is hereby repealed; and that from and after the passing of this Act it shall and may be lawful for the said Commissioners of *Kingstown* Harbour, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time to give and appoint such reasonable Salary or Allowance to the Harbour Master of said Harbour as to the said Commissioners shall seem fit, such Salary or Allowance to be paid out of the Monies which shall be from Time to Time in the Hands of the said Commissioners by virtue of this or any other Act or Acts in force in *Ireland* relative to said Harbour.

Commissioners, with Consent of the Lord Lieutenant, to give a reasonable Salary.

Harbour Master to have Power to direct the mooring, unmooring, &c. of all Ships, &c.

XXI. And be it enacted, That every such Harbour Master shall have full Power and Authority, by himself or his Assistants, subject always to the Rules, Orders, Regulations, and Directions of the said Commissioners, to direct the mooring, unmooring, moving, and removing of all Ships or other Vessels coming into or lying or being in the said Harbour, or in any Place being within the said Distance of Five hundred Yards from the Entrance or Mouth of the said Harbour, and to regulate the Time or Times and the Manner of their Entrance into or going out of the said Harbours, and also to regulate the Position of such Ships or other Vessels in the said Harbour, and for that Purpose to order or direct them or any of them to be placed in or removed to the Position most convenient for the same.

Penalty on Master or Commander of a Ship refusing to follow the Directions of the Harbour Master.

XXII. And be it further enacted, That in case any Owner, Master, or other Person having the Charge or Command of any such Ship or other Vessel shall refuse or neglect to moor, unmoor, place, move, or remove such Ship or other Vessel according to such Direction, forthwith and immediately after Order or Notice from the said Harbour Master or his Assistants given or left with any Person or Persons on board of such Ship or other Vessel for that Purpose, every such Owner, Master, or other Person shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Ten Pounds Sterling; and that in case of any such Refusal or Neglect, it shall and may be lawful to and for the said Harbour Master and his Assistants,

Harbour Master may, in case of

and he or his Assistants are hereby authorized, to moor, unmoor, place, move, or remove such Ship and Vessel accordingly; and the said Harbour Master is also hereby authorized and empowered in such Case to hire and employ a sufficient Number of proper Persons to remove such Ship or other Vessel to such Place or Position within the said Harbour as the said Harbour Master shall appoint.

Refusal, moor or unmoor Vessels, and may employ Assistants for that Purpose;

XXIII. And be it further enacted, That the reasonable Expences incurred by such mooring, unmooring, placing, moving, or removing of such Ship or other Vessel, and by such hiring as aforesaid, shall be paid and borne by the said Owner, Master, or other Person having the Charge or Command of any such Ship or other Vessel, such Expences to be recoverable in such Manner as in case of Penalties or Forfeitures under this Act.

Expences thereof to be borne by the Master or Commander.

XXIV. And be it enacted, That the said Harbour Master and his Assistants shall and may and he and they is and are hereby empowered, in case of urgent Necessity, and for preventing the Loss of any Ship or Vessel, to cut the Rope, Cable, or Hawser of any Ship or Vessel lying within the said Harbour, or within Five hundred Yards from the Entrance thereof, not being any of His Majesty's Ships of War or employed in the Service of His Majesty, which shall obstruct the Navigation or endanger the Safety of any other Ship or Vessel.

Harbour Master may in case of Necessity cut Cables.

XXV. And be it further enacted, That the said Harbour Master and his Assistants shall and may and he and they is and are hereby also empowered to remove any Timber or Rafts floating in any Part of the said Harbours, and appearing in any Manner to obstruct or impede the free Navigation of the same or be injurious to Ships and other Vessels therein, and also to remove all Wrecks and other Obstructions which may from Time to Time be found in or upon the said Harbour; and that the Expence of removing such Timber, Wrecks, or other Matters causing such Obstruction or Obstructions as aforesaid shall be paid by the Owner or Owners of such Timber, Wrecks, or other Matters; and that in case the Owner or Owners thereof shall refuse or neglect to pay the same, or if no Owner or Owners thereof shall appear within Fourteen Days after such Removal as aforesaid, then the said Harbour Master shall and he is hereby directed to report such Default to the said Commissioners, and that the said Commissioners shall and they are hereby empowered thereupon to issue their Warrant authorizing the said Harbour Master, or such other Person or Persons as they shall think fit, to sell by public Cant or Auction such Timber, Wrecks, or other Matters, or any of them, or so much thereof as shall be sufficient to pay the Expence of removing the same as aforesaid; and that, after paying and defraying such Expences, the Overplus (if any) of the Money arising by such Sale shall be paid to such Person or Persons as shall show themselves to the Satisfaction of the said Commissioners, or any Two of them, to be the Owner or Owners of such Timber, Wrecks, or other Matters respectively.

Harbour Master may remove Timber floating in the Harbour, and Wrecks.

Expense to be paid by Owners.

In case of Nonpayment, Commissioners may sell the Timber, &c. by public Auction; paying the Overplus, if any, to the Owners, after deducting Expences.

XXVI. And

Penalty on Persons obstructing the mooring or unmooring of Vessels.

XXVI. And be it further enacted, That in case any Master, Commander, or other Person or Persons having Charge or Command of any Ship or other Vessel, or any other Person or Persons whatsoever, shall obstruct or hinder the mooring or unmooring, placing, moving, or removing of any Ship or other Vessel lying or being in the said Harbour or being within the said Distance of Five hundred Yards from the Entrance or Mouth thereof, then and in every such Case such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Twenty Pounds.

