ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xlv.

An Act for making new Docks and other Works at *Belfast*, and for other Purposes, and of which the Short Title is "The *Belfast* Dock Act, 1854."

[2d *June* 1854.]

WHEREAS an Act was passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the further Improvement of the Port and Harbour of* Belfast *in* Ireland, *and for other Purposes*: And whereas by the *Belfast* Harbour Act, 1847, the *Belfast* Harbour Commissioners (in this Act called "the Commissioners") were incorporated for the Conservancy and Improvement of the Port and Harbour of *Belfast* (in this Act called "the Harbour"): And whereas by the *Belfast* Port and Harbour Conservancy Act, 1852, additional Powers were conferred on the Commissioners: And whereas the Commissioners have proceeded to put the recited Acts into execution, and to execute Works thereby authorized: And whereas the Debt of the Commissioners is Four hundred and eleven thousand four hundred and thirty-eight Pounds, and they have under the recited Acts Power to borrow Three hundred and sixty-one thousand eight hundred and ninety-two Pounds more: And whereas it is expedient that the Commissioners be empowered to make and maintain the additional Works by this Act authorized, and further to improve the Harbour, and for those Purposes to borrow at Interest

1 & 2 W. 4. c. lv.

the additional Sum by this Act authorized: And whereas, under a Deed Poll dated the Eleventh Day of *July* One thousand eight hundred and thirty-three, under the Hands and Seals of the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, all the Right, Title, Estate, and Interest of the Crown in certain Parts of the Foreshore, Mud Banks, Flats, and Shoals within the Limits of the Harbour, and containing together by Estimation Eight hundred and eighty-five Acres, were, for the Considerations in such Deed mentioned, granted to and are now vested in the Commissioners to and for any of the public Purposes mentioned, declared, and authorized in the said Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, and for no other Use, Intent, or Purpose whatsoever: And whereas the several Purposes of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it 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.

I. That this Act may be cited for any Purpose as "The *Belfast* Dock Act, 1854."

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 27. incorporated.

II. That "The Lands Clauses Consolidation Act, 1845," and "The Harbours, Docks, and Piers Clauses Act, 1847," except Sections 25 and 26 of that Act, are incorporated with this Act, save so far as altered or otherwise provided for by this Act.

As to Meanings to Words in incorporated Acts and this Act.

III. That the several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Limits of Act.

IV. That this Act shall be executed within the Limits of the Port and Harbour of *Belfast*.

Act to be executed by Belfast Harbour Commissioners.

V. That this Act shall be executed by "The *Belfast* Harbour Commissioners," acting pursuant to the Powers and Provisions of the recited Acts respectively.

Power to take Lands and execute Works.

VI. And whereas Plans and Sections of the intended Works, showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands in which the same are intended to be made, were, on or about the Thirtieth Day of *November* One thousand eight hundred and fifty-three, deposited with the Clerks of the Peace for the Counties of *Antrim* and *Down* respectively for the Purposes of this Act: Therefore the Commissioners may, by means of the Monies which they

are

are by the recited Acts, or either of them, or this Act, authorized to raise, make and maintain the Works by this Act authorized in the Lines and within the Limits of Deviation delineated in that Behalf on those Plans, and according to the Levels shown by those Sections, and upon the Lands described in that Behalf in those Books of Reference, and may enter upon, take, and use such of those Lands as the Commissioners think necessary for such Purposes.

Notice of Intention to take Lands to be given to conflicting Claimants.

VII. That inasmuch as conflicting Claims have been made to Parts of the Lands required for the Purposes of this Act; therefore, for the Purpose of ascertaining the Amount of Compensation, if any, to be made by the Commissioners for any Lands required for the Purposes of this Act, which at any Time after the passing of this Act may be claimed by Two or more Persons adversely to each other, the Commissioners shall give Notice of their Intention to take and use the Lands so claimed to the Commissioners in charge of Her Majesty's Land Revenue in *Ireland*, on behalf of the Queen's most Excellent Majesty, and to every other Person so claiming, but the Commissioners shall not state by such Notice that they are willing to treat for the Purchase thereof.

Claims for Compensation by them to be settled by a Jury.

VIII. That if more than One Person shall, in reply to such Notice, claim any Compensation for any alleged Interest in such Land, and shall not come to an Agreement with the Commissioners thereon, then the several Claimants shall, as between themselves on the one hand, and the Commissioners on the other hand, be deemed One Party claiming Compensation for the Land in respect of which the Claims are made; and the Question of such Compensation, whether or not exceeding Fifty Pounds, shall be settled by the Verdict of a Jury, according to the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845."

As to Valuation of Land.

