CHAPTER ccxxxvi.

An Act for improvement of the Harbour of Ardglass, in the county of Down. A.D. 1876.

[15th August 1876.]

WHEREAS by an Act of Parliament of the session held in the seventh and eighth years of the reign of His late Majesty King George the Fourth, chapter eighty of Local and Personal Acts, intituled "An Act for maintaining and improving the harbour of Ardglass, in the county of Down," after reciting that various sums of public money had been granted and laid out in improving the said harbour, and that William Ogilvie, Esquire, the proprietor of the said harbour, claimed to be entitled to certain customs or duties upon vessels entering and using the said harbour, it was amongst other things provided, that certain duties therein mentioned and payable in respect of vessels entering and using the said harbour, should be and the same were thereby abolished, and the said proprietor of the said harbour with other persons were thereby appointed Commissioners for the execution of the said Act, and the said Commissioners were thereby authorised to levy the several rates and duties in the said Act mentioned, which were to be laid out and applied after defraying expenses in improving the said harbour and maintaining it in repair: 7 & 8 G. 4. c. lxxx.

And whereas by one other Act of Parliament of the session held in the eleventh year of His said late Majesty King George the Fourth, chapter eleven, intituled "An Act to enable the Commissioners of the harbour of Ardglass, in the county of Down, to make contracts for works and to borrow money for the improvement of the said harbour," the Commissioners of the said harbour were authorised to borrow and take up at interest any sum or sums of money upon the credit of the rates and duties to be levied, collected, and raised, and to be payable to the said Commissioners by virtue of the said Acts: 11 G. 4. c. xi.

And whereas the said Commissioners, in exercise of the said borrowing power, obtained a loan of the sum of six thousand six

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hundred and fifty pounds from the Commissioners for the promotion and extension of public works in Ireland, the repayment whereof with interest at the rate of four pounds per centum per annum was secured by a deed of mortgage bearing date the fourth day of July one thousand eight hundred and thirty-two, and by indenture of equal date Aubrey De Vere Beauclerck, Esquire, the successor in estate to the said Wm. Ogilvie gave precedence to the said last-mentioned mortgage, and agreed that the same should have priority to certain claims or demands of his affecting the tolls or dues arising out of the said harbour:

And whereas two provisional orders in relation to the said harbour and to certain works for the repair and rebuilding thereof were made by the Board of Trade in the years one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-six, and the same were respectively confirmed by "The Pier and Harbour Orders Confirmation Act, 1864," and "The Pier and Harbour Orders Confirmation Act, 1866":

Piers Acts, 1864 and 1866.

And whereas the said works of repair and rebuilding of the said harbour of Ardglass so in contemplation when the said provisional orders were made have not been executed:

And whereas the works of the said harbour have fallen into a state of disrepair, and have been to a great extent overthrown by storms:

And whereas the said harbour, both from its position and natural features, is of great value and importance to fisheries of the north-east coast of Ireland, and it is desirable for the encouragement of those fisheries that the said harbour should be restored, improved, and made available for the numerous vessels engaged therein, both as a place of shelter and of trade:

And whereas the cost of restoring and improving the said harbour is estimated at twenty thousand pounds, and the Commissioners of Public Works are not under the provisions of the Act passed in the ninth year of Her present Majesty, chapter three, and the various Acts amending the same, authorised to advance as a grant for such purpose an amount exceeding seven thousand five hundred pounds, and it is advisable that the said Commissioners, with the consent and approbation of the Commissioners of Her Majesty's Treasury, should have power and authority to advance as a grant for the purpose of restoring and improving the said harbour an amount not exceeding the sum of fifteen thousand pounds, on the condition that a further sum of five thousand pounds shall be made up and subscribed by the local subscriptions and contributions of persons interested in the formation of the said works, or shall be raised

9 & 10 Vict. c. 3.

in whole or in part by way of loan, and in that case it shall and may be lawful for the Board, with the like consent and approbation, to advance by way of loan any sum not exceeding the said sum of five thousand pounds, such sum to be at such rate of interest and to be secured in such way as may be approved of by the Commissioners of Her Majesty's Treasury:

And whereas in consideration of the said harbour being repaired, restored, and improved as aforesaid, Aubrey De Vere Beauclerck has proposed and agreed to relinquish all claims and demands which he could or might make for or in respect of any lands and premises allocated to or required for the said harbour, and also all sum and sums of money due for or in respect of any expenditure as aforesaid, made either by him or the said William Ogilvie or the said Aubrey De Vere Beauclerck:

And whereas for the purposes aforesaid it is expedient to enact as follows:

Be it therefore enacted by the Queen'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, as follows:

Short title.