Penalty on Persons obstructing the Harbour Master in any of his Duties.

XXVII. And be it enacted, That if any Person or Persons shall wilfully or maliciously obstruct or maltreat the said Harbour Master, or any of his Assistants, in the Execution of his or their Duties or Business aforesaid, or in the doing of any Matter or Thing which the said Harbour Master and his Assistants are by this or any other Act now in force in *Ireland* empowered to do, every and each of such Person or Persons shall, except in such Cases where a Penalty of greater Amount is by this or any other Act in force relative to the said Harbour directed to be inflicted, severally forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds Sterling.

Harbour Master and his Assistants indemnified.

XXVIII. And be it further enacted, That such Harbour Master, and all and every other Person and Persons acting in his Aid or Assistance, shall be and he and they is and are hereby indemnified for all and whatsoever he or they shall do or cause to be done in pursuance of this Act.

Commissioners may, with the Approbation of the Lord Lieutenant, appoint Collectors, &c.

XXIX. And be it enacted, That the said Commissioners of *Kingstown* Harbour shall and may (subject to the Approbation of the Lord Lieutenant or other Chief Governor or Governors in *Ireland* for the Time being) appoint such Collector or Collectors, Ballast Master or Ballast Masters, and such other Officers as they shall think proper, for the Purposes of this Act, and also from Time to Time may remove such Collector or Collectors, Ballast Master or Ballast Masters, or other Officer or Officers as they may think proper; and also shall and may, with the like Approbation, appoint to such Collector or Collectors, Ballast Master or Ballast Masters, or other Officer or Officers, such Salary or Salaries as they shall think reasonable and proper, and shall and may also pay the same from Time to Time out of any Monies which shall be in their Hands under this Act.

Commissioners may appoint and remove Servants and Workmen.

XXX. And be it further enacted, That it shall and may be lawful for the said Commissioners, at their own free Will, to appoint and pay out of the said Monies such and so many other Servants, Workmen, and Persons as they shall think proper for the Purposes of this Act or of said recited Acts, and that they shall and may also from Time to Time, at their Will and Pleasure, remove all or any of the said Officers or Persons, and, subject as aforesaid, appoint others in the Room or Stead of such of them as shall be so removed, or as shall die, or decline or become incapable to act.

XXXI. And

Commissioners may take Security from Collectors, &c.

XXXI. And be it enacted, That the said Commissioners shall and may, if they think proper so to do, take good and sufficient Security from each or any One of their Collectors, Surveyors, or other Officers or Servants for the due Execution of their several and respective Offices and of the Trusts reposed in them respectively.

Penalty on Collectors, &c. taking Fees.

XXXII. And be it enacted, That if any Person who shall be appointed Collector, Surveyor, Harbour Master, Ballast Master, or otherwise in the said Harbour, shall directly or indirectly exact, take, or accept, by any Ways or Means, any Fee or Reward whatsoever, other than such Salary, Payment, or Allowance as shall be granted by the said Commissioners, every such Person so offending shall, at the Discretion of the said Commissioners, forfeit and pay a Sum not exceeding the Sum of Fifty Pounds, such Penalty to be recovered by Action of Debt in any of the Courts of Record in *Dublin*, or otherwise, at the Option of the said Commissioners, in such Manner as herein-after is mentioned.

Collector to levy and receive Dues.

XXXIII. And be it enacted, That the said Collector and Collectors or other Officer or Person having Authority under the said Commissioners for that Purpose, shall and may levy, collect, and receive all Duties, Penalties, Payments, Sum and Sums of Money which are or shall be payable to the said Commissioners under this Act or any other Act or Acts of Parliament in force in *Ireland* upon or in respect of Ships, Vessels, or other Bottoms entering into or lying or being in the said Harbour or within Five hundred Yards of the Entrance thereof, and shall and may also levy, collect and receive all and every other Duties, Penalties, Payments, and Sums of Money whatsoever payable to such Commissioners under this or any other Act in force in *Ireland* in respect of the said Harbour: Provided nevertheless, that such Collection and Receipt as aforesaid shall not be allowed to interfere with any individual or personal Authority given to any other Person under or by virtue of this Act for the Collection or Receipt of any Monies; and provided further, that nothing herein contained shall be construed, deemed, or taken to repeal or interfere with the present Mode of collecting the Duties and Sums of Money payable under the said Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third to the Collector or any other Officer of the Port of *Dublin*.

Proviso.

Collector may distrain for Dues.

XXXIV. And be it further enacted, That in case the Owner, Master, or Commander of any Ship or Vessel, Boat or Bottom, shall refuse or neglect to pay any of such Duties, Penalties, Payments, or Sums of Money, it shall and may be lawful to and for such Collector or Collectors, or other Officer or Person as aforesaid, to seize and distrain any such Ship or Vessel, Boat or Bottom, or the Tackle, Apparel, or Furniture thereof, or any Part thereof, and to detain the same until Payment shall be made of the said Duties, Penalties, Payments, Sum and Sums of Money, together with the Costs of such Distress; and that in case the same shall not be paid and satisfied within the Space of Fourteen Days next after the Time of making any

In case of Nonpayment of Dues

Commissioners may sell the Vessel, &c., and pay over the Surplus to the Owner.

any such Distress as aforesaid, then it shall and may be lawful to and for the Commissioners for the Time being of the said Harbour to cause such Ship or Vessel, Boat or Bottom, and the Tackle, Apparel, and Furniture thereof, to be appraised, and the same or a sufficient Part thereof to be sold for the Payment of the Duties, Penalties, Sum or Sums of Money for which the said Distress shall have been made, as also the reasonable Costs and Charges incurred in taking, keeping, appraising, and selling the same, rendering the Overplus (if any) of the Produce of such Sale to the Owner or Owners of the Ship or Vessel, Boat or Bottom, Tackle, Apparel, or Furniture which shall have been so sold.