IX. And whereas a Plan of the said intended Works hath been deposited at the Office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and hath been signed by the Right Honourable *Thomas Francis Kennedy*, the Commissioner in charge of Her Majesty's Land Revenue in *Ireland*, and by the Secretary to the Commissioners, and on such Plan the Land in which the Estate and Interest of the Crown has been granted to the Commissioners for the public Purposes mentioned in the said recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, in manner herein-before mentioned, is coloured Green, and the Land which the Commissioners are by this Act authorized to acquire, and in which the Estate and Interest of the Crown has not been granted to them is coloured Red, and it is expedient that the Value of the said Land coloured Green should be ascertained separately from the Value of the said Land coloured Red: Be it therefore enacted, That in settling the Amount

Amount of Compensation to be deposited by the Commissioners as herein-before mentioned, the Value of the said Lands coloured Green upon the said Plan shall be ascertained separately and apart from the Value of the Lands coloured Red upon the same Plan.

Amount assessed to be paid into Bank, and Court to decide as to the Right thereto.

X. That if the Jury assess any such Compensation, either in respect of the Lands coloured Green or the Lands coloured Red upon the said Plan, the Commissioners shall pay the Amount or Amounts so assessed, into the Bank, in the Name and with the Privity of the Accountant General of the Court of Exchequer in *Ireland*, to be placed to his Account there "*Ex parte* the *Belfast* Port and Harbour Commissioners, in the Matter of the *Belfast* Dock Act, 1854;" and the Court of Exchequer in *Ireland* shall have full Power to determine between the Queen's most Excellent Majesty and all Persons claiming any Interest in the Amount or Amounts of Compensation to be paid into the Bank as aforesaid, who is entitled to the same, or any Portion thereof respectively.

Claims for Compensation for Damage by Works to be proceeded on independently.

XI. Provided always, That if any such Claimant make any Claim for Compensation for any Damage that may be sustained by him by reason of the Execution of the Works, every such Claim shall be made by a distinct Claim, separate from any Claim for Compensation for any alleged Interest in such Lands, and shall be proceeded on in manner in that Behalf provided by "The Lands Clauses Consolidation Act, 1845," and shall be so proceeded on independently of the Proceedings on any such Claim for Compensation for such alleged Interest.

Power to purchase and extinguish Rights and Claims to Shore, &c.

XII. That the Commissioners from Time to Time may purchase and extinguish or procure the Extinguishment of any Rights or Interests which any Person may have, possess, or claim in, to, or over the Shores, Mud Banks, and Slobs situate within the Harbour, and lying within the Limits of Deviation defined on the deposited Plans.

Period for compulsory Purchase of Lands.

XIII. Provided always, That the Powers of the Commissioners for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Description of Works authorized by this Act.

XIV. That the Works which the Commissioners are by this Act authorized to make and maintain comprise the following Works; to wit,

First, an Embankment (in this Act called the Northern Embankment) within the Harbour, commencing from a Point on the County *Down* Side of the navigable Channel leading to *Belfast* determined by a Line from the North Bank of the reclaimed Ground on the County *Antrim* Side of that Channel called *Thompson's Embankment*, which Point is marked "X" on the Plans deposited for the Purposes of this Act; thence proceeding in a south-eastwardly Direction

tion across the Mud Bank or Slob, and terminating at or near the *Holywood* Branch of the County *Down* Railway, at a Point marked "Z" on those Plans:

Secondly, an Embankment (in this Act called the Western Embankment) across the old Channel leading to *Belfast* from the Point marked "X" on those Plans to the Point marked "Y" thereon, at or near to the Battery on the *Queen's Island*:

Thirdly, the making and maintaining of additional Docks, Timber Ponds, Dockyards, Repairing Slips, and Gridirons, with suitable Piers, Walls, Locks, Gates, Bridges, Quays, Landing Places, Wharves, Warehouses, Approaches, Works, and Conveniences connected therewith in the Harbour near to the existing Docks and Quays of the Commissioners.

Officers of Customs to have free Access to Docks without Payment of Toll.

XV. That it shall be lawful for all Officers of Customs, being in the Execution of their Duty, to have free Ingress and Egress into and out of such Docks and Premises, and through the Gates and Entrances of the same, and also freely to pass with their Vessels and Boats through the Locks and Water Communications of the said Docks and Premises at all Times (provided the State of the Tide and Water Communications of the said Docks and Premises will admit of such passing) without Payment of any Toll or Sum for so doing.

Provisions of 10 & 11 Vict. c. 27. as to Life-Boats not to be in force until required by Admiralty.

XVI. That, notwithstanding anything herein-before contained, the Clauses in the Harbours, Docks, and Piers Clauses Act, 1847, with respect to Life Boats, shall not be in force under or for the Purposes of this Act, until the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or any Two of them, shall require such Clauses to be observed by the Commissioners; and at and from the Expiration of Six Calendar Months from the Time of any such Requirement the same Clauses shall be in force under and for the Purposes of this Act, and be binding upon and be observed by the Commissioners accordingly.

Admiralty if they think fit may order a local Survey at Expense of Company.

XVII. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the *Belfast* Harbour Commissioners, in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, such Commissioners shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from such Commissioners, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from such Commissioners.