1. This Act may be called "The Ardglass Harbour Act, 1876."

"The Board."

2. The term "the Board" in this Act, or in any proceedings or documents under the same, shall mean "the Commissioners of Public Works in Ireland."

Incorporation of Commissioners of Public Works, Ireland.

3. The Board, for the purposes of this Act, shall be incorporated under the style of "the Commissioners of Public Works in Ireland," and by that name shall have succession, and shall have a common seal to be by them made, and from time to time altered, as they shall think fit, and all courts, judges, justices, and persons judicially acting, and other officer, shall take judicial notice of such seal and every order or other act of the Board in reference to this Act, or copies of the same purporting to be sealed with such seal shall be received in evidence without further proof.

Harbour of Ardglass vested in the Board.

4. From and after the passing of this Act all the ground or other property forming the said harbour of Ardglass, and the piers, quays, and wharfs thereof or in any manner connected therewith, shall be and the same are hereby transferred to and vested in the said Board for public purposes in order that the same may be rendered more safe and commodious as a refuge for vessels resorting thereto; but the word harbour shall not include the inside dock and stores which are the private property of the said Aubrey De Vere Beauclerck.

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Funds provided for expenses of works.

5. It shall and may be lawful for the Board out of the funds from time to time at their disposal, by and with the consent and approbation of the Commissioners of Her Majesty's Treasury, to make advances by way of grant to an amount not exceeding in the whole the sum of fifteen thousand pounds, on the condition that a further sum of five thousand pounds shall be made up and subscribed by the local subscriptions and contributions of persons interested in the formation of the said works, or shall be raised in whole or in part by way of loan, and in that case it shall and may be lawful for the Board, with the like consent and approbation, to advance by way of loan any sum not exceeding the said sum of five thousand pounds, such sum to be at such rate of interest and to be secured in such way as may be approved of by the Commissioners of Her Majesty's Treasury; and no part of the said grant shall be advanced nor any works commenced until the said sum of five thousand pounds shall have been raised, and the money so raised shall be the first money expended in carrying out the works.

9 & 10 Vict. c. 3. incorporated with this Act.

6. The said Act passed in the session of Parliament held in the ninth year of the reign of Her present Majesty, chapter three, intituled "An Act to encourage the Sea Fisheries of Ireland, by "promoting and aiding with grants of public money the construc-"tion of piers, harbours, and other works," and the several Acts amending the same, so far as their provisions are not expressly repealed by, inconsistent with, or varied by the provisions hereof, shall be and the same are hereby incorporated with this Act, and the term "Commissioners" therein contained shall be taken to mean the said Board.

Appointment of harbour-master and officers.

7. Subject to the approval of the Commissioners of Her Majesty's Treasury, the Board shall from time to time appoint a good and sufficient person, and good and sufficient persons, to act as harbour-master, collector, and other necessary officers within the said harbour, and shall from time to time remove any of such persons and appoint others in their stead, with such salary or allowance respectively as to the Commissioners of Her Majesty's Treasury shall seem fitting and expedient.

Power to the Board to levy tolls.

8. It shall and may be lawful for the Board and they are hereby authorised to levy or cause to be levied and paid for the use of the said harbour and tolls, wharfage rates, license duties, and charges as the Commissioners of Her Majesty's Treasury shall from time to time approve of, and the same shall be raised, levied, collected, and paid to the officer appointed by the said Board to receive the same.

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Part of 6 & 7 W. 4. c. 117. incorporated with this Act.