Collectors and Officers to keep Accounts.

XXXV. And be it enacted, That the said Collectors, Officers, and other Persons so appointed as aforesaid shall keep a true and perfect Account of all Duties, Penalties, Payments, Sum and Sums of Money which from Time to Time shall be received by them respectively by virtue of this Act or such other Act or Acts as aforesaid, and shall, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners or to such Person or Persons as the said Commissioners shall appoint for that Purpose, a true and perfect Account in Writing under their Hands of all Matters and Things committed to their Charge by the said Commissioners or by this Act, and of all Monies which shall have been by them and each of them severally and respectively received as aforesaid, and how much thereof hath been paid or disbursed, and for what Purpose, together with the proper Vouchers for such Disbursements, and shall, if required, deliver up all such Goods, Matters, and Things as shall remain in their respective Hands or Custody, to the said Commissioners, or to such other Person or Persons as they shall appoint, and shall also pay over all such Monies at such Times and in such Manner and under such Regulations as the said Commissioners shall direct.

Remedy against Officers making Defaults.

XXXVI. And be it enacted, That if any of such Collectors, Officers, or Persons appointed as aforesaid shall not make and render such Account, or produce or deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days next after being thereunto required by Notice in Writing signed by the said Commissioners or their Secretary, and given to or left at the last or usual Place of Abode of such Collector, Officer, or Person, all Books, Papers, and Writings, Goods, Matters, and Things in his Custody or Power by virtue of his Office or belonging to the said Commissioners, or shall not give Satisfaction to the said Commissioners respecting the same, the said Commissioners are hereby empowered and authorized to cause an Action by Civil Bill or otherwise to be brought against the Collector, Officer, or Person so neglecting or refusing, for the Recovery of the Monies which shall be in his Hands, or the Goods, Matters, or Things which shall be in his Possession, with Costs of Suit; or that if Complaint be made by the said Commissioners or by such Person or Persons as they shall

appoint for that Purpose of any such Refusal or Neglect to any Justice of the Peace for the County, City, Town, Borough, or Place wherein such Officer or Person shall be or reside, such Justice is hereby authorized and required, by Warrant under his Hand, to cause such Officer or Person to be brought before him, and on his appearing, or in case he should not be found, to hear and determine the Matter in a summary Way; and that if upon the Confession of such Officer or Person, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Monies which shall have been collected and raised under this or any such other Acts as aforesaid shall be in the Hands of or due by such Officer or Person, such Justice shall and he is hereby authorized and required, upon Nonpayment thereof, to cause such Money, by Warrant under his Hand, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and that if the Goods and Chattels of such Officer or Person shall not be found sufficient to answer and satisfy the said Money and the Charges of such Distress and Sale, or if it shall in manner aforesaid appear to such Justice that any such Officer or Person shall refuse or neglect to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, Goods, Matters, or Things, belonging to the said Commissioners relative to the said Harbour shall be in the Custody, Control, or Power of any such Officer or Person, and he shall have refused or neglected to deliver or give Satisfaction respecting the same, then that such Justice shall commit every such Offender to the Common Gaol or House of Correction of or for the County, City, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given a true and perfect Account and made Payment as aforesaid, or until he shall have compounded with the said Commissioners touching the same, and shall have paid such Composition in such Manner as the said Commissioners shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up all such Books, Papers, or Writings, Goods, Matters, or Things as aforesaid, or shall have given Satisfaction to the said Commissioners in respect thereto: Provided always, that no such Officer or Person shall be committed for Want of sufficient Distress for any longer Space of Time than Six Calendar Months.

Commissioners may place Buoys, &c. in the Harbour, and mark out Space along or in Harbour to be kept open and free.

XXXVII. And whereas it is expedient that the said Commissioners of *Kingstown* Harbour should possess full Power and Authority to regulate the mooring and unmooring of all Ships or other Vessels coming into or going out of the said Harbour, and also to fix and determine the proper Stations therein to be occupied by each of such Ship or other Vessel, whether engaged in taking in or putting out of Ballast or of a Cargo, and that they should also possess a direct Power and Control over all Boats and Bottoms plying in and about the said Harbour, and over the Boatmen belonging to the same, and also over all public Vehicles and Conveyances frequenting the Piers, Wharfs, and Quays of the said Harbour, and Drivers of the same, and also over all Porters seeking Employment as Packet Porters or otherwise

wise in and about the said Harbour, and should have full Power and Authority to make such Rules and Regulations as they may deem necessary respecting the same, for the Purpose of regulating the Conduct of the Masters and Commanders of such Ships or Vessels, or of said Boatmen, Drivers, Porters, or other Persons similarly or otherwise employed in and about the said Harbour and the Works connected therewith, and for the Maintenance of good Order in the said Harbour; be it therefore enacted, That it shall and may be lawful for the said Commissioners from Time to Time, as they may see fit, to lay and place or cause to be laid and placed such Buoys, Moorings, Craft, or Dolphins as they shall from Time to Time deem necessary in the said Harbour, and also to cause such Space as they shall judge fit to be kept free and open along or near the Quays, Wharfs, and Moorings in and belonging to the said Harbour, to be marked out for that Purpose by Piles, Buoys, or other sufficient Marks.