Works abandoned affecting tidal Waters may be removed by Admiralty at Expense of Company.

XVIII. That if any Work to be constructed by the *Belfast* Harbour Commissioners in, under, over, or across any tidal Water or navigable River, or if any Portion of such Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the *Belfast* Harbour Commissioners, and the Amount thereof shall be a Debt due from such Commissioners to the Crown, and be recoverable accordingly with Costs of Suit.

Saving Rights of the Admiralty.

XIX. That nothing in this Act contained shall diminish, prejudice, take away, alter, or affect any Right, Power, Authority, Privilege, or Jurisdiction of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral.

Portion of Land to be appropriated for a Public Park.

XX. That it shall be lawful for the Commissioners, and they are hereby required, within One Year after the Amount of the Compensation to be paid by the Commissioners for the Land which they are hereby authorized to acquire shall have been ascertained and paid into the Bank, to set apart for the Purpose of a public Park, to be called *Victoria Park*, a Portion of such Land, not less than Fifty Acres in one Place, and the Land so set apart shall not afterwards be used for any other Purpose without the Authority of Parliament.

Site to be appropriated for a Marine School.

XXI. That the Commissioners shall reclaim and make good, as soon as may be practicable, the Land within the Limits of Deviation delineated on the deposited Plans, and near *Queen's Quay* in *Belfast*; and at any Time after the Completion thereof, on being thereunto requested by the Commissioners of National Education in *Ireland*, shall make a free Grant to them of a Site for a Marine School, such Site to contain about Four Acres of that Land, which shall for ever thereafter be appropriated for the Purposes of a Marine School in connexion with the Town and Harbour of *Belfast*, and under the Regulation of the Commissioners of National Education in *Ireland*.

Lands and Works to be Part of Commissioners' Lands, &c. within the Harbour.

XXII. That the Lands, Docks, and Works from Time to Time vested in the Commissioners for the Purposes of this Act shall for all the Purposes of the recited Acts be deemed Part of their Lands, Docks, and other Works within the Harbour, and the Commissioners may from Time to Time demand and take Rates, Tolls, and Duties accordingly.

Power to borrow a further Sum

XXIII. That for providing additional Funds towards the Expenses of executing this Act, the Amount which the Commissioners may borrow at Interest,

Interest, either on Bonds or Annuities for Life, or partly on one and partly on the other, shall be any Sums not exceeding One hundred thousand Pounds more than the Amount which they are by the first-recited Act authorized to borrow. on Bonds or Annuities.

XXIV. That all Bonds and Annuities granted or to be granted by the Commissioners under the first-recited Act shall, during the Continuance thereof, have Priority over all Bonds and Annuities granted by them under this Act. Priority of existing Mortgages.

XXV. Provided always, That neither this Act, nor anything herein contained, shall divest, diminish, prejudice, or affect, or be any Evidence against any Estate, Right, Claim, or Interest which Her Majesty, in right of Her Crown, hath or may have in or to the Foreshore, Mud Banks, and Slobs within the said Port or Harbour or any Part thereof; and further, that nothing herein contained shall take away, lessen, alter, or prejudice any of the Royalties, Jurisdictions, Estates, Rights, Powers, or Authorities of Her Majesty, Her Heirs or Successors. Saving Rights of the Crown.

XXVI. That, except as is by this Act expressly provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, or Privileges of the Marquis of *Donegall*. Saving Rights of Marquis of Donegall.

XXVII. That, except as is by this Act expressly provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, or Privileges of Lord *Templemore*. Saving Rights of Lord Templemore.

XXVIII. That, except as is by this Act expressly provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, or Privileges of the Mayor, Aldermen, and Burgesses of the Borough of *Belfast*, or their Council, or the Weighmaster or Clerk of the Market of *Belfast*. Saving Rights of Corporation of Belfast, &c.

XXIX. That, except as is by this Act expressly provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, or Privileges of the *Belfast* Water Commissioners. Saving Rights of Belfast Water Commissioners.

XXX. Provided always, That the Commissioners shall not by virtue of this Act take or interfere with any of the Lands, Buildings, or Works of the County *Down* Railway Company without their previous Consent. Not to interfere with Lands of County Down Railway Company.

XXXI. That, except as is by this Act expressly provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, or Privileges of the County *Down* Railway Company. Saving Rights of County Down Railway Company.

XXXII. That,

Saving Rights of Commissioners.

XXXII. That, except as is by this Act expressly provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, or Privileges of the Commissioners.

Nothing to exempt Harbour from Provisions of General Acts.

XXXIII. That nothing in this Act contained shall exempt the Harbour and Docks belonging to or under the Management or Control of the Commissioners or this Act from the Provisions of any General Act now in force or hereafter to be passed relating to Docks and Harbours or to Merchant Shipping.

Expenses of Act.

XXXIV. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Commissioners.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.