9. The provisions contained in sections fourteen, fifteen, and sixteen and in sections twenty-one to twenty-eight, both inclusive, of the Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and seventeen, intituled "An Act "to amend several Acts relating to the harbour of Kingstown," shall be incorporated with this Act, and be held to apply to the said Ardglass Harbour as effectually as if it had been named therein, and the term "Commissioners" in the said sections contained shall be taken to mean the said Board.

Parts of Harbours Act, 1847, and Railways Act, 1863, incorporated with this Act.

10. Sections 12, 13, 77, and 78 of "The Harbours, Docks, and Piers Clauses Act, 1847," and sections 13, 18, and 19 of "The Railways Clauses Act, 1863," are incorporated with and form part of this Act; and in construing these sections the Board shall be held to be "the Undertakers" and "the Company" therein respectively mentioned.

Lights to be exhibited.

11. The Board shall at the outer extremity of the works of Ardglass Harbour exhibit and keep burning from sunset to sunrise such light or lights (if any) as the Commissioners of Irish Lights shall from time to time direct.

List of tolls to be published.

12. The said Board shall cause a list, printed or painted in legible characters, of the several rates and tolls which the said Commissioners shall from time to time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed in some conspicuous place within the limits of the said harbour.

Recovery of tolls.

13. In case any person liable to pay tolls or rates shall refuse or neglect to pay the same, it shall be lawful for the Board or for the collector of the said tolls and rates or other officer or agent or other person to whom such toll or rate ought to have been paid, to seize the vessels, goods, articles, and things in respect of which such tolls or rates ought to have been paid wherever the same may be found, and to detain the same until such tolls or rates, together with the reasonable costs of such seizure or detention, shall be paid; and if such vessels, goods, articles, and things shall not be redeemed within twenty-one days after the seizure thereof, the same shall be appraised and sold, and after deducting the costs of such seizure, detention, and sale, all such sums as shall be due in respect of such toll or rates shall be satisfied thereout, and the overplus paid to the owner in like manner as the law directs in cases of distress for rent in arrear.

Power to the Board

14. It shall and may be lawful for the Board and they are hereby authorised and empowered from time to time, subject to the

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to make byelaws.

approval of the Commissioners of Her Majesty's Treasury, to make such byelaws, rules, orders, and regulations, not being contrary to any law or statute in force in Ireland, as to them shall seem meet and proper, and to fix and specify therein such penalties to be inflicted on any person or persons offending against the same as to them shall seem expedient, with power to the justice or justices of the peace to award any lesser sum by way of penalty than that fixed by such byelaw, rule, order, or regulation, or to remit such penalty according to the circumstances of every case for better carrying into effect the purposes of this Act, or in any manner relating thereto, and from time to time to alter or repeal all or any of such byelaws, rules, orders, or regulations as to the said Board shall seem reasonable, and all such byelaws, rules, orders, or regulations shall be reduced into writing, and be sealed with the seal of the Board, and a copy thereof sealed as aforesaid shall be deposited with the clerk of the peace of the county of Down, and the same shall be kept with the records of the said county, and a printed or painted copy of such of the said byelaws, rules, orders, or regulations as shall subject any person not being an officer or servant of the Board to any fine or penalty shall be exhibited on boards or otherwise within the limits of the said harbour, and such byelaws, rules, and orders shall be binding upon and shall be observed by all persons whomsoever; and if any person shall pull down, deface, injure, 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: Provided always, that in all cases of prosecution for any offence or offences against any of the byelaws, rules, orders, and regulations of the said Board, the production of a book or document purporting to contain the byelaws, rules, orders, or regulations of the Board, and authenticated by the seal of the Board, shall be conclusive evidence of the existence of such byelaws, rules, orders, or regulations.

Application of tolls.

15. The tolls, rates, and charges payable under the provisions of this Act shall be applied by the Board from time to time in repairing and maintaining the said harbour as the Board may think right, and the overplus thereof, if any, shall be applied to the repayment of the sum of five thousand pounds, with interest, locally guaranteed, and afterwards in such manner as may from time to time be directed by the Commissioners of Her Majesty's Treasury.

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