Masters or Commanders of Ships to pay for Use of Cables, &c.

XXXVIII. And be it further enacted, That when and so often as the Master or Commander or other Person or Persons in charge of any Ship or other Vessel which shall enter into or be within the said Harbour shall make use of any Cable, Hawser, or Anchor the Property of the said Commissioners, he or they shall pay to the Collector or other Person appointed by the said Commissioners for that Purpose such reasonable Rates, Sum or Sums of Money as shall have been previously fixed and determined by the said Commissioners.

If Ships hook or get foul of Moorings the Masters of them not to unhook them without the Assistance of the Harbour Master, under Penalty of 10*l.*

XXXIX. And be it also enacted, That whenever any Ship, Vessel, or other Craft shall in any Manner, either by Accident or otherwise, hook or get foul of any of the Moorings laid down by the Commissioners of the said Harbour, the Owner, Master, or other Person having the Charge or Command of such Ship or Vessel shall not proceed without the Assistance of the Harbour Master of the said Harbour to unhook or get clear of the same, under the Penalty of Ten Pounds Sterling, to be paid by every such Owner, Master, or other Person, but shall forthwith give Notice thereof to the said Harbour Master, in order that full and effectual Aid and Assistance may be forthwith given for the Purpose of clearing such Ship, Vessel, or other Craft from such Moorings without Damage to the same, for which said Aid and Assistance every such Owner, Master, or other Person shall pay such reasonable Sum of Money, not exceeding the Sum of Five Pounds Sterling, as shall be fixed and awarded by the said Commissioners, to be recoverable in the same Manner as any Penalty or Forfeiture is by this Act directed to be recovered.

Penalty on Masters or Commanders of Ships not fastening a Buoy to Anchor.

XL. And be it enacted, That if the Master or Commander of any Ship or other Vessel which shall cast Anchor within the said Harbour shall not previously to so doing tie or fasten or cause to be tied or fastened a Buoy to such Anchor, in such Manner as that the said Buoy shall float in a conspicuous Manner, so that it may be plainly and easily seen in what Place such Anchor has been cast, such Master or Commander shall for every such Offence or Neglect forfeit and pay any Sum not exceeding the Sum of Five Pounds Sterling,

Sterling, and shall, in addition to the said Penalty, forfeit and pay the further Sum of Five Pounds Sterling for every Hour such Anchor shall so remain without such Buoy being so fastened thereto after Notice thereof shall have been given to the said Master or other Person in command of such Vessel by the said Harbour Master or other Person having Authority in that Behalf.

Commissioners may have sunken Vessels raised and sold.

XLI. And whereas Ships or Vessels, Lighters, Barges, Boats, and other Craft may sometimes be sunk in the Water or stranded in the said Harbour, and in case the same or the Hulks thereof were suffered to remain there they would occasion Damage to the said Harbour, or to the Ships and Vessels coming into or resorting to the same; for Remedy thereof, be it enacted, That when and as often as any Ship or Vessel, Lighter, Barge, Boat, or other Craft shall be sunk and stranded in the said Harbour, or within Five hundred Yards beyond the Entrance thereof, it shall be lawful for the said Commissioners, or for the said Harbour Master, acting under the Authority of tne said Commissioners, in case the Owner or Owners, Master, or other Person having the Charge or Command of such Ship or Vessel, Lighter, Barge, Boat, or other Craft shall refuse or neglect to weigh and raise the same for the Space of Fourteen Days next after the same shall have been so sunk or stranded, to cause the same to be weighed and raised, and to cause the same, together with the Furniture, Tackle, and Apparel thereof or of any Part thereof respectively, and also all or any Part of any Goods, Wares, Merchandizes, Chattels, and Effects which shall be found on board the same, to be sold by public Auction or otherwise, and thereby and therewith to pay the Charges and Expences of so weighing and raising such Ship, Vessel, Lighter, Barge, Boat, or other Craft, and so clearing the said Harbour, and also the Charges and Expences of such Sale, rendering the Overplus (if any be) to the Owner or Owners or other Person or Persons who by Law shall be entitled to the same.

Penalty on Persons casting Rubbish, &c. into Harbour.

XLII. And be it further enacted, That if the Owner, Master, or other Person having the Charge or Command of any Ship or Vessel, Lighter, Barge, Boat, or other Craft whatsoever, or any Person working any Quarry, Mine, or Pit near to the said Harbour, or any other Person or Persons whatsoever, shall cast, throw, empty, unlade, or conduct, or cause or procure to be cast, thrown, emptied, unladen, or conducted, either from or out of any such Ship or Vessel, Lighter, Barge, Boat, or other Craft, or from the Shore, any Ballast, Stone, Slate, Gravel, Earth, Rubbish, Wreck, Filth, Damage, or Washings into the said Harbour, or within such reasonable Limits beyond the said Harbour as may from Time to Time be prescribed by the said Commissioners, or into any Sewer or Stream that empties itself into the same, or into any Place or Situation on Shore where such Matter shall be liable to be washed into the same, either by ordinary or high Tides or by Storms or Land Floods, all and every such Person and Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Ten Pounds, over and besides all Expences which may be incurred in removing to a proper Place any

of the said Matter which may have been deposited contrary to the Provisions of this Act, such Expences to be recoverable in such Manner and with such Power of Commitment for Nonpayment thereof as in Cases of Penalties or Forfeitures under this Act.

Commissioners to have the Power given to the Corporation for preserving and improving the Port of Dublin by 26G.3.(I.)and 32 G. 3. (I.) and the Power over Cars, &c. given by 37 G. 3. (I.) and 48 G. 3. c. 87.

XLIII. And be it further enacted, That the said Commissioners shall have and exercise, according as they may judge expedient for the Maintenance of good Order in the said Harbour, all the Powers and Authorities whatsoever for the managing and punishing Persons having the Charge of Boats, Wherries, and other Craft entering or making use of the said Harbour which are contained in the said Two several Acts of Parliament made and passed respectively in the Twenty-sixth and Thirty-second Years of the Reign of King *George* the Third, and which were thereby given to the said Corporation for preserving and improving the Port of *Dublin*, and also all the Powers and Authorities whatsoever for the managing and punishing of Persons having Charge of Coaches, Cars, Carriages, Carts, Drays, or any other Vehicle whatsoever licensed by the Superintendent Magistrate for the Preservation of the Peace within the District of the City of *Dublin*, or other Person or Persons qualified for that Purpose in the City of *Dublin*, which are contained in a certain Act made and passed in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to Hackney and other Carriages plying in the City of* Dublin, *its Suburbs and Liberties, and within Seven Miles thereof*, and in a certain other Act of Parliament made and passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Rates and Taxes taken by licensed Hackney Coachmen, and for establishing others in lieu thereof, and for amending several Laws relating to Hackney Coaches*, or which are contained in any other Act or Acts of Parliament in force in *Ireland* relative to Coaches, Cars, Carriages, Carts, Drays, or any other Vehicles plying in the City of *Dublin*, its Suburbs, Liberties, and Environs.

Commissioners may licence Boats and Wherries to ply in the Harbour.

XLIV. And be it enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, as they shall see fit, to grant Licences for such Time as they may think proper, to the Owners and Proprietors of Boats, Wherries, and other Craft, permitting them to ply the same respectively for Hire, and to lend out the same to all such Person or Persons as may be willing to hire the same; and that every Person who shall obtain any such Licence in respect to any Boat, Wherry, or other Craft shall pay for the same to the said Commissioners a Sum not exceeding the Sum of Two Shillings and Sixpence, and that all such Boats, Wherries, and other Craft shall be numbered as the said Commissioners shall direct, and shall be registered by their Number and by the Names of their respective Owners with the Harbour Master for the Time being of the said Harbour, or with such other Person as the said Commissioners shall appoint for that Purpose; and the respective Owners thereof shall pay to the said Harbour Master, or such other Person as aforesaid, a Sum not exceeding the Sum of Two Shillings and Six-

pence Sterling for registering the same; and that each of such Owners and Proprietors aforesaid shall cause his registered Number, together with his Name, to be painted distinctly on a conspicuous Part of the Boat, Wherry, or other Craft, as the Case may be, and there to be kept and renewed as often as the same may be required; and that in case any of such Owners and Proprietors shall refuse or neglect so to do, he shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding the Sum of Forty Shillings.

Commissioners may license Packet Porters.

XLV. And be it enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, as they may think fit, to grant Licences to such and so many Persons as they may deem requisite to act as Porters in and about Packets coming into or lying in the said Harbour, or in and about the Wharfs, Quays, and Landing Places of the same, for the Purpose of transporting Luggage, Goods, Wares, or Merchandizes for expected Reward from the Person to whom the same shall belong.

Commissioners may withdraw Licences.

XLVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, whenever they shall see fit, to deprive of his or her Licence any of such Owners or Proprietors of such Boats, Wherries, or other Craft, or any of such Packet Porters, to whom a Licence shall have been so granted as aforesaid.

Commissioners may make Bye Laws, Rules, and Regulations.

XLVII. And be it further enacted, That it shall and may be lawful for the said Commissioners of *Kingstown* Harbour, and they are hereby authorized and empowered, from Time to Time to make and ordain such Bye Laws, Rules, Orders, and Regulations as to them may seem expedient, not being contrary to the Provisions of this Act nor to any Law or Statute in force in *Ireland*, for regulating and preserving the Moorings in and belonging to the said Harbour, and for regulating the mooring and unmooring of Ships or other Vessels coming into or going out of the said Harbour or the said Space of Five hundred Yards beyond the Entrance thereof, and fixing the proper Stations therein to be occupied by the several Ships, Vessels, Lighters, Barges, Boats, or other Craft being in the same, and for regulating the licensing herein-before mentioned of all Boats, Wherries, and other Craft plying in the said Harbour, and of all Parties or other Persons employed in and about the said Harbour, and fixing the Limits within which Boats, Wherries, and other Craft so licensed shall ply, and for regulating the Conduct and Direction of the Masters and Commanders or other Person or Persons in charge of any Ship or other Vessel coming into, remaining in, or going out of said Harbour, and also for regulating the Conduct and Direction of the Owner or Proprietor or other Person or Persons in Charge or Management of any Boats, Wherries, or other Craft plying in or which shall arrive at and enter the said Harbour, and also for regulating the Conduct and Direction of all Persons who shall frequent the Piers, Wharfs, and Quays of the said Harbour with Coaches, Cars, Carriages, Carts, Drays, or other Vehicles, and ply the same for Hire, and of all Persons who shall be so as aforesaid licensed to act as Porters or in any other like Capacity in and about the said Harbour, or the said Wharfs,

Wharfs, Piers, and Quays, and for fixing and regulating the Rates or Prices, Sum or Sums of Money, which it shall and may be lawful for such Owners or Proprietors or other Person in the Care and Management of such Boats, Wherries, or other Craft, or for such Partners or other Persons so as aforesaid licensed under this Act, to demand and receive from the Person or Persons who shall employ them, according to their said several and respective Occupations, and also for the regulating of any other Matter, Thing, or Purpose connected with the said Harbour, or in any Manner tending to the Maintenance of good Order in the said Harbour, or upon the Wharfs, Quays, or Piers belonging to the same: Provided that no such Bye Law, Rule, Order, or Regulation shall be valid or binding unless the same shall have been approved by the Chief Justice of the King's Bench, or the Chief Justice of the Common Pleas, or the Chief Baron of the Exchequer, in *Ireland*.

Commissioners may fix Penalties for Breach of the Bye Laws.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners of *Kingstown* Harbour and they are hereby authorized to fix and specify in the said Bye Laws, Rules, and Regulations such Penalties to be inflicted on any Person or Persons offending against the same as to them shall seem expedient, and be approved of by the Chief Justice of His Majesty's Court of King's Bench or Common Pleas, or the Chief Baron of the Exchequer, in *Ireland*, and not already fixed by any of the Provisions of this Act, the same to be recovered in like Manner as other Penalties and Forfeitures under this Act are herein-after directed to be recovered: Provided always, that no such Penalty or Fine shall, except it is otherwise specially provided by this Act, exceed the Sum of Forty Shillings for each Offence.

Bye Laws, Rules and Regulations may be varied.

XLIX. And it is hereby further enacted, That all such Bye Laws, Rules, Orders, and Regulations may be from Time to Time varied and altered by the said Commissioners as they may see fit, and that the same shall have as full Force and Effect as if the same were incorporated in this Act.

Bye Laws and Rules to published by printing them or painting them on Boards in and about the Harbour.

L. And it is hereby further enacted, That immediately upon the making thereof, and also from Time to Time whenever such Bye Laws, Rules, Orders, and Regulations shall in any Manner be varied or altered by the said Commissioners, they shall be forthwith published, by having the same written or printed upon Paper, or painted upon Boards, and hung up or exposed in some open, conspicuous, and frequented Part of the Piers, Wharfs, and Quays of the said Harbour, or in the Vicinity thereof, to the Intent that the same may be seen and read, and Extracts taken from the same, by Persons interested therein, and shall also be renewed when and as often as the same shall become obliterated, defaced, or destroyed.

Penalty on Persons defacing such Boards.

LI. And it is hereby enacted, That if any Person shall pull down or destroy any of such Boards, or obliterate or deface any of the Writing thereon, he shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings.

LII. And

Ships or other Vessels may be seised and detained for Penalties.

LII. And be it further enacted, That in all Cases where by this Act, or any former Act or other Act having reference either to the said old Harbour of *Dunleary* or to said *Kingstown* Harbour, any Person or Persons is or are rendered liable to the Payment of any Penalty or Fine for or on account of any Offence, whether occasioned by the omitting or committing of any Deed, Action, or Thing contrary to the Form and Provisions of this Act or of any former or other Act, or contrary to any of the said Rules and Regulations to be made by the said Commissioners under the Authority of this Act, and that such Offence shall have been committed by the Owner, Master, or other Person having the Charge of or by any Person on board of any Ship or Vessel, Lighter, Barge, Boat, or other Craft, it shall and may be lawful for the Harbour Master, or for the Person having Authority under this Act, to demand Payment of the said Penalty and Fine, and the Expences occasioned by and consequent on such Offence, and, in case of Nonpayment of the same upon such Demand, to seize and distrain the Ship, Vessel, Lighter, Barge, Boat, or other Craft, or the Tackel, Apparel, or Furniture thereof or any Part thereof, the Owner, Master, or other Person having the Charge of which or any Person on board which shall have so offended as aforesaid, and to detain the same until Payment of the said Penalty and Expences to the Person having Authority under this Act to receive the same; and until such Payment as aforesaid no Clearance or Discharge shall be allowed or granted for such Ship or other Vessel: Provided nevertheless, that no Boat or Wherry plying in the said Harbour shall on any one Occasion or for any single Offence be so detained by the said Harbour Master for any longer Space of Time than Four Days; and provided also, that the enforcing any of the said Penalties shall not in any Manner affect any Remedy which any Person or Persons shall or may have by Action or otherwise against the Person or Persons liable to the Payment thereof for any Damage or Injury which may have been done by the Act whereby such Penalty was incurred.

Penalty on Persons unmooring Boats without leave of the Owners.

LIII. And whereas it has been hitherto not uncommon for Persons having no Authority from the Owners so to do to take and remove Boats from their Moorings, and to use the same for the Purpose of returning to or getting on board of Ships and Vessels lying and being in the said Harbour, during the Time of Night, or for other Purposes, and such Boats so removed are often turned adrift in the said Harbour, to the great Injury and Inconvenience of the Owners thereof; be it therefore enacted, That from and after the passing of this Act, if any Person or Persons shall loosen or remove from its Moorings any Boat or other Craft lying or being within the said Harbour without the Leave or Authority of the Owner thereof, such Person or Persons shall forfeit and pay for every such Offence the Sum of Forty Shillings, or at the Discretion of the Commissioners of the said Harbour, or of the Justice of the Peace herein-after mentioned, shall be committed to the Common Gaol or House of Correction of or for the County, City, Town, or Place where such Offender

shall be or reside, there to be kept at hard Labour for any Term not exceeding Two Calendar Months.

Penalty on Persons bathing except at the Places appropriated.

LIV. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons to bathe in the Waters inclosed within the Limits of the Piers of the said Harbour, or from any Part of the Piers, Wharfs, Quays, or Jetties of the said Harbour, or within One hundred Yards thereof, except at such Places and at such Times as shall be authorized and appropriated for that Purpose by the said Commissioners; and that every Person or Persons so offending, after due Notice to the contrary shall have been given by the said Commissioners, and conspicuously posted on the Piers, Wharfs, or Quays of the said Harbour, shall forfeit and pay for every such Offence a Sum not exceeding the Sum of Twenty Shillings, to be recovered and applied by the said Commissioners as in the Case of other Penalties incurred under this Act.

Penalty on Persons discharging Fire-arms in the Harbour.

LV. And be it also enacted, That if any Person shall fire off or discharge any Description of Fire-arms in the said Harbour, or on or from the Piers, Wharfs, or Quays thereof, he shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Twenty Shillings, to be recovered and applied by the said Commissioners as in the Case of other Penalties incurred under this Act.

No Public House to be permitted within 100 Feet of Road on South-west Side of Harbour without Consent, except as herein mentioned.

LVI. And be it further enacted, That it shall not be lawful for Magistrates and others having Authority to grant Licences for the Sale of Beer or Spirits, or of any other Kind of Liquor, to grant any Licence, without the Consent of the said Commissioners for that Purpose in Writing, to any Person or Persons whatsoever to sell the same within One hundred Feet of the Road which runs along the South-west Side of the said Harbour, between the Two Piers thereof, save and except to the Occupiers of such Houses, the present Occupiers of which are now licensed for the Purpose aforesaid; any thing in any Act or Acts contained to the contrary hereof notwithstanding.

Commissioners indemnified.

LVII. And be it enacted, That the said Commissioners, and all and every of the Persons who have been from Time to Time heretofore or shall be hereafter appointed Commissioners of the said Harbour, shall be and they are hereby indemnified and saved harmless of and from all Loss, Charges, Damages, Trouble, and Responsibility to which they are or might be subject and liable in consequence or by reason of any Acts, Matters, or Things which have been or shall be done and executed or authorized to be done and executed by any Two of them pursuant to the Provisions of the said recited Acts or of this Act: Provided however, that such Indemnity as aforesaid shall not be construed to exonerate any of such Commissioners from the personal Consequences of any wilful Misdeed or Default by him committed or suffered or to be committed or suffered.

LVIII. And

LVIII. And be it enacted, That it shall and may be lawful for the Commissioners of the said Harbour and each and every of them, in all Matters and Things whatsoever having relation to the said Harbour or in any way concerning the same, or the Ships or Vessels, Lighters, Barges, Boats, and other Craft therein or frequenting the same, or the Owners, Masters, or Commanders thereof, or the Officers acting under the said Commissioners, or any Person or Persons employed in or about the said Harbour, or concerning Offences committed against this Act or the said other Acts of Parliament herein recited and referred to, and also concerning all Offences against or Breaches of the Peace committed by any Person or Persons whomsoever in or about the said Harbour or the said Space of Five hundred Yards beyond the Entrance thereof, or in or about any of the Wharfs, Quays, or Piers thereof, or in or about any of the Quarries, Works, or other Property of the said Commissioners connected with the said Harbour, or the Ships, Vessels, Lighters, Barges, and other Craft within the same respectively, or within Five hundred Yards beyond the Entrance thereof, to use and exercise all such Powers and Authorities as may belong to or be exercised by any Justice of the Peace of or for any County, City, Borough, or Town Corporate in *Ireland*, with all such Powers of examining upon Oath or Affirmation (which Oath or Affirmation they and each of them is and are hereby individually authorized to administer), and of hearing, determining, committing, and punishing, as is vested in or belongs to any such Justice of the Peace.

Commissioners to have the Power of Magistrates.

LXIX. And be it enacted, That it shall and may be lawful for the Commissioners for the said Harbour and they are hereby authorized and empowered to nominate, appoint, and swear in a sufficient Number of Peace Officers, Watchmen, and Constables, who shall act as such in and about the said Harbour, and shall during their Continuance in their said Offices have and enjoy all the Powers and Authorities, Privileges, and Immunities which Constables are invested with or have and enjoy by Law; and that if any of such Peace Officers, Watchmen, or Constables shall not faithfully observe, perform, and keep the Rules, Orders, and Regulations which shall have been made and appointed by the said Commissioners, or shall in any Manner neglect his Duty or misbehave himself in the Execution of his said Office, such Person so offending shall forfeit and pay to the said Commissioners for every such Offence any Sum not exceeding the Sum of Five Pounds, and if the said Commissioners shall think proper, he shall be immediately discharged from his said Office or Employment of Peace Officer, Watchman, or Constable.

Commissioners may appoint Constables, &c.

LX. And be it enacted, That all Acts, Matters, and Things which the said Commissioners of *Kingstown* Harbour are by this Act or by the said Two several Acts of the Fifty-sixth Year of the Reign of King *George* the Third and the First Year of the Reign of King *George* the Fourth, or by any other Act or Acts in force in *Ireland* relative to said Harbour, required or authorized to do or execute in respect to the same, shall and may be done and executed by any Two

Any Two of the Commissioners qualified to act.

Two of the said Commissioners for the Time being of the said Harbour.

Offences against Harbour Acts to be heard by any Two of the Commissioners, or a Justice of the Peace.

LXI. And be it enacted, That all Offences whatsoever which by virtue or under the Authority of this Act or of any other Act or Acts of Parliament in force relative to the said Harbours are or shall be subject or punishable with any pecuniary Penalties, Fines, or Forfeitures, and also any Offence against this Act or any such other Act or Acts as aforesaid, and against any Bye Law, Rule, or Regulation so as aforesaid made in pursuance hereof, shall and may in every Case where no express or exclusive Provision exists or has been made to the contrary, be heard, adjudged, and determined in a summary Way by and before any Two of the said Commissioners of the said Harbour, or by and before any Justice or Justices of the Peace acting in and for the County of *Dublin*, or in and for the City of *Dublin*, and that the said Commissioners or Justice shall summon the Party or Parties accused, and examine into the Matter thereof; and that if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses (which Oath the said Commissioners or Justice is and are hereby empowered and required to administer), the Party or Parties accused shall have been convicted of having committed such Offence or Offences, then and in every such Case the said Commissioners or Justice shall and may award to the Offender or Offenders such Punishment as by this Act or by any of the said other Acts, or by the said Bye Law, Rule, and Regulations, he or they is or are made subject and liable to; and that the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, if any, which may have been so awarded, together with the Costs of Conviction, to be ascertained by such Commissioners or Justice, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and that in case of Nonpayment thereof, then the same shall and may, by Warrant under the Hand and Seal or Hands and Seals of the said Commissioners or Justice (which they and he are and is hereby empowered and authorized to grant), be levied and recovered, together with the Costs of Conviction and Recovery, to be ascertained as aforesaid, by Distress and Sale of the Goods and Chattels and Effects of such Offender or Offenders, wheresoever such Goods, Chattels, and Effects can be found; and that the Overplus (if any) of the Money arising by such Distress and Sale, after deducting such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, together with the Costs of Conviction and the reasonable Expences attendant upon such Distress and Sale, shall be rendered to the Owner or Owners of the Goods, Chattels, and Effects so distrained; and that it shall and may be lawful to and for such Commissioners or Justice to order the Offenders or Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Commissioners or Justice for his or their Appearance before the said Commissioners or Justice on such Day as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day not being at a greater Distance than Seven Days from

from the Time of taking any such Security, and which Security the said Commissioners or Justice are and is hereby empowered to take by way of Recognizance or otherwise; and that if upon the Return of such Warrant it shall appear that no sufficient Distress can be found, or in case the said Penalty or Penalties, or Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, shall not be forthwith paid, or in case it shall appear to such Commissioners or Justice, either by the Confession of the Offender or Offenders or otherwise, that such Offender or Offenders hath or have not sufficient Goods, Chattels, and Effects whereon such Penalties, Fines, or Forfeitures, and Costs, may be levied, it shall and may be lawful to and for the said Commissioners or Justice, and they and he are and is hereby authorized and empowered, by Warrant under their or his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Fines, or Forfeitures, together with all such Costs and Expences as aforesaid, shall be sooner paid and satisfied.

Penalty on Witness refusing to attend and give Evidence.

LXII. And be it enacted, That if any Person who shall be summoned as a Witness to give Evidence in any of the said Cases before such Commissioners or Justice of the Peace or Justice or Justices at the Sessions, and shall without a reasonable Excuse, to be allowed by such Commissioners or Justice of the Peace or Justice or Justices at Sessions respectively, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, a reasonable Sum having been paid or tendered to such Person for his Charges, or if upon appearing he shall refuse to be examined upon Oath, or in case of Quaker or Moravian upon solemn Affirmation, or to give Evidence before such Commissioners or Justice of the Peace or Justice or Justices at Sessions respectively, and shall not make reasonable Excuse for such Refusal, to be allowed by such Commissioners or Justice of the Peace or Justice or Justices at Sessions respectively, then and in any of the said Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, to be recovered in the same Manner as other Penalties and Forfeitures within this Act.

Informer to be a Witness.

LXIII. And be it enacted, That upon any Trial or other Proceeding for Recovery of any Penalty, Fine, or Forfeiture under this Act, or under any other Act or Acts of Parliament in force relative to said Harbour, any Informer or other Person, who in the event of a Conviction would be entitled by Law or by any Promise or Agreement to the Penalty to be recovered thereon, or to any Part, Share, or Proportion thereof, or to any Fee, Profit, Reward, or Emolument whatsoever, or who may expect the same respectively, shall nevertheless be received and admitted as a Witness on such Trial or other Proceeding, and that such Testimony shall, if believed, be sufficient thereon to all Intents and Purposes as far as the same Testimony could be if given by an indifferent Person.

LXIV. And

Public Act.

LXